



Committee of Ministers
Comité des Ministres

CMD008015



Strasbourg, 20 October 1993

Restricted
CM(93)182

For consideration at the 501st
meeting of the Ministers' Deputies
(9 November 1993, item 42)

10TH CONFERENCE OF EUROPEAN MINISTERS RESPONSIBLE FOR LOCAL GOVERNMENT

(The Hague, 15-16 September 1993)

**Report by the Secretary General in pursuance of
Resolution (71)44 of the Committee of Ministers**

I. INTRODUCTION

1. The 10th Conference of European Ministers responsible for Local Government was held at the Ministry of Foreign Affairs in The Hague on 15-16 September 1993 at the invitation of the Minister for Home Affairs of the Netherlands, *Ms Catharina Dales* (see Agenda in Appendix I).

2. Twenty eight member States of the Council of Europe were represented (see list of participants in Appendix II):

i. by Ministers or Secretaries of State: Belgium (2), Bulgaria, Cyprus, Czech Republic, France, Germany (2), Hungary, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Slovakia, Spain, Sweden, United Kingdom.

ii. by Senior Officials: Denmark, Estonia, Finland, Greece, Ireland, Liechtenstein, Malta, Slovenia, Turkey.

iii. by members of regional executive authorities: Austria, Switzerland.

Albania and Romania were represented as observers.

The Commission of the European Communities was represented by a Director General. OECD was represented by two senior officials.

The Committee of Ministers of the Council of Europe was represented by *Mr Jerzy Regulski*, Permanent Representative of Poland to the Council of Europe and Chairman of the Ministers' Deputies' Rapporteur Group on Environment and Local Authorities.

The Parliamentary Assembly (2 members) and the Standing Conference of Local and Regional Authorities of Europe (3 members) were also represented at the Conference.

The Secretary General was represented by *Mr Peter Leuprecht*, Deputy Secretary General.

3. The Minister for Home Affairs of The Netherlands *Ms Catharina Dales* was elected Chairwoman of the Conference and the Minister of Planning and Territorial Administration of Portugal, *Mr Luis Valente de Oliveira*, Vice-Chairman.

4. In accordance with Resolution (71) 44 on Conferences of Specialised Ministers, the Secretary General provided secretariat services for the Conference, which was prepared by the Steering Committee on Local and Regional Authorities.

This memorandum, which is submitted to the Committee of Ministers pursuant to paragraph 8 of Resolution (71) 44, summarises the Conference's proceedings and conclusions; the latter are reproduced in Appendix III.

5. The themes of the 10th Conference were:

- I. Major cities and their peripheries: co-operation and co-ordinated management;
- II. Local referendums.

The discussions on Theme I were based on a political report presented by the Minister for Home Affairs and the Secretary of State for Home Affairs of the Netherlands, *Ms Catharina Dales* and *Ms Dieuwke de Graaff-Nauta* respectively. The Spanish Minister for Public Administration, *Mr Jeronimo Saavedra Acevedo* and *Mr Claude Ruey*, member of the Government of the Swiss Canton of Vaud, presented Theme II.

II. THE CONFERENCE DEBATES AND CONCLUSIONS

A. Theme I: Major cities and their peripheries: co-operation and co-ordinated management

6. The Ministers were conscious that a substantial and growing proportion of the European population lived in urban regions, where the increased mobility of people and jobs had led to a much greater degree of interaction and interdependence between core cities and their surrounding areas. In the majority of cases, there was a discrepancy between the administrative boundaries of the core city on the one hand and the real extent of the agglomeration on the other.

7. Furthermore, the participants noted that because of the selective migration of people and economic activities and uneven development within urban regions, some of the local authorities therein were left with most of the costly economic, infrastructural and social problems, yet deprived of much of the income they needed to deal with them. Hence the need to develop structures and mechanisms for co-operation and co-ordinated management, not only between local authorities within the urban regions, but also between different levels of government and between the public and the private business and voluntary sectors.

8. The Ministers recognised, however, that administrative structures should be designed having regard to the specific characteristics of the urban regions concerned and that it was not desirable to aim at a uniform approach to this question. This statement was valid both at the European and national levels. Furthermore, they stressed that administrative structures should be assessed not only in terms of maximising efficiency, but also, and arguably more importantly, with the aim of strengthening the legitimacy and problem-solving capacity of government.

9. Close co-operation and co-ordinated management between the core city and peripheral authorities were largely seen as necessary for the effective discharge of such functions as land-use planning and control, transport etc, and for redressing socio-economic imbalances between prosperous and impoverished areas within the urban regions. Against this background a majority of Ministers stressed that because of a conflict of interests, voluntary co-operation between local authorities may not always develop to the necessary extent, and that higher level authorities may need to be given instruments to foster co-operation and, if need be, powers to compel local authorities to co-operate or to transfer certain responsibilities to authorities covering wider areas.

10. One delegation, though, considered that putting too much emphasis on the need for co-operation and co-ordinated management amounted, in practical terms, to the blurring of responsibilities and the accountability of individual local authorities, and to an increase in bureaucracy. Thus it argued for the creation of "viable" local authorities with a size required to deal with existing problems. In this respect the principle of subsidiarity, as enshrined in the European Charter of Local Self-Government, was considered to be of particular importance in as much as it suggests that local authorities should be asked to give up to any structures which might be created, covering wider areas, only those functions which could clearly be exercised more effectively within that wider framework.

11. In the light of the discussions, the Ministers adopted Resolution No.1 by which they issued a number of recommendations to the Committee of Ministers concerning follow-up action by the CDLR on this theme and the reinforcement of the Council of Europe's action in the field of transfrontier co-operation (see Appendix III).

B. Theme II: Local Referendums

12. The Ministers unanimously agreed that local referendums could be a way of encouraging or reviving citizens' interest and participation in the running of public affairs and could be a useful complement to representative democracy procedures at local level. However, their use presented a number of potential risks which it was important to avoid. The institutionalisation of local referendums by regulations was one of the appropriate ways of guaranteeing the proper use of this instrument of direct democracy and diminishing its potential risks.

13. The Ministers noted that in the majority of member States of the Council of Europe some form of legal provisions existed allowing the holding of local referendums even though these provisions varied considerably as regards the subjects on which referendums may be organised, the conditions under which they may be held and the status of the referendum and its results. However, this instrument of direct democracy formed, only in a very limited number of countries, an integral part of local self-government over a long period of time.

14. There was general agreement among the Ministers concerning the subjects on which the conditions under which referendums could be held. On the other hand there was considerable controversy as regards two issues: the legal context and the status of referendums and their results.

15. Concerning the first issue, some delegations argued that there was no need for detailed legislation on this matter and that local authorities should have total discretion on the organisation of local referendums. Other delegations, however, felt that in the absence of specific regulations and controlling mechanisms, the potential risks associated with this instrument could easily override its advantages.

16. There were also important differences of opinion about the advantages and disadvantages of consultative and binding referendums. The two types of referendums were defended by different delegations. While accepting that these were procedures of a different legal nature, some participants remarked, however, that politically the differences were not so important, as it may normally be expected that, even in a consultative referendum, a local authority would follow the opinion expressed by the electorate, failing which citizens' trust in the importance and usefulness of referendums of a consultative nature would diminish.

17. These differences of opinion were taken into account by the Ministers when adopting Resolution No.2. In this text they recommended that the Committee of Ministers instruct the CDLR to continue its work on this subject and, in particular, to consider the advisability of preparing draft guidelines, if necessary including variants, concerning the application of referendums at local level.

III. ORGANISATION OF A SPECIAL CONFERENCE OF MINISTERS ON "LOCAL AND REGIONAL DEMOCRACY IN CENTRAL AND EASTERN EUROPE"

18. Following a decision taken by the Committee of Ministers, the Secretary General transmitted to participants the text of CLRAE Resolution 250 (1993) on development of local and regional self-government in Central and Eastern European Countries. The attention of Ministers was drawn in particular to paragraph 9 of this Resolution which invited them "to decide to hold a special conference in 1994 specifically devoted to the theme 'Local and Regional Democracy in Central and Eastern Europe'".

19. At the meeting the Polish Secretary of State for Public Administration Reform, *Mr Michael Kulesza*, invited his colleagues to hold such a conference in Warsaw in 1994. This invitation was accepted by the Ministers, who decided to hold the informal conference of Ministers along the lines suggested in the CLRAE Resolution.

IV. OTHER MATTERS

20. Ambassador *Jerzy Regulski*, Chairman of the Ministers' Deputies' Rapporteur Group on Environment and Local Authorities informed participants about recent developments in the Council of Europe's activities in the field of local democracy, including the reform of the CLRAE, and about the preparations for the Vienna summit.

V. DATE AND PLACE OF THE NEXT CONFERENCE

21. The Portuguese Minister of Planning and Territorial Administration issued an invitation to hold the 11th session of the Conference of European Ministers responsible for Local Government in Portugal. In Resolution No.3 the Ministers accepted with pleasure their Portuguese colleague's invitation. The exact date and venue and the subjects for discussion will be determined by the CDLR.

APPENDIX I

AGENDA

1. Opening address by Mr Peter LEUPRECHT, Deputy Secretary General of the Council of Europe
2. Election of the Chairperson and Vice-Chairperson
3. Address by Ms Catharina DALES, Minister for Home Affairs, The Netherlands
4. Adoption of the Conference agenda (Doc. MCL-10 (93) 1)
5. Presentation and discussion of the Conference themes
5.1 Theme I: Major cities and their peripheries - Co-operation and co-ordinated management (Doc. MCL-10 (93) 2)
 - * Presentation of the introductory report
by Ms Dieuwke DE GRAAF-NAUTA, State Secretary for Home Affairs, The Netherlands (Doc. MCL-10 (93) 3)
 - * Discussion*5.2 Theme II: Local referendums* (Doc. MCL-10 (93) 4)
 - * Presentation of introductory reports
by Mr Jerónimo SAAVEDRA ACEVEDO, Minister for Public Administration, Spain (Doc. MCL-10 (93) 5)
and Mr Claude RUEY, Member of the Government of the Canton of Vaud, Switzerland (Doc. MCL-10 (93) 6)
 - * Discussion

6. Follow-up to previous Conferences

(Doc. MCL-10 (93) 7)

7. Date and place of the next Conference

8. Adoption of conclusions

9. Other business

10. Closing of the Conference

ANNEXE II

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

AUTRICHE/AUSTRIA

Mr P. AMBROZY	Vice-Governor of Carinthia
Mr U. THEIMER	Federal Ministry of the Interior

BELGIQUE/BELGIUM

M. L. TOBBACK	Ministre de l'Intérieur et de la Fonction Publique du Gouvernement de la Belgique
Mr T. KELCHTERMANS	Minister of Internal Affairs of the Flemish Government
Mr E.J. BEYENS	Secrétaire Général Ministère de l'Intérieur et de la Fonction Publique du Gouvernement de la Belgique
Mme A. van BOTERDAL-BIEFNOT	Directeur Général Ministère de la Région Wallonne Direction Générale des Pouvoirs Locaux
Mr G. DECOSTER	Adjunct-Kabinetschef Ministerie van Openb. Werken/Ruimtel Ordening & Binnenl. Aangelegenheden

BULGARIE/BULGARIA

Mr C. TOTEV	Minister of Regional Development and Construction
Mr B. MOLLOV	Head of Dept. "Local Authorities" Ministry of Regional Development and Construction
Mr G. GUROVA	Head of International Relations Dept. Ministry of Regional Development and Construction
Mrs K. POPOVA	Chief Advisor for Local Administration to the Council of Ministers

CHYPRE/CYPRUS*Mr D. MICHAELIDES**Minister of Interior**Mr M. ZAPITIS**Senior Officer
Ministry of Interior
Department of Administration***REPUBLIQUE TCHEQUE/CZECH REPUBLIC***Ing. V. ZEMAN**Deputy Minister
Ministry of Interior**Dr V. HENYCH**Director of Public Administration
Ministry of Interior**Prof. T. CEBISOVA**Advisor to Mr Zeman
Ministry of Interior***DANEMARK/DENMARK***Mr N. PREISLER**Deputy Director
Ministry of Interior
Department of Municipalities**Mr T. JUUL**Deputy Director
Ministry of Interior
Department of Economy***ESTONIE/ESTONIA***Mr C. KULL**Ambassador of Estonia to the Netherlands***FINLANDE/FINLAND***Mr J. PERTTUNEN**Permanent Secretary
Ministry of Interior**Mr A.P. PÖYHÖNEN**Consultant Counsellor
Ministry of Interior**Mrs U. BLOMBERG**Consultant Counsellor
Ministry of Interior
Department of Municipal and Regional Development***FRANCE***M. D. HOEFFEL**Ministre Délégué à l'Aménagement du Territoire et aux
Collectivités Locales**M. E. PINAULDT**Conseiller Technique au Cabinet de M. Hoeffel*

M. P. DELAGE

*Directeur Adjoint des Collectivités Locales
Ministère de l'Intérieur et de l'Aménagement du Territoire*

Mme I. DE SOUZA

*Direction de l'Europe
Ministère des Affaires Etrangères*

ALLEMAGNE/GERMANY

Dr W. PRIESNITZ

*Staatssekretär
Bundesministerium des Innern*

Mr A. ZIEL

Innenminister des Landes Brandenburg

Dr H. KAYSERS

*Ministerialrat
Bundesministerium des Innern*

Mr H. LIEBER

*Ministerialrat
Innenministerium des Landes Brandenburg*

Mr R. KUSCHE

*Oberregierungsrat
Bundesministerium des Innern*

GRECE/GREECE

Mr A. VAYENAS

*Ambassador of Greece in The Hague
Embassy of Greece*

Mr C.H. BAKAMIS

*Director General
Ministry of Interior*

Mr D. MAGLIVERAS

*Advisor to the Minister
Ministry of Interior*

Mr R. LOUKAKOS

*Attaché
Ministry of Interior*

HONGRIE/HUNGARY

Dr I. VEREBELYI

*Administrative Secretary of State
Ministry of Interior*

Dr P. KARA

*Deputy Secretary of State
Ministry of Interior*

Dr P. FÜRCHT

*Director of the Department of Local
Self-Government
Ministry of Interior*

IRLANDE/IRELAND

Mr J.A. KEEGAN

Ministry of the Environment

Mr P. Mc EVOY

*Principal Officer
Ministry of the Environment***ITALIE/ITALY**

Dr C. DELL'OSSO

*Sottosegretario di Stato
Ministero dell'Interno*

Dr G. ROMAGNOLI

*Prefetto
Ministero dell'Interno
Amministrazione Civile*

Mr E. LAUDANNA

*Vice Prefetto
Ministero dell'Interno
Cabinetto del Ministro*

Dr C. NOTARO

*Member of the Cabinet of the
Italian Minister of Interior*

M. T. FUXA

*Ministre plénipotentiaire
Ministère des Affaires Etrangères*

Dr C. CIUFERRI

*Protocol
Cabinet of the Italian Minister of Interior***LIECHTENSTEIN**

Mr H. SCHÄDLER

*Deputy Permanent Representative of Liechtenstein
to the Council of Europe***LUXEMBOURG**

M. J. SPAUTZ

Ministre de l'Intérieur

M. J.M. GOERENS

*Premier Conseiller de Gouvernement au Ministère de
l'Intérieur*

Mme C. DIEDERICH-TOURNAY

*Conseiller de Direction Première Classe
Ministère de l'Intérieur***MALTE/MALTA**

Mr J. SAMMUT

*Permanent Secretary
Office of the Prime Minister*

Mr L.P. NAUDI

*Director General
Office of the Prime Minister*

Mr N. BUTTIGIEG SCICLUNA

Ambassador to the Netherlands

PAYS-BAS/NETHERLANDS

Mrs C. DALES	Minister of Home Affairs
Mrs D. DE GRAAFF-NAUTA	State Secretary of Home Affairs
Mr G. JANSEN	Director General of Public Administration
Mr J. FEIJTEL	Director Administrative and Financial Organisation Ministry of Home Affairs
Mr A. RIJNEN	Head of Administrative and Legislative Division Ministry of Home Affairs
Mr G. WISMANS	Executive Secretary Ministry of Home Affairs

NORVEGE/NORWAY

Mrs O. BANG	Secretary of State for Local Government
Mr U. SAND	Secretary General Ministry of Local Government and Labour
Mr E. DALE	Deputy Director General Ministry of Local Government and Labour

POLOGNE/POLAND

Prof. M. KULESZA	Sous-Secrétaire d'Etat Présidence du Conseil des Ministres
Prof. H. GOIK	Directeur Général Présidence du Conseil des Ministres
M. H.A. DRAGULA	Présidence du Conseil des Ministres Bureau de l'Administration Publique

PORTUGAL

Prof. L. VALENTE DE OLIVEIRA	Ministre du Plan et de l'Administration du Territoire
Dr J.A. ROMAO PEREIRA REIS	Secrétaire d'Etat de l'Aménagement du Territoire et de l'Administration Locale
M. J. PEDROSO DE ALMEIDA	Directeur Général de l'Administration Locale

SLOVAQUIE/SLOVAKIA

Mr I. HAMARCAK	Secretary of State of Ministry of Interior
Mr S. BECICA	Director of the Public Administration Secretariat
Mr F. PAULINY	Assistant to the Minister

SLOVENIE/SLOVENIA

Mr D. BANDELJ	General Secretary of the Government of the Republic of Slovenia
Mr S. VLAJ	Government Advisor Ministry of Justice and Public Administration
Dr C. RIBICIC	Member of Parliament

ESPAGNE/SPAIN

Dr J. SAAVEDRA ACEVEDO	Minister for Public Administration
Dr J.F. PENA DIEZ	Secretary of State
Dr J.F. LOPEZ AGUILAR	Director - Cabinet of the Minister
Mr A. BELLVER	Technical Secretary General Ministry of Foreign Affairs

SUEDE/SWEDEN

Mrs I. DAVIDSON	Minister of Public Administration
Mr K. HEDMAN	Under-Secretary of State Ministry of Public Administration
Mr S. HÄGGROTH	Assistant Under-Secretary Ministry of Public Administration

SUISSE/SWITZERLAND

M. C.L. RUEY	Conseiller d'Etat du Canton de Vaud
M. P.R. MARTIN	Président de l'Association Suisse du Conseil des Communes et Régions d'Europe (ASCCRE)
M. J. MEYLAN	Secrétaire Général de l'ASCCRE
M. R. KNOBEL	Collaborateur Consulaire Service du Conseil de l'Europe
M. R. JEQUIER	Expert consultant

TURQUIE/TURKEY

<i>Mr Z. CELIKKOL</i>	<i>Ambassador of Turkey to the Netherlands</i>
<i>Mr I.G. CIVELEK</i>	<i>Head of Department for Local Authorities Ministry of Interior</i>

ROYAUME-UNI/UNITED KINGDOM

<i>Mr D. CURRY</i>	<i>Minister of State for Local Government and Planning</i>
<i>Mr R. YOUNG</i>	<i>Under-Secretary responsible for Local Government Issues</i>
<i>Ms J. ROSS</i>	<i>Private Secretary to the Minister</i>

PAYS OBSERVATEURS/OBSERVER COUNTRIES

ALBANIE/ALBANIA

<i>Mr R. UKA</i>	<i>Minister of Local Authorities</i>
<i>Mr A. T. ALIMEHILLI</i>	<i>Member of Parliament</i>

ROUMANIE/ROMANIA

<i>Mr G. VILCEANU</i>	<i>Prefect of Bucarest</i>
<i>Mr F. DUMITRACHE</i>	<i>Director Department for Public Local Administration</i>

**CONSEIL DE L'EUROPE ET AUTRES ORGANISATIONS
COUNCIL OF EUROPE AND OTHER BODIES**

COMITE DES MINISTRES/COMMITTEE OF MINISTERS

<i>M. J. REGULSKI</i>	<i>Représentant Permanent de la Pologne auprès du Conseil de l'Europe Président du Groupe de Rapporteurs des Délégués sur l'Environnement et les Pouvoirs Locaux</i>
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ASSEMBLEE PARLEMENTAIRE/PARLIAMENTARY ASSEMBLY

<i>M. I. BOLINAGA</i>	<i>Sénateur (Espagne)</i>
<i>M. L. JUNG</i>	<i>Sénateur (France)</i>

CONFERENCE PERMANENTE DES POUVOIRS LOCAUX ET REGIONAUX DE L'EUROPE/STANDING CONFERENCE OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

M. D. SCACCHI	Maire de Locarno
M. A. TCHERNOFF	Bourgmestre de De Bilt
M. J.C. VAN CAUWENBERGHE	Bourgmestre de Charleroi

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COMMISSION DES COMMUNAUTES EUROPEENNES/COMMISSION OF THE EUROPEAN COMMUNITIES

M. E. LANDABURU	Directeur Général des Politiques Régionales
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ORGANISATION POUR LA COOPERATION ET LE DEVELOPPEMENT ECONOMIQUE (OCDE)/ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD)

M. A. ALEXANDRE	Chef de la Division des Affaires Urbaines
M. C. BROOKS	Chef du Programme d'Action et de Coopération sur les Initiatives Locales de création d'emplois

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SECRÉTARIAT DU CONSEIL DE L'EUROPE/COUNCIL OF EUROPE SECRETARIAT

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M. F. ALBANESE	Directeur de l'Environnement et des Pouvoirs Locaux
M. G. DE VEL	Directeur Délégué au Secrétariat du Comité des Ministres
M. T. BASSI	Directeur Adjoint de l'Environnement et des Pouvoirs Locaux
M. U. BOHNER	Administrateur Principal au Cabinet du Secrétaire Général
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Mme L. BASTIEN	Secrétaire
Mme A. HELM	Secrétaire
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APPENDIX III

**Resolution No. 1
on major cities and their peripheries:
co-operation and co-ordinated management**

The Ministers attending the tenth Conference of European Ministers responsible for Local Government in The Hague on 15 and 16 September 1993,

Having considered the report submitted by the Minister for Home Affairs and the State Secretary for Home Affairs of the Netherlands;

Aware that:

- a substantial and growing proportion of the European population lives in urban regions where the increased mobility of people and jobs has greatly strengthened the interaction and interdependence between the core cities and their peripheries;
- in these urban regions there is, in general, a discrepancy between the administrative boundaries of the core city on the one hand and the real extent of the agglomeration on the other;
- because of the selective migration of people and jobs and uneven development within urban regions, some of the local authorities in these regions are left with most of the costly economic, infrastructural, cultural and social problems, yet deprived of much of the income they need to deal with them;
- appropriate administrative structures are of crucial importance for solving these problems;
- it is important to find a balance between the efficiency and effectiveness of management of local authorities and preserving the political and democratic nature of this management and that in the face of the growing public consciousness the specific question of public involvement in new administrative structures should be a topical issue for the near future;

Recognising that:

- administrative structures should be designed having regard to the specific characteristics of the urban regions concerned, thus it is not desirable to aim at a uniform approach to this question;
- when assessing the performance of public administration structures, it is necessary to bear in mind that they should work with the aim of strengthening the legitimacy and problem-solving capacity of government and not simply to comply with purely internal functional or financial criteria;

- close co-operation and co-ordinated management between city authorities and peripheral local authorities is required for the effective discharge of such functions as land-use planning and control, transport, etc., and for redressing severe and self-reinforcing imbalances between prosperous and impoverished areas within the urban region;
- in situations characterised by complexity and conflict of interests, voluntary co-operation between local authorities may not always develop to the necessary extent and higher-level authorities - because of their wider responsibilities for social cohesion, sustainable development and effective co-ordinated management - may need to be given instruments to foster co-operation and, if need be, powers to compel local authorities to co-operate or to transfer certain responsibilities (for example land-use planning, transport) to authorities covering wider areas;
- the principle of subsidiarity, as enshrined in article 4, paragraph 3, of the European Charter of Local Self-Government, is of particular importance in this context, namely, local authorities should be asked - or obliged - to relinquish to any structures which might be created to cover a wider area only those functions which can clearly be exercised more effectively within that wider framework;

Stress that:

- physical planning and control remain privileged processes for influencing the distribution of activities and functions between cities and their peripheries, and unitary development plans should be prepared and implemented through co-operation or under the responsibility of an authority covering a wider area;
- public authorities, through their investment decisions on infrastructures and utilities and their expenditure on services, can also encourage and promote private investment in selected locations, bringing about a better balance in the spatial distribution of wealth;
- when specific financial equalisation mechanisms between the core city and its periphery exist, these should be designed in such a way that all local authorities concerned have an interest to promote urban development and to reinforce controls on taxation and expenditure;
- the search for better administrative structures for urban regions provides an excellent opportunity not only to review the distribution of powers and relationships between the different tiers of government, but also to develop new forms of co-operation and partnership between public authorities on the one hand and the private business and voluntary sectors on the other, especially as regards social and cultural infrastructures and services;

Recommend that the Committee of Ministers instruct the CDLR to consider:

- a) different instruments and mechanisms aimed at promoting and strengthening co-operation and solidarity within urban regions;
- b) the policy initiatives taken in different countries with the aim of tackling socio-economic imbalances within urban regions, paying particular attention to co-operation between different levels of government and the experience of partnerships between the public, the voluntary and the private business sectors.

Recommend that the Committee of Ministers reinforce the Council of Europe action in the field of transfrontier co-operation, also in urban areas, not only with the aim of eliminating the obstacles which still render it difficult, but also with the aim of actively supporting the creation and the functioning of transfrontier co-operation agreements.

**Resolution No. 2
on local referendums**

The Ministers attending the tenth Conference of European Ministers responsible for Local Government in The Hague on 15 and 16 September 1993,

Having discussed the reports submitted by the Spanish Minister for Public Administration and a member of the Government of the Swiss canton of Vaud;

Considering that:

- local referendums may be a means of encouraging or reviving citizens' interest and participation in the running of public affairs and, provided that certain principles and conditions are respected, can be a useful complement to representative democracy procedures at local level;
- consultative referendums can also offer a possibility to foster the participation of foreigners in public life at local level, as called for in article 4 of the Council of Europe convention on this matter;
- the practice of local referendums, however, presents a number of potential risks (for example, cumbersome nature of the process, risk of delegitimising the representative character of local institutions, difficulty in expressing choices in a subtle way, possibility of contradictory decisions by contiguous authorities on a matter of common interest) which it is important to avoid;

Noting that in the majority of member States of the Council of Europe some form of legal provisions exists which permits, or in some cases prescribes, the holding of local referendums, but that these provisions vary considerably with regard to the possible topics of such referendums, the conditions under which they may - or must - be held, as well as the status of the referendum and its results;

Aware that only in a very limited number of countries has this instrument of direct democracy formed an integral part of local self-government over a long period of time;

Are of the opinion that

- a. as regards the legal context:
 - the institutionalisation of local referendums by regulations is one of the appropriate ways of guaranteeing the proper use of this instrument of direct democracy and diminishing its potential risks;
 - such regulations could list the subjects on which local referendums may be held, the procedures concerning the holding of referendums, the possibility - or obligation - to group several referendums on a same date and the mechanisms aimed at controlling legality in the use of this instrument, including the legal status of their results;

b. as regards the subjects on which referendums may be held:

- local referendums should be organised by the local authorities only on questions which fall within their sphere of competence or affect essential local interests, which concern a majority of local citizens, relate to principles and rules of certain importance for citizens' lives or which might have irreversible implications for the future;

c. as regards the right of initiative:

- the possibility of popular votes initiated by the citizens themselves favours the emergence of new topics of discussion, thereby enriching public debate, and plays a vital civic role in that it presupposes a direct and substantial commitment on the part of citizens to seeking a satisfactory solution to a local problem;
- popular initiatives, however, can lead to inconsistency in municipal action, and the qualifying conditions (minimum number of signatures collected within the prescribed time-limit, favourable decision by the controlling authority on the legitimacy and admissibility of the application) must be sufficiently strict to prevent small minorities from compelling the holding of popular votes;
- popular initiatives are relatively cumbersome and expensive procedures and excessive recourse to them, because of the resulting costs and delays, may hinder the good management of the local authority;

d. as regards the status of local referendums and their results:

- consultative and binding referendums are procedures of a different legal nature, in so far as the latter elevates the citizens to the position of a higher authority and is an undoubted form of control over the actions of the elected representatives;
- politically the differences are not so important, as it may normally be expected that, even in a consultative referendum, a local authority will follow the opinion expressed by the electorate, failing which citizens' trust in the importance and usefulness of referendums of a consultative nature will diminish;
- the laying down of a minimum turn-out for the results to be considered as representative or mandatory is therefore of the utmost importance for the success of consultative and binding referendums respectively, as instruments of direct democracy;

Recommend that the Committee of Ministers instruct the CDLR to continue its assessment of the advantages and disadvantages of different forms of citizens' direct participation in local decision-making and, more specifically, in the organisation and management of local public services and to consider the advisability of preparing draft guidelines (if necessary including variants) concerning the creation, the limits and the mechanisms of the application of referendums at local level.

Resolution No. 3

The Ministers taking part in the 10th Conference of European Ministers responsible for Local Government

THANK the Government of the Netherlands and in particular the Minister for Home Affairs, *Ms Catharina Dales*, for their hospitality and the perfect organisation of the Conference;

DECIDE to hold an informal Conference of Ministers in Warsaw in 1994 specifically devoted to the theme "Local and Regional Democracy in Central and Eastern Europe" and thank their Polish colleague for the invitation;

ACCEPT with pleasure the invitation of their Portuguese colleague to hold their 11th session in Portugal.