

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 311 (2011)<sup>1</sup> Local and regional democracy in Finland

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

*a.* Article 2, paragraph 1.*b.*, of Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe, which provides that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

*b.* Article 2, paragraph 3, of the above-mentioned Statutory Resolution CM/Res(2011)2, which states that: “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member states and in states which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented”;

*c.* its Recommendation 219 (2007) on the status of capital cities;

*d.* its Recommendation 66 (1999) on regional democracy in Finland;

*e.* its Resolution 299 (2010) on the follow-up by the Congress of the Council of Europe Conference of Ministers responsible for Local and Regional Government (Utrecht, Netherlands, 16-17 November 2009), which provides that the Congress will use the Council of Europe Reference Framework for Regional Democracy (MCL-16(2009)11), in its monitoring activities, and the reply by the Committee of Ministers to Congress Recommendation 282 (2010) (CM/Cong(2011)Rec282 final), which encourages the governments of member states to take account of the above reference framework in connection with their policies and reforms;

*f.* the explanatory memorandum on local and regional democracy in Finland drawn up by P. Bosch I Codola and J.-L. Testud, rapporteurs, following an official visit to the country from 30 November to 2 December 2010.

2. The Congress notes that:

*a.* Finland signed the European Charter of Local Self-Government (ETS No. 122) on 14 June 1990 and ratified it on 3 June 1991 without making any reservations or declarations restricting its scope. The Charter entered into force in Finland on 1 October 1991;

*b.* Finland was among the first member states of the Council of Europe to sign the Additional Protocol to the European Charter of local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207), on 16 November 2009;

*c.* a delegation<sup>2</sup> from the Congress Institutional Committee<sup>2</sup> made a monitoring visit to Finland from 30 November to 2 December 2010. It visited Helsinki, Mariehamn (Åland Islands) and Kouvola.

3. The Congress wishes to thank the Permanent Representation of Finland to the Council of Europe, the Finnish authorities at central, regional and local level, the authorities of the Province of Åland, the Association of Finnish Local and Regional Authorities (AFLRA) and all the other parties whom the delegation met for the information supplied.

4. The Congress notes with satisfaction that:

*a.* local democracy in Finland is a real cornerstone of democratic life in the country, which is reflected in political practice and enjoys recognition from national institutions and effective protection from the competent courts;

*b.* there is an exemplary culture of consultation and involvement of local authorities by central government in Finland;

*c.* co-operation and co-ordination between local and regional authorities are guaranteed by a powerful and influential association, the Association of Finnish Local and Regional Authorities, which is very closely involved in discussions with the government about all issues concerning local and regional authorities;

*d.* Finland has had an ombudsperson since the 18th century, whose responsibilities include checking the lawfulness of the actions of local governments and their administrations and whose interventions make municipal services more efficient;

*e.* all Finnish citizens are entitled to appeal against decisions by local authorities, a practice which should be established more widely throughout Europe;

*f.* all Finnish citizens have the statutory right to receive basic services, including education, in their mother tongues (Finnish or Swedish);

*g.* Finland signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority on 16 November 2009;

*h.* for historic reasons and because of their specific situation, the Åland Islands have a special status which complies with the principles laid down in the Council of Europe Reference Framework for Regional Democracy.

5. The Congress notes that the following points call for particular attention:

*a.* some municipalities have unbalanced budgets and are heavily indebted. Their number is likely to rise because of the increasing expenditure in the health, education and welfare sectors;

*b.* central government has recently launched a reorganisation of deconcentrated public services in all regions, which may result in transfers of powers from municipalities to central government;

*c.* the ombuds institution, whose effectiveness has been proven, nevertheless lacks resources for stepping up its work at local level, in particular for carrying out studies and investigations on its own initiative (self-tasking).

6. The Congress recommends that the Committee of Ministers invite the Finnish authorities:

*a.* to take steps to limit local deficits so as to avoid excessive indebtedness of certain municipalities in keeping with the principle of balanced budgets laid down by law;

*b.* to evaluate, together with the Association of Finnish Local and Regional Authorities, the repercussions for local self-government of the rationalisation of central government's regional administrative structures;

*c.* to strengthen the role of the ombudsperson at local level by increasing funding so as to optimise the operation of the institution;

*d.* to ensure an equal standard of basic services throughout the country, if necessary by means of additional transfers from central government to municipalities with deficits;

*e.* to ratify, in the near future, the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, as well as the additional protocols to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 159, ETS No. 169 and CETS No. 206).

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1. Debated and adopted by the Congress on 18 October 2011, 1st Sitting (see Document [CG\(21\)13](#), explanatory memorandum), rapporteur: J.L. Testud, France (L, EPP/CD).

2. By decision of the Institutional Committee of the Congress, Pia Bosch I Codola, Spain (R, SOC) and Jean-Louis Testud, France (L, EPP) were appointed rapporteurs on local and regional democracy in Finland respectively. The rapporteurs were assisted by Bernd Semmelroggen, consultant, member of the Group of Independent Experts on the European Charter of Local Self-Government. As Ms Pia Bosch I Codola's term as a member of the Congress ended in June 2011, the preliminary draft recommendation is presented by Mr Jean-Louis Testud, rapporteur for local democracy.

3. Following the reform of the Congress, this committee's monitoring activities were taken over by the Monitoring Committee on 1 December 2010.