

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 188 (2004)¹ on local and regional democracy in Georgia

The Congress,

1. Having taken note of the report and the draft recommendation on local and regional democracy in Georgia, drawn up by Ian Micallef (Malta, L) and David Shakespeare (United Kingdom, R),² following three official visits by the rapporteurs in March and September 2003, and March 2004, including visits to Tbilisi, Batumi, Kutaisi and Poti;
2. Welcomes the efforts Georgia has made since its accession to the Council of Europe on 27 April 1999 towards honouring some of its obligations and commitments in the field of local and regional democracy which it accepted in Opinion No. 209 (1999) of the Parliamentary Assembly;
3. Considering the clearly expressed desire of new Georgian authorities to proceed with the decentralisation process in the country to allow local and regional authorities to manage independently and under their own responsibility a substantial share of public affairs, in the interests of the local population in conformity with Article 3 of the European Charter of Local Self-Government;
4. Convinced that decentralisation process initiated in the country in 1998 which implicitly implies devolution of powers and resources from the central to local and regional levels is a genuine opportunity to encourage participation by citizens in local institutions and that local democracy is a precondition for political and economic stability in the country;
5. Notes with concern that the reform process has been very slow and is still facing serious difficulties and challenges which have been complicated by the persistent deadlock in the efforts to solve regional conflicts of Abkhazia and South Ossetia, but also by internal political instability and the lack of consensus about its future;
6. Welcomes the Georgian Parliament's ratification of the European Charter of Local Self-Government as an important step towards strengthened local democracy in the country and a clear indication of its will to honour the commitments and obligations entered into on its accession to the Council of Europe;

7. Regrets that Georgia has not signed or ratified:

- a.* the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and its additional protocols;
- b.* the Framework Convention for the Protection of National Minorities (signed in 2000) and the European Convention on Regional or Minority Languages;

8. With regard to the legislative framework for local democracy, the Congress takes note of the elaboration in co-operation with the Council of Europe, of a draft law on local property and its transmission to the parliament as well as constructive co-operation with the Council of Europe experts in developing a legislative draft package governing local government finance;

9. Hopes that the newly elected parliament will be able to consider the legislative drafts emanating from the government without delay;

10. Points out that:

a. the Law on Local Self-Government, as amended in 2001 without any consultations with the Council of Europe, is an improvement over the previous legal instrument but nevertheless does not fully conform with European standards and needs to be revised;

b. sectorial laws are also needed to ensure the proper implementation of the principle of the European Charter;

11. Recalls the need for a proper implementation of the existing legislation, in particular with a view to fighting endemic corruption and notes with satisfaction the recently increased activity in enforcing legislation in this area;

12. With regard to regional democracy, the Congress welcomes the progress made in elaborating and adopting by national parliament the Constitutional Law on the Status of the Autonomous Republic of Adjara granting autonomous status to Adjara but regrets that practically no progress has been made on political settlement of the South Ossetian and Abkhaz conflicts and on the return of displaced persons;

13. Recognising that the conditions have not yet been met for the Georgian Government to fulfil its commitments to enact a legal framework determining the status of other autonomous entities, the Congress encourages the competent Georgian authorities to continue active negotiations with the leaders of these regions on this issue;

14. Regrets that more than two years after the last local elections in the country no new national delegation to the Congress has yet been established and Georgian elected representatives have been deprived of the possibility of participating in its work;

15. Notes with concern that there is a lack of common understanding of the very essence of local democracy and the future of the decentralisation reform which results in a "communication breakdown" between the central and local authorities; this is exacerbated by the failure of local

authorities to voice their own interests and concerns at national level, as there is still no national local government association in the country and the few existing district local government associations are weak and unco-ordinated;

16. In the light of the above considerations, the Congress concludes that though some very modest headway has been made in the field of local democracy, Georgia is still far from honouring its obligations and commitments;

17. Instructs the Institutional Committee to follow up the development in areas such as:

a. steps undertaken with a view to nominating the new national delegation to the Congress;

b. amending the present Law on Local Self-Government in order to ensure its full compliance with the Charter;

c. developing sectorial legislative packages, more particularly governing local government property and finance;

d. creation of a national local government association;

e. development and implementation of a national training strategy;

f. development of legislative framework determining the status of autonomous entities;

g. efforts aimed at designing, drafting and implementing a decentralisation strategy for Georgia.

1. Debated and adopted by the Standing Committee of the Congress on 4 November 2004 (see Document CG (10) 22 rev., draft recommendation presented by I. Micallef (Malta, L, EPP/CD) and D. Shakespeare (United Kingdom, R, EPP/CD), rapporteurs).
2. (and Mr Leon Kieres before May 2004.)