

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 321 (2012)¹ Local and regional democracy in Lithuania

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

a. Article 2, paragraph 1.b, of Statutory Resolution of the Committee of Ministers 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 shall be “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 2, paragraph 3, of the aforementioned Statutory Resolution CM/Res (2011) 2, stipulating 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 Resolution 307 (2010) REV on the “Procedures for monitoring the obligations and commitments entered into by the Council of Europe member states in respect of their ratification of the European Charter of Local Self-Government (ETS No. 122)”;

d. its Recommendation 87 (2001) on local and regional democracy in Lithuania and its Recommendation 219 (2007) on the status of capital cities;

e. the explanatory memorandum of this recommendation on local and regional democracy in Lithuania.

2. The Congress notes that Lithuania signed the European Charter for Local Self-Government (ETS No. 122) on 27 November 1996 and ratified it without reservation on 22 June 1999, with entry into force on 1 October 1999.

3. The Congress wishes to thank the Permanent Representation of Lithuania to the Council of Europe, the Lithuanian authorities at central, regional and local level, the Association of Local Authorities of Lithuania and all the other parties whom the delegation met for the information supplied.

4. The Congress notes with satisfaction that:

a. Lithuania was one of the first countries 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, the date it was opened to signature ;

b. the right to self-government for administrative units of the territory of the state is guaranteed by the Constitution of Lithuania and that the principle of subsidiarity is respected;

c. there are procedures in place for consultations with the associations of municipalities on issues regarding local government;

d. the direct election of mayors has been the subject of a lively debate in the *Seimas*;

e. the good participation of national minorities in local councils.

5. The Congress draws attention to the following with some concern:

a. since 2010, administrative functions have been removed from the counties and re-distributed to either central or local government, moving away from (rather than moving towards) a system incorporating regional government, without putting in place a structure that could compensate for its loss;

b. municipalities do not have sufficient resources to deliver the services under their responsibility (a situation exacerbated by the economic crisis but also by the fact that the termination of the county administration put the burden of additional tasks on local authorities) and their borrowing limits are restrictive;

c. the Association of Local Authorities of Lithuania does not enjoy the appropriate standing to represent all municipalities before a Court;

d. municipalities’ competences have been reduced in certain areas (territorial planning, construction, ownership of land) by relegating them to the position of procedure-executing bodies rather than policy-makers in the field of competences and no compromise could be reached which would extend the municipalities’ rights to manage state-owned land in urban and rural settlements and allow elected representatives some authority in the planning policy for their area;

e. Vilnius still does not enjoy the special legal status of capital city in spite of the rather unique position it holds providing services to nearly one-fifth of the country’s population and bearing the duty of preserving the country’s heritage, while not enjoying any specific benefits arising from its special position;

f. citizen participation and interest in local affairs seems rather low, particularly at the neighbourhood level.

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

a. ensure the allocation of sufficient resources to local authorities, respecting the principle that resources should match functions and duties which are vested in local government;

b. amend Article 4 of the existing Law on Local Self-Government so that the principle of subsidiarity is specifically recognised in the field of local government, by being mentioned as one of its guiding principles;

c. ensure that the Association of Local Authorities of Lithuania is given the appropriate standing to represent all municipalities before domestic courts;

d. consider extending the municipalities' rights to manage state-owned land in urban and rural settlements and allow elected representatives some authority in the planning policy for their area;

e. relaunch the debate in *Seimas* to give Vilnius a particular status in the law, in accordance with its special position as capital city;

f. search for a consensus that would be acceptable to all parties, as regards the proposed draft laws on the centralisation of the external audit of local authorities in government hands to which some municipalities are opposed on the ground that such centralisation is unconstitutional;

g. take measures to develop stronger regional tiers by increasing the number of competences of the Regional Development Councils, strengthening their administrative apparatus and allowing them to establish regional budgets;

h. encourage and develop citizen participation through additional procedures such as local referendums, by strengthening the role of neighbourhoods, and also by improving access to the ombudsman for possible complaints by citizens against municipalities;

i. revise the legislation in order to ensure the participation of national minorities at local level in light of the Opinion 237 adopted by the European Commission for Democracy through Law (Venice Commission) in 2003 [CDL(2003)13];

j. ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority in the near future.

1. Debated and approved by the Chamber of Local Authorities on 21 March 2012 and adopted by the Congress on 22 March 2012, 3rd Sitting (see Document CPL(22)3REV, explanatory memorandum), Rapporteurs: I. Loizidou, Cyprus (L, EPP/CD) and G. Mosler-Törnström, Austria (R, SOC).