

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 276 (2008)¹ **Local democracy in Belgium: non-appointment by the Flemish authorities of three mayors**

The Congress, bearing in mind the proposal of the Chamber of Local Authorities,

1. Considering:

- a.* its Charter of Local Self-Government (ETS No. 122);
- b.* Article 2-3 of Statutory Resolution (2007) 6 of the Committee of Ministers, which makes the Congress responsible for preparing regular reports on the situation of local and regional democracy in all member states and states which have applied for membership of the Council of Europe;
- c.* Recommendation 131 (2003) of the Congress on local democracy in Belgium;
- d.* the information report on the fact-finding visit to Belgium, which took place in May 2008.

2. Pointing out that Council of Europe member states which signed and ratified the European Charter of Local Self-Government undertook to comply with its provisions.

3. Recalling that “local democracy” is a shared value across the continent and thus a constituent part of European democracy.

4. Recalling that the general principle of local self-government implies the devolution of public responsibilities and reasonable supervision by the regional and/or national authorities.

5. Underlining that the principle of proportionality, as understood in the European Charter of Local Self-Government, implies that, in exercising its prerogatives, the supervisory authorities should use the method which interferes least with local autonomy and democracy.

6. Stressing the need for citizens to take part in local affairs.

7. Notes that the fact-finding visit to Belgium highlights five failures to comply with the European Charter of Local Self-Government as explained in the report CPL(15)8REP.

8. Observes, however, that the Walloon region is on the way to introducing the necessary reforms through an election of the mayor by the municipal council (new Article L1123-1 and s. of the Code of Local Democracy and Decentralisation), which shows the interest and potential of such a prospect for the other Belgian regions.

9. Refers to its Recommendation 258 (2008).

10. Invites its Institutional Committee to conduct general monitoring of local democracy in Belgium and to pay particular attention to developments with regard to the failure to comply with the Charter noted by the rapporteurs during their fact-finding visit and to report to it on this subject.

1. Debated and approved by the Standing Committee of the Chamber of Local Authorities on 2 December 2008 and adopted by the Standing Committee of the Congress on 3 December 2008 (see Document CPL(15)8RES, draft resolution prepared by M. Guégan (France, L, NR) and D. Milanovic (Serbie, R, NR), rapporteurs).