

31st SESSION

Local democracy in Cyprus

Recommendation 389 (2016)¹

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, 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 Statutory Resolution [CM/Res\(2011\)2](#) relating to the Congress, 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. Resolution 307 (2010) REV2 on 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;

d. the appended explanatory memorandum on local democracy in Cyprus.

2. The Congress notes that:

a. The Republic of Cyprus acceded to the Council of Europe on 24 May 1961. Cyprus signed the European Charter of Local Self-Government (ETS no. 122, hereafter “the Charter”) on 8 October 1986, and then ratified the Charter on 16 May 1988 which entered into force on 1 September 1988. Since the ratification of the Charter, the Republic of Cyprus has not considered itself bound by article 7 para. 2;

b. Cyprus acceded to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (CETS No. 106) on 18 December 2013. It acceded to the three Additional Protocols to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (CETS No. 159, 169 and 206) on 17 April 2014. Cyprus has also signed and ratified on 28 September 2012 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);

c. the Monitoring Committee decided to review the situation of local democracy in Cyprus in the light of the Charter. It appointed Mr Bernd Vöhringer, Germany (L, EPP/CCE) and Ms Randi Mondorf, Denmark (R, IDLG) as co-rapporteurs. They were tasked with drawing up a report on local democracy in Cyprus and submitting it to the Congress;²

1 Debated and approved by the Chamber of Local Authorities on 20 October 2016 and adopted by the Congress on 21 October 2016, 3rd sitting (see document [CPL31\(2016\)05final](#), explanatory memorandum), rapporteurs: Bernd VÖHRINGER, Germany (L, EPP/CCE) and Randi MONDORF, Denmark (R, ILDG).

2 They were assisted by Mr Zoltan Szente, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress Secretariat.

d. the monitoring visit took place from 5 to 7 April 2016. During the visit, the Congress delegation met with representatives of various political institutions such as the Ministry of Finances, the Ministry of the Interior, the President of the Supreme Court, the State Audit Office, the Office of the Ombudsman and the local authorities of the Capital City of Nicosia, the Kokkinotrimithia Community and the municipalities of Ayios Dhometios and Paphos. The detailed programme of the visit is appended;

e. the delegation wishes to thank the Cypriot authorities at central and local level as well as the Cypriot delegation to the Congress and the national associations of local authorities and all the persons met during the visit for their readiness to assist and the information they supplied. The delegation also thanks the Ambassador of Cyprus to the Council of Europe who contributed to the organisation and smooth running of the visit.

3. The Congress notes with satisfaction:

a. the decision of the Republic of Cyprus to accept on 26 October 2003 to be bound by Article 5 of the Charter and to withdraw subsequently its declaration over this article in full accordance with the spirit of the Charter;

b. the signature and ratification by the Republic of Cyprus of the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority which illustrate a political commitment toward the participation of citizens in local public affairs.

4. The Congress expresses its concern at:

a. the weakness and imprecision of the legislative basis for the powers and responsibilities of local authorities and for the conditions under which they are exercised as well as the absence of constitutional safeguards for the principle of local self-government and the status of local authorities (Articles 2, 4.2, 7.1, 7.3 and 9.2);

b. the fact that only minimal responsibilities are conferred by the relevant law to local authorities and particularly the lack of genuine local government functions that can be exercised fully and exclusively (art. 3.1 and 4.4);

c. the importance of government supervision on the exercise of the regulatory powers of local authorities and on the personnel, administrative and budgetary resources, and the current lack of clarity over the administrative authorities entitled to exercise such supervision over municipalities (Articles 8, 6.2 and 9.6);

d. the inadequacy of resources available to local authorities to exercise their powers, leading to a dependency on the State, in particular in the case of small communities (Articles 6.2, 9.4 and 9.5), as well as the differences between the municipalities and communities with regard to their personnel and other technical resources (Article 6.2);

e. the weak legal status of the Charter in the domestic legal system of Cyprus and, particularly, the absence of direct applicability of its ratified provisions.

5. In the light of this, the Congress asks the Committee of Ministers to invite the Cypriot authorities to:

a. provide clear recognition of the legislative and, if practicable, the constitutional status of local governments as well as the principle of self-government for all local authorities in order to strengthen their substantial role in regulating and administering local public affairs and to regulate the legal standing of local councillors allowing the free exercise of their functions;

b. strengthen the legislative basis of both the position of municipalities and communities as essential institutions and their substantial role in regulating and administering local public affairs and regulate the legal standing of the elected members of local councils to allow the free exercise of their functions;

c. assign substantial powers and duties to local authorities so that they can exercise them fully and exclusively in practice and, in accordance with the principle of subsidiarity, define the relevant tasks as genuine local government functions;

d. determine precisely, by way of legislation, which administrative authorities are empowered to exercise legal supervision over municipalities;

e. limit every kind of government supervision over local governments to an *ex post* control of legality of the operation and regulation of the municipalities and communities, and relinquish the power of government to give prior consent to the budget of each local government;

f. draw up legislation setting out formally the procedures for consulting local authority representatives and national local government unions to ensure that they are effectively consulted, that is in due time and in an appropriate manner, on all questions concerning those authorities directly, in particular on financial questions;

g. provide adequate financial resources for local authorities which should be commensurate with their responsibilities and which they may dispose of freely within the framework of their powers;

h. establish a transparent and predictable method to calculate central grants to local authorities based on a careful assessment of local needs and introduce a financial equalisation mechanism between local authorities;

i. ensure the direct applicability of the European Charter of Local Self-government within the domestic legal system and in particular, that the Charter be given due consideration in court proceedings.

6. The Congress calls on the Committee of Ministers to take account of this recommendation on local democracy in Cyprus and the accompanying explanatory memorandum in its activities relating to this member State.