

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 283 (2010)¹ Local democracy in Iceland

1. The Congress of Local and Regional Authorities of the Council of Europe, bearing in mind the proposal of its Chamber of Local Authorities, refers to:

a. Article 2, paragraph 1.*b.*, of Committee of Ministers Statutory Resolution (2000) 1 relating to the Congress of Local and Regional Authorities of Europe, which provides that one of the functions 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 statutory resolution, which provides 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. the explanatory memorandum on the situation of local democracy in Iceland, presented by Ms Esther Maurer.

2. The Congress notes that:

a. Iceland became a member of the Council of Europe on 7 March 1950 and on 25 March 1991 ratified the European Charter of Local Self-Government (ETS No 122), which came into force for Iceland on 1 July 1991;

b. the state of local democracy in Iceland has not been the subject of a report by the Congress since the country ratified the charter;

c. the Institutional Committee of the Chamber of Local Authorities of the Congress appointed Ms Esther Maurer (Switzerland, L, SOC) as rapporteur to prepare and submit a report on local democracy in Iceland;

d. Ms Maurer made an official visit to Iceland on 15 and 16 June 2009, accompanied by Mr Francesco Merloni (Italy), Consultant, Chair of the Group of Independent Experts on the European Charter of Local Self-Government.

3. The Congress underlines the scale of the efforts made and the ability of the national and local authorities to deal with a major financial crisis and its economic and social consequences without undermining local self-government.

4. It welcomes Iceland’s signature on 18 November 2009 of 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), which it hopes the country will shortly also ratify.

5. The Congress recommends that the Committee of Ministers invite the Icelandic authorities to:

a. clarify their fundamental legislation on the basis of the subsidiarity principle, making provision for a clear division of responsibilities between central government and local authorities;

b. grant the city of Reykjavik a special status, on the basis of Congress Recommendation 219 (2007) on the status of capital cities, establishing different legal arrangements to take account of the particular situation of the capital compared with other municipalities;

c. pass legislation giving the European Charter of Local Self-Government legal force as a directly applicable source of law in the domestic legal system;

d. stipulate in domestic legislation the cases in which the minister responsible for local government may exercise supervision over local authorities’ performance, and set out the related procedures, which must be based on the principle of local authorities being given a due hearing;

e. clarify the situations, and also the related procedures, in which local authorities may be involved in national decision making that concerns them, by envisaging, for example, the right for local authorities to be consulted, to which the state would be bound;

f. raise the minimum threshold below which the merger of local authorities is compulsory and make provision for a combination of criteria based, in particular, on economic and geographical rationality and on the preservation, as far as possible, of inhabitants’ “municipal identity” before consideration is given to mergers;

g. set up a support fund for local authorities particularly hard hit by the crisis so that they are able to continue delivering certain public social services;

h. introduce appropriate legislation to give local authorities a right of appeal against decisions taken at national level which might infringe principles of local self-government enshrined in the charter.

1. Debated and adopted by the Congress on 19 March 2010, 3rd Sitting (see Document CPL(18)3, explanatory memorandum), rapporteur: E. Maurer (Switzerland, L, SOC).