

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 196 (2006)¹ on local democracy in Liechtenstein

The Congress,

1. Referring to:

a. Article 2, paragraph 1.*b.*, of Statutory Resolution (2000) 1 of the Committee of Ministers on the Congress of Local and Regional Authorities of Europe, which provides that one of the aims 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 said 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. its Resolutions 31 (1996), 58 (1997) and 106 (2000), which set guidelines for the drafting of these reports;

2. Takes note of the report on the situation of local democracy in Liechtenstein prepared by the rapporteur, Mr Christopher Newbury (EPP/CD, L, United Kingdom), following an official visit to Liechtenstein (3-4 November 2005), with the assistance of Professor Jean-Marie Woehrling, member of the Group of Independent Experts on the European Charter of Local Self-Government, whom the Congress thanks for his contribution;

3. Thanks all the representatives of the government and parliament and the elected representatives of the towns and municipalities of Liechtenstein, as well as the persons who agreed to meet the Congress delegation (comprising a rapporteur, an expert and the secretariat) during its visits and assisted in preparing the report;

4. Wishes to draw the attention of the Liechtenstein authorities and the Committee of Ministers and Parliamentary Assembly of the Council of Europe to the comments and recommendations presented below;

5. With regard to the implementation of the European Charter of Local Self-Government (“the Charter”) and the general situation of local democracy:

a. points out that Liechtenstein ratified the Charter on 1 September 1988 and that, under Liechtenstein’s legal system, ratified international conventions are directly applicable at domestic level without the need for a law to transpose the international law into domestic legislation;

b. notes, with regard to the general situation of local democracy in Liechtenstein, that Liechtenstein’s institutions satisfy, on the whole, the requirements of the Charter;

c. notes that the revision of the Municipalities Act, on 13 December 1988, following the ratification of the Charter, clearly demonstrates Liechtenstein’s desire to enhance local self-government in line with the Charter;

d. welcomes the positive role played by the Conference of Mayors (*Gemeindevorsteherkonferenz*) in this process;

e. notes, however, that the way in which the Charter is being implemented may raise certain questions and call for certain improvements;

6. With regard to the extent of local authorities’ powers,

a. points out:

i. that the proportion of responsibilities assigned to local authorities in Liechtenstein is significant, and comparable to that assigned to local authorities in other European countries;

ii. that, nonetheless, as in other countries, and as a result of a tendency towards the standardisation of services and living conditions, municipalities are losing influence in certain areas;

iii. that there is a need to counteract this trend and take measures to offset this transfer of powers;

b. recommends, therefore, that measures are taken to increase local government powers in areas such as welfare and regional and town planning;

7. Noting that there is joint action by municipal and central government services in the area of urban planning and the issuing of building permits:

a. recommends:

i. that the current somewhat unwieldy administrative practices should be reviewed to prevent excessively long authorisation or decision-making processes;

ii. that changes be made to building permit application procedures, which currently take place in two stages, the first consisting of consideration, then approval or rejection, by the municipal authorities and the second of an examination by the central government office responsible for construction (*Hochbauamt*), as only the latter has the power to check that the plans comply with national town planning legislation;

iii. that the distribution of powers and responsibilities should be clarified by introducing a system that differentiates between large and small municipalities;

b. therefore recommends that:

i. the Liechtenstein authorities should update their spatial planning legislation (*Raumplanungsgesetz*) despite the fact that a recent reform was rejected by referendum. This has

left a gap in the instruments governing municipalities' spatial policies, which should be filled;

ii. that a national master plan (*Landesrichtplan*) should be drawn up to fill the gap;

8. With regard to welfare (*Fürsorge*), the Congress:

a. points out:

i. that here, too, there is a complex division of responsibilities between the municipalities (social welfare falls within their own powers) and central government, which is taking on an ever greater role in the social field in order to guarantee equal welfare conditions throughout the principality;

ii. that in Liechtenstein, social welfare expenditure is divided equally between municipalities and the state and that this reduces the role of municipalities still further;

b. recommends, accordingly, that municipal responsibility and activities are fostered – and backed up with the appropriate resources – in those areas where proximity and direct contact are essential;

c. points out that the distribution of powers between the municipalities and the state is currently being addressed by a bill intended to clarify what powers should be assigned to each tier (*Aufgabenentflechtung zwischen Land und Gemeinden*);

d. invites the Government of Liechtenstein to grant the municipalities the appropriate financial resources to cope with the transfer of power that is planned;

e. notes that, on the whole, the powers granted to local authorities comply with Article 3, paragraph 1, and Article 4 of the Charter;

9. With regard to the reservations entered by Liechtenstein, invites the government to take steps towards ratifying all the provisions of the Charter so as to give municipalities an even more suitable framework in which to enhance their management capacity and extend their areas of competence.

1. Debated and approved by the Chamber of Local Authorities on 30 May 2006 and adopted by the Standing Committee of the Congress on 1 June 2006 (see Document CPL (13) 3, draft recommendation presented by C. Newbury (United Kingdom, L, EPP/CD), rapporteur).