

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 305 (2011)<sup>1</sup> Local democracy in Malta

1. The Congress of Local and Regional Authorities of the Council of Europe 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 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 (2000) 1, which stipulates 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 decision to draw up a monitoring report on local democracy in Malta taken by the Bureau of the Congress at its meeting on 5 February 2010.

2. The Institutional Committee<sup>2</sup> of the Chamber of Local Authorities appointed its President, Emil Calota (Romania, SOC) to prepare and submit to the Congress, as rapporteur, a report on local democracy in Malta.

3. Malta became a member of the Council of Europe on 29 April 1965 and ratified the European Charter of Local Self-Government (ETS No. 122) on 6 September 1993.

4. The Congress notes with satisfaction that following the official visit (21-23 June), the Government of Malta increased its commitments to the European Charter of Local Self Government on 2 August 2010 so that the only remaining reservation comprises Article 9, paragraph 3.

5. The Congress takes note of the explanatory memorandum on local democracy in Malta, drawn up by the rapporteur, Emil Calota, following the official visit to Malta, from 21 to 23 June 2010.

6. The rapporteur was assisted by a consultant, Eivind Smith, Vice-Chair of the Group of Independent Experts on the European Charter of Local Self-Government, whom the Congress thanks for his valuable contribution.

7. The Congress wishes to thank the Maltese authorities at national and local levels, the Maltese Association of Local Councils and the various experts who met with the delegation for their open and constructive discussions.

8. The Congress notes with satisfaction that:

*a.* Malta launched a process to reform local government in May 2008 on the 15th anniversary of the establishment of local councils. This reform should be applauded as it has led to a number of concrete actions, including the amendment of the Local Councils Act in 2009 and the creation of regions in 2010;

*b.* progress has been made on certain issues by the Maltese national authorities in accordance with Congress Recommendation 122 (2002) on local democracy in Malta, such as the financial compensation of local elected representatives.

9. However, there remain some issues of concern:

*a.* primarily, the local councils are still not responsible for a “substantial share of public affairs” as required by Article 3, paragraph 1 of the European Charter of Local Self-Government. Some further responsibilities have been granted to local councils since 2002 but they remain small and their accumulated importance limited;

*b.* also, taking into account the growth of the national economy of Malta, local council spending compared to total public spending has somewhat decreased from the already very modest level observed eight years ago.

10. Therefore, the Congress recommends that the Committee of Ministers invite the Maltese authorities to take account of the following suggestions as part of the ongoing reform:

*a.* increase the share of public affairs and funds that the local authorities in Malta have the right and ability to regulate and manage;

*b.* reconsider some of the provisions regarding the status of executive secretaries in order to ensure that ministerial discretion does not hamper the freedom of local councils to select their main executive officer;

*c.* reconsider the tight system of financial monitoring and control that is currently in place, in order to promote local responsibility and the freedom to determine expenditure priorities which would encourage the growth of a system of genuine local self-government;

*d.* reconsider the introduction of a system of local taxation, given its importance for the development of a system of responsible local self-government. To overcome the objections to local taxes and in order to train municipalities to deal with taxation issues, the Maltese authorities should consider, as a first step, the possibility of transferring some state taxes to local authorities;

*e.* improve the system and practices of consultation and co-operation between central and local authorities in Malta, acknowledging the importance of the role of local councils as interlocutors and citizens’ representatives;

*f.* introduce measures, in co-ordination with local authorities, to encourage and enable women's access to local political office to ensure a more balanced representation;<sup>3</sup>

*g.* to grant the city of Valletta 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;

*h.* to take care that the ongoing reforms regarding supplementary levels of territorial self-government (communities

(villages) and regions) do not dilute the already limited resources and functions of local councils.

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1. Debated and approved by the Chamber of Local Authorities on 23 March 2011, and adopted by the Congress on 24 March 2011, 3rd Sitting (see Document [CPL\(20\)3](#), explanatory memorandum), rapporteur: E. Calota, Romania (L, SOC).

2. Following the Congress reform, the monitoring activities carried out by this committee were taken over by the Monitoring Committee set up on 1 December 2010.

3. Congress Recommendation 68 (1999) on women's participation in political life in the regions of Europe.