

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

Resolution 139 (2002)¹ on relations between the public, the local assembly and the executive in local democracy (the institutional framework of local democracy)

Application of Article 3, paragraph 2 of the European Charter of Local Self-Government on the basis of the 5th general report on monitoring of the implementation of the Charter

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

1. Having regard to

a. Article 3, paragraph 2 of the European Charter of Local Self-Government (hereafter, “the Charter”);

b. Recommendation 113 on relations between public, the local assembly and the executive in the sphere of local democracy and the 5th general report on political monitoring of the implementation of the Charter, relating to the institutional framework of local democracy (hereafter, “5th report”) presented by Mr Anders Knape (Sweden, L), rapporteur;

c. Recommendation No. R (96) 2 of the Committee of Ministers to member states on referendums and popular initiatives at local level, and Recommendation Rec (2001)19 on the participation of citizens in local public life;

2. Thanking the Group of Independent Experts on the Charter under the Institutional Committee of the Congress for its valuable help in preparing the report on the institutional framework of local democracy;

3. Recalling that the recommendation on relations between the public, the local assembly and the executive in the sphere of local democracy and the 5th report are a contribution by the Congress towards the Council of Europe’s integrated project on Making Democratic Institutions Work;

4. Concerning relations between the public and local authorities:

a. considering that it is essential to the proper functioning of local democracy that the link between local authorities, elected representatives, and the public be strengthened;

b. noting signs of a high level of abstention as regards public participation in local elections;

c. reminding local authorities in Council of Europe member states that, as already been pointed out in

Congress Recommendation 61 (1999), the existence at local level of the institution of ombudsman or mediator may be beneficial in terms of good governance, stronger links between the public and local authorities, and greater openness and efficiency in local administration;

d. calls on local authorities in Council of Europe member states to strengthen this link by, *inter alia*, setting up and promoting advisory councils (for foreigners, young people, senior citizens, children, etc.) and neighbourhood councils that reflect the entire range of interests of the local community;

e. calls on local authorities also regularly to publicise any decisions or debates in progress concerning community affairs as broadly as possible (via official registers, notice boards, internet sites, the local press, official local authority newsletters, local radio and television);

5. Concerning relations between the public, the local assembly and the executive in the sphere of local democracy:

a. noting the diversity of procedures provided for under the laws of the member states for electing and appointing the executive and for organising relations between representative assemblies and the executive;

b. noting that in the vast majority of member states, the local executive is elected either by the local assembly or directly by the people;

c. noting also that direct election of mayors by the people is a procedure increasingly used in Council of Europe member states to appoint the head of the executive;

d. welcoming the trends in the member states’ legislation and practice which show that the election of the local executive is becoming increasingly common;

e. considering that the election of the local executive is the most appropriate procedure;

f. considering that, at all events and however they are elected or appointed, all executive organs have an obligation to account, at regular intervals, for the way in which they exercise their authority;

g. considering also that representative assemblies must enjoy safeguards under domestic law which provide for effective supervision of the executive in accordance with Article 3, paragraph 2 of the Charter, notably through powers to approve the local budget and local taxes, adopt reports on the execution of the budget and town planning projects, and approve local policies, for the full term of their electoral office;

h. instructs the Institutional Committee of the Chamber of Local Authorities to draw up a general report on consultation of local authorities (Articles 4, paragraph 6; 5; 9, paragraph 6 and 10, paragraph 2 of the Charter) as part of the political monitoring procedure in respect of implementation of the Charter;

i. instructs the Institutional Committee of the Chamber of Local Authorities, with the help of the Group of

Independent Experts on the Charter, also to study the following questions in depth and report back on them in due course to the Chamber of Local Authorities:

- i. advantages and disadvantages of the directly elected local executive in Council of Europe member states;
- ii. public participation in local affairs and the causes of abstentionism in local elections;

iii. forms of municipal ownership.

1. Debated and approved by the Chamber of Local Authorities on 5 June 2002 and adopted by the Standing Committee of the Congress on 6 June 2002 (see Doc. CPL (9) 2, draft resolution presented by Mr A. Knape, rapporteur).