

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 151 (2004)¹ on the advantages and disadvantages of a directly elected local executive in the light of the principles of the European Charter of Local Self-Government

The Congress,

1. Having regard to:

a. Article 2, paragraph 1, sub-paragraph *b* of the Committee of Ministers' Statutory Resolution (2000) 1 relating to the Congress of the Local and Regional Authorities of Europe, which states that one of the aims of the Congress is to submit proposals to the Committee of Ministers in order to promote local democracy;

b. Article 2, paragraph 3 of the same resolution, according to which the Congress shall ensure that the principles of the European Charter of Local Self-Government (hereafter referred to as "the Charter") are implemented;

c. the explanatory memorandum on advantages and disadvantages of a directly elected local executive (hereafter referred to as the "local executive or the mayor") (CPL (11) 2 Part II);

d. its Recommendation 113 (2002) on relations between the public, the local assembly and the executive in local democracy;

2. Noting that:

a. a general trend shows, on the whole, that in Europe in recent years there has been a continuing shift towards direct election of the local executive;

b. in those countries where indirect election entails an element of central government involvement, or indeed royal prerogative, there are some signs of this gradually being reduced;

3. Considering that the following reasons based on practice and experience of the past 10 years of local self-government in Europe may argue in favour of a directly elected executive at local level:

a. Greater legitimacy: foremost among the advantages of the directly elected executive is the political, democratic and moral legitimacy implied by direct popular choice of the mayor, as opposed to one selected by a more restricted group of councillors. Therefore, in the opinion of the Congress, this direct election:

i. raises the overall legitimacy of the political system at local level and may give a dual opportunity for citizens

to vote for both a party candidate and an independent candidate;

ii. seems to provide for a more clear-cut separation of powers between the representative and the executive body;

iii. offers the mayor an opportunity to act more or less independently of the partisan pressures of the members of the municipal council, who belong to various political parties;

iv. would enhance the assembly's independence from the executive and thus also the reality of its control;

b. Greater identification: another advantage is enhanced participatory democracy, involvement and commitment of the local population, which ought to be reflected in voter turn-out. Thus, in the Congress' view this type of election:

i. contributes to strengthening the roots of local democracy at the initial stages of its development and helps the population to clearly identify the local level of public authorities and to get acquainted with the idea of local self-government;

ii. fosters a higher level of awareness amongst the population of the concept of local self-government, in addition to greater integration and identification of the residents with the municipality;

iii. helps the directly elected mayor to be seen as a symbol of what the inhabitants want and who they are;

iv. is simple, easy to operate, and less expensive;

c. Greater responsibility: the system of a directly elected mayor establishes a clear system of political responsibility. The dimension of local leadership is seen to bolster delivery in services as well as to hold the mayor as a person directly responsible to the people for what he or she does or does not do. The citizens seem to feel more involved in the management of local affairs, having chosen the person closest to their needs. Therefore, the Congress considers that direct election:

i. encourages stronger and more accountable political leadership, more open agenda-setting, and more direct involvement of citizens;

ii. increases visibility in the person of the mayor, attracts media attention, brings about greater exposure and possibly greater accountability of the local authority;

iii. helps to provide a much more immediate, and apparently effective, response to local concerns;

d. Better governance and greater stability: finally, a directly elected executive can be a factor of stability during its tenure of office. The separation of powers is clearer when local government is not grouped into one body, executive and deliberative, thus leading to more transparency. This system creates:

i. more effective direction and cohesion;

ii. rapidity of administrative procedure and decision-making;

iii. minimal risks of political confrontation that could threaten management;

4. Noting, on the other hand, that the following points can be considered as disadvantages of the system, and may under some circumstances undermine the office of a directly elected executive:

a. Political deadlocks: it is widely acknowledged that the most common preoccupation that arises concerns a possible political conflict, when the mayor and the assembly represent different political views. It may bring about a greater risk of inefficiency and deadlocks in management, especially over the budget, and a certain risk of political instability on the whole;

b. Excessive concentration of power in one office: another disadvantage may be misgivings regarding the possibly excessive concentration of power in the mayor's hands which in turn gives rise to the following undesirable effects:

i. diminishment of the role of the representative council;

ii. polarisation of municipal decision-making;

iii. personalisation of power and the creation of "client networks";

iv. personalisation of the figure of mayor or fragmentation of the system of political parties;

v. reduction of forms of internal oversight of municipal administration;

c. Risk of populism: it is known that single-issue candidates or people with a high media profile may

encourage populism in local politics, as the office may attract candidates who are mere celebrities incapable of carrying out the function of mayor;

d. Weakening of political parties and less political impetus: independent candidates would decrease the role of political parties in electoral competition and make local elections less political;

5. Invites the member states of the Council of Europe to take into account the aforementioned conclusions of the Congress in reforming the local government sector;

6. Calls on member states in particular to pay due attention to the system of checks and balances between a representative and executive political organs, which if lacking, and which, in conjunction with either the lack of a participatory political culture amongst citizens, or a strong public opinion, may lead to the executive overwhelming the assembly;

7. Invites member states to pay special attention to the issues of management of municipal property, which should be done under assembly's supervision;

8. Recalls the principles governing the relationship between the assembly and the executive set out by the Congress in its Recommendation 113 (2002) (Appendix Part 3).

1. Debated and approved by the Chamber of Local Authorities on 25 May 2004 and adopted by the Standing Committee of the Congress on 27 May 2004 (see Document CPL (11) 2, draft recommendation presented by I. Micallef (Malta, L, EPP/CD) and G. Rhodio (Italy, L, EPP/CD), rapporteurs).