

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 472 (2021)¹ Holding referendums at local level

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. the European Charter of Local Self-Government (ETS No. 122, the “Charter”) and its Additional Protocol on the right to participate in the affairs of a local authority (CETS No. 207);

b. the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144);

c. Recommendation 1704 (2005) of the Parliamentary Assembly of the Council of Europe “Referendums: towards good practices in Europe”;

d. Resolution 2251 (2019) of the Parliamentary Assembly of the Council of Europe on Europe “Updating guidelines to ensure fair referendums in Council of Europe member States”;

e. the European Commission for Democracy through Law (Venice Commission) Code of Good Practice in Electoral Matters (2002);

f. the Venice Commission’s Revised Guidelines on the Holding of Referendums (2020);

g. the Priorities of the Congress for 2017-2020 and also the new priorities for 2021-2026 which put a great emphasis on promoting an increased and active participation of citizens in local and regional life in order to improve local democracy in Council of Europe member States;

h. the United Nations Sustainable Development Goal 16 on peace, justice and strong institutions and Target 16.7 on ensuring responsive, inclusive, participatory and representative decision-making at all levels.

1. Debated and adopted by the Congress on 16 June 2021, 2nd sitting (see Document CG(2021)40-11, explanatory report), rapporteur: Vladimir PREBILIC, Slovenia (L, SOC/G/PD).

2. The Congress points out that:

a. referendums have increasingly been used as a tool of direct democratic involvement for resolving issues which are of fundamental importance for peoples’ lives. In this context, referendums can become a point of controversy due to the potentially divisive nature of their questions and the problems that may occur during the respective referendum campaigns;

b. although national referendums nowadays attract much attention, it is in fact local referendums that are most widespread in the Council of Europe member States. Local referendums are essential for sounding out the will of the citizens on issues that directly affect their everyday lives;

c. bearing this in mind, effective guidelines are needed for member States to use local referendums responsibly within the framework which is in line with Council of Europe standards, most notably the European Charter of Local Self-Government, as well as with international standards and best practices.

3. In light of the foregoing, the Congress invites local and regional authorities in Council of Europe member States:

a. when holding referendums in their respective areas of responsibility, to observe the guidelines and good practices as contained in the explanatory memorandum to this resolution, in order to counter some of the negative tendencies;

b. to implement existing guidelines and good practices regarding the holding of referendums, in particular as defined by the Venice Commission in the Code of Good Practice in Electoral Matters and in the Revised Guidelines on the Holding of Referendums, when applicable to the local level;

c. to make more use of citizens’ assemblies and similar deliberative democracy tools to accompany the holding of local referendums in order to alleviate tensions and enhance citizens’ informed decisions.

4. The Congress commits itself to taking into consideration guidelines included in the explanatory memorandum to the present resolution as well as other relevant standards when observing local referendums in the member States.