

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 195 (2005)¹ on the “20th anniversary of the European Charter of Local Self-Government”

The Congress,

1. Having regard to the report “20th anniversary of the European Charter of Local Self-Government” presented by Birgitta Halvarsson (L, SOC, Sweden);

2. Reiterates in this twentieth year of the existence of the European Charter of Local Self-Government (hereinafter: the Charter) that:

a. as a true international treaty, the Charter remains the sole text defining, in a manner binding on states, the essential characteristics of local self-government and its transposition into the institutional sphere;

b. the Charter is a unique text in legal terms, providing local authorities of member states with guarantees for the exercise of their rights and competencies in a democratic state where power is shared between the spheres of government;

c. the Charter is a text attaching conditions to the democratic exercise of power at local level by democratically elected bodies for the benefit of citizens, helping to improve their quality of life;

d. since the beginning of the 1990s, the Charter has served as a legal framework for institutional reforms in Council of Europe member states and, in particular, has provided an essential benchmark for democratic reforms in central and eastern Europe;

3. Expresses satisfaction that:

a. the Council of Europe’s Parliamentary Assembly and Committee of Ministers stated, after the fall of the Berlin Wall, that the new candidate countries for accession to the Council of Europe should undertake to sign and ratify the Charter alongside a number of other emblematic conventions of the Organisation, enshrining this instrument as one of the founding documents for pluralist democracy and democratic stability in Europe;

b. by 2005 most Council of Europe members – 41 of its 46 member states – have ratified the Charter, confirming this convention’s importance for states in Europe;

c. a monitoring procedure for supervising states’ compliance with the Charter’s principles, has been gradually introduced by the Congress, and the Committee

of Ministers has now entrusted this task wholly to the Congress through its Statutory Resolution (2000) 1;

d. this monitoring exercise has, on the one hand, encouraged legislative reforms and institutional changes in the member states and, on the other hand, made it possible to forge ongoing high-level political dialogue between the local elected representatives in the Congress and the governments of Council of Europe member states;

e. the Committee of Ministers, having initiated a transversal monitoring process with regard to local democracy, has decided to halt that process, transferring it to the Congress;

f. the Group of Independent Experts on the Charter has been able to play an important role in this process by assisting the elected representatives of the Congress in the interpretation of the Charter;

4. Recalls in this connection that interpretation of the Charter has been made possible by a number of recommendations made by the Congress to the member states in the last ten years, touching on fundamental aspects such as the practice of local self-government, the exercise of local authority competencies, local finances, the institutional framework and local-authority relations with citizens and the state;

5. Considers that the process of Charter interpretation is an ongoing process and must aim to meet the challenges linked to developing local self-government;

6. Believes that the process of interpretation must focus on the following themes as a priority:

a. local authorities’ competencies and independence in terms of standard-setting;

b. institutional organisation of local authorities;

c. local finances and municipal property;

d. relations between central and local authorities, and regional and local authorities, as appropriate;

e. legal protection of local self-government and the incorporation of the Charter into member states’ domestic law;

7. Also believes that a number of ideas relating to the exercise of local self-government might be developed in additional protocols to the Charter or in separate texts in the form of Congress recommendations or resolutions;

8. Considers that the question of ratification of the Charter by the European Union, by virtue of the latter’s legal personality under Article I-7 of the Treaty establishing a Constitution for Europe, merits attention,

9. Proposes:

a. that the work capacity of the Group of Independent Experts on the Charter be strengthened to enable it to better support the work of the Congress in the Charter monitoring and clarification process;

b. that the Group of Independent Experts on the Charter put forward in a consolidated document a series of proposals to reflect the experiences and interpretation given to the Charter following the monitoring carried out by the Congress;

c. that the possibility be considered of opening the Charter to states that are located in the immediate vicinity of Council of Europe member states but are not Council of Europe members themselves and have democratically formed local authorities;

10. Instructs the Institutional Committee of the Congress, in collaboration with the Group of Independent Experts on the Charter, to continue examining the different legal means of systematically interpreting and/or developing ideas relating to the Charter, listed in the report “20th anniversary of the European Charter.”

1. Debated and adopted by the Congress on 1 June 2005, 2nd sitting (see Document CG (12) 6, draft resolution presented by B. Halvarsson (Sweden, L, SOC), rapporteur).

