

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 219 (2007)<sup>1</sup> Status of capital cities

The Congress, acting upon a proposal from the Chamber of Local Authorities,

1. Having regard 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 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, which states that the Congress must ensure that the principles of the European Charter of Local Self-Government (ETS No. 122) are implemented;

*c.* several recommendations and reports on the situation of local democracy in the Council of Europe member states;

*d.* the explanatory memorandum (CPL(14)4REP) on the status of capital cities presented by Emin Yeritsyan (Armenia, EPP/CD) and prepared with the help of the Group of Independent Experts on the basis of a contribution from Professor Zoltan Szente, Hungary.

2. Emphasises that the capital city, as a municipality with a pre-eminent role in most states, must have the right to self-government and the exercise of public responsibilities by democratically constituted authorities, in conformity with the charter;<sup>2</sup>

3. Considers that the management of the capital city by centrally appointed authorities or by local district authorities, without an elected municipal government at the level of the capital city, does not comply with the fundamental principles of the charter;

4. Acknowledges that there exists a variety of situations at national level regarding the status of the capital city and that this diversity is not in contradiction with the principles and the rules of the charter, which can be implemented in different ways, in accordance with national traditions, political conditions and social climate;

5. Considers it justified, in view of specific problems which capital cities face, that they are rewarded with a special constitutional or legal status, such as granting the municipality of the capital city regional or provincial status or giving it the power to enact specific regulations;

6. Notes with regret that the financial system of a capital city is occasionally misused – as a political instrument in conflicts

arising from differing party affiliations between the municipality and central government;

7. Notes that at the level of subdivisions of a capital city the principles of the charter are often not implemented in a satisfactory manner;

8. Considers that the existence of subdivisions in a capital city cannot compensate for the absence of a local self-government structure, especially since subdivisions are themselves often under the strict control of central state governments;

9. Believes that sharing information and the experiences of different member states as to the status of their respective capital cities would be very useful for those member states which are in the process of modifying the status of their capital cities.<sup>3</sup>

10. In the light of the above, the Congress:

*a.* recommends that member states (represented by the competent national, federal and/or federated authorities):

*i.* establish the conditions for setting up a democratically elected municipality in the capital city, particularly in countries where no municipal government exists at the level of the capital city, enshrining the principles of local self-government of the capital city in written law;

*ii.* put particular emphasis on the legal and material guarantees of the autonomy of the new capital city government in those member states where the process of setting up a democratically elected municipality in the capital has begun;

*iii.* involve the municipal government of the capital city, which is in the process of being granted a special status, in the decision-making process, guaranteeing the possibility of prior consultation, according to Article 4.6 of the European Charter of Local Self-Government (as should be the case with every new legislation with an impact on the capital city);

*iv.* provide a clear and transparent division of responsibilities between the municipal and possible district levels of local government in a capital city;

*v.* recognise the municipal government status of capitals in member states where this is not yet the case;

*vi.* provide the capital cities with sufficient capacity to raise their revenues in order to run their administration, fulfilling their functions as national capitals;

*vii.* ensure that districts or other subdivisions of the capital city have sufficient financial resources to manage their own or delegated functions;

*viii.* take the necessary steps in order to prevent the misuse of the financial system of a capital city, namely tax reductions or other financial restrictions, as a political instrument;

*ix.* ensure ways of promoting proper co-operation between central and municipal governments, independently of potentially diverse party affiliations;

*b.* recommends that local authorities of capital cities in Council of Europe member states take note of this recommendation and the explanatory memorandum to it, and encourage its implementation;

*c.* invites the Committee of Ministers of the Council of Europe:

*i.* to forward this recommendation and its explanatory memorandum to the authorities of the Council of Europe member states;

*ii.* to forward this recommendation and its explanatory memorandum to the European Committee on Local and Regional Democracy (CDLR) for information;

*iii.* to recognise the need to provide intergovernmental co-operation in this field, particularly through the Centre of Expertise for Local Government Reform, and to also offer special technical assistance from the Congress to countries

where capital cities do not have a special status or their own self-governing structure;

*d.* invites the Parliamentary Assembly of the Council of Europe to bear the above comments and recommendations in mind in the context of its own activities in the area of local democracy and the monitoring of the honouring of commitments entered into by Council of Europe member states.

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1. Debated and approved by the Chamber of Local Authorities on 31 May 2007 and adopted by the Congress on 1 June 2007, 3rd Sitting (see Document CPL(14)4RECREV, draft recommendation presented by E. Yeritsyan (Armenia, L, EPP/CD), rapporteur).

2. See Article 3 of the European Charter on Local Self-Government and the corresponding paragraph of the explanatory report.

3. See also the Congress Recommendation 133 (2003) on management of capital cities, proposing “frequent contacts between capital cities, particularly in order to exchange good practice with regard to the management of capital cities”.