

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 452 (2021)¹ The status of capital cities

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

a. Article 2, paragraph 1.*b.*, of the Charter of the Congress Local and Regional Authorities of the Council of Europe appended to Statutory Resolution CM/Res(2020)1, which stipulates that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Rule 22, paragraph 1.*c.* of the Rules and Procedures of the Congress on distribution of matters to committees and working groups, which stipulates that “[t]he Bureau of the Congress must consider all: ... *c.* proposals including proposals for reports, events or other activities) presented by a committee or working group”;

c. the priorities of the Congress for 2017-2020, in particular that related to enhancing the quality of local and regional democracy;

d. Congress Recommendation 133 (2003) on management of capital cities;

e. Congress Recommendation 219 (2007) on the status of capital cities;

f. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207), opened for signature on 16 November 2009;

g. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;

h. the sustainable development goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development, in particular Goal 11 on sustainable cities and communities.

2. The Congress points out that:

a. capital cities are usually demographic, cultural, economic and political centres of their countries and this may have both positive and negative implications for their autonomy;

b. the undoubtedly specific role of capital cities does not always translate into a special status. Where granted, this status may take different forms, depending on a great variety of factors;

c. instead of a rigid approach intending to “impose” a specific kind of special status on all capitals, States should have some margin of appreciation to take into account country-specific

conditions while setting up and implementing appropriate legal safeguards to protect their capital’s local autonomy and address changing trends in relations between central and local authorities. This flexibility should, however, be matched with strict compliance with the principles laid down by the European Charter of Local Self-Government (ETS No. 122, hereinafter, “the Charter”), in particular with regard to consultation with the local authorities concerned, as set out in Article 4.6 of the Charter;

d. establishing special legal safeguards is vital for protecting the local autonomy of capital cities given their extraordinary political role vis-à-vis the national government. Capitals are particularly vulnerable to political conflicts that may arise from the inherent physical proximity of the administration of a capital city to the national government, notably in cases where they have different political affiliations.

3. In light of the above, the Congress invites the governments and parliaments of member States to:

a. promote a better understanding of the role of capital cities as symbols of a whole country and of their specific realities. Even if capitals obviously share certain challenges with other cities, their specific functions give them a central position on a national and sometimes also international scale in several spheres such as politics, the economy and culture.

b. provide substantial procedural safeguards to guarantee capital cities’ autonomy and minimise the risk of interference from other levels of government. This should be done in conformity with the Charter and with a special focus on the following critical areas:

i. with regard to capital city administration:

– introduce an elected citywide administration in capitals as a legal safeguard to represent and promote their specific interests and, to this end, refrain from splitting the capital’s territory into a number of municipalities. The need to have “small” local authorities close to the people is not incompatible with an elected citywide administration, as the need can equally be fulfilled by establishing districts as internal subdivisions;

– make sure that local elections are held in accordance with the national legal framework and in conformity with international standards for fair and free elections;

ii. with regard to competences:

– divide the responsibilities between the capital city, the city districts (where applicable) and the higher levels of government, in line with the subsidiarity principle enshrined in Article 4.3 of the Charter;

– consider setting up an administrative system comprising elected district authorities with competences clearly delineated from those of the citywide administration, in line with the principle of subsidiarity, with a view to ensuring effective management (advisable, under the Charter, in particular for larger capital cities);

iii. with regard to financial resources:

– ensure adequate financial resources for both the capital cities and their districts (where applicable);

1. Debated and adopted by the Statutory Forum on 12 February 2021 (see Document CG-FORUM(2021)01-04, explanatory memorandum), rapporteur: Amelie TARSCHYS INGRE, Sweden (L, ILDG).

– consider the compensation of capital cities for additional expenditure arising from carrying out the specific functions of a capital city;

– ensure that the level of funding of capital cities is commensurate with their tasks and responsibilities;

– ensure that capital cities have adequate revenue-generating capacity, including through local taxes, and that they benefit from adequate financial transfers in order to shield them from the risk of underfunding;

iv. with regard to co-operation between levels of authority:

– formalise the co-operation of capital cities both horizontally, with neighbouring municipalities, and vertically, with higher levels of government (including the regional tier where applicable);

– ensure that the national and/or regional supervisory powers are appropriately counterbalanced by co-operation and consultation mechanisms, as set out in Article 4.6 of the Charter, to avoid potential conflicts linked to “political cohabitation” between the capital and the national government, especially in cases where they have different political affiliations;

– consider establishing or reinforcing special bilateral channels for co-operation between capital cities and the national government when the specific interests of capitals cannot be effectively represented by local government associations;

v. with regard to citizens’ participation:

– bring public affairs, as a necessary complement to inter-governmental relations, closer to the people by creating an enabling environment for local authorities to apply a wide range of mechanisms to increase citizens’ participation in local decision making, including by making use of new information and communication technologies and deliberative democracy tools;

c. in the case where a capital city is given a general special status, ensure that the decision-making process and its implementation strictly comply with the principles enshrined in the Charter.

4. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation and the explanatory memorandum in their activities relating to Council of Europe member States.