

THE EUROPEAN CHARTER OF MUNICIPAL LIBERTIES

Adopted by the General Assembly of Europe's Municipalities
Held at Versailles, from 16 to 18 October 1953

1 Preamble

Europe's municipalities, united across frontiers within the Council of European Municipalities, are determined to build, in the interests of their citizens, a free and peaceful Europe.

They have consequently decided to recall their rights, which are based on centuries-old traditions, as well as on liberty and human dignity.

They note that these rights are today in peril, sometimes even totally suppressed.

The Council of European Municipalities is committed to defend them, and to put its strength at the service of every municipality that is fighting for its liberties.

2. The conditions for municipal liberties

Municipalities should be conscious that they constitute the very foundation of the nation. Their citizens, members of the community, have the right to work together for their development. Municipalities must therefore strive to enable them to participate in the town's life.

A true municipal freedom can only flourish if it is beyond all kinds of arbitrary authority. It exists only where citizens possess the firm will to safeguard local self-government. Citizens should thus take on their responsibilities and refuse – individually and collectively – to submit to any kind of instruction that is contrary to law.

The law must be applied in a way that safeguards the rights of the local community towards the higher authorities, just as it must also guarantee the rights of the citizen in the local community itself.

3. The definition of municipal liberties

Municipal liberties must be defined by the Constitution, and guaranteed through the right of recourse to independent judicial organs.

Draft laws regulating the organisation of local authorities must, save in case of emergency declared by Parliament, be submitted to the prior opinion of a legal representative of the municipalities concerned.

The exercise of every function of municipal interest belongs to the municipality itself. Within the framework of the law, its representatives themselves determine the rules to be applied. In the case of powers delegated by the State, there should be scope for adapting the execution of general laws to local circumstances.

Municipalities have the right to create their own resources, by voting local taxes that are sufficient to cover the costs of their administration, as well as all expenses necessary to meet the needs of their inhabitants. A system of compensation between municipalities shall be established, which will have effect in case of proven inadequacy of resources, without imposing any constraint on the free management of the municipality.

The power of decision in relation to municipal affairs, the approval and use of the financial means, belong to the citizens of the municipality, or to their representatives. The same applies, within the framework of the relevant legal provisions, to the recruitment, remuneration and promotion of the council's employees, as well as the disciplinary measures that concern them.

Those holding executive office as managers on behalf of the municipality are accountable for the exercise of their functions before the inhabitants of the local community. The latter may, through due legal process, challenge the office-holders' management before the competent jurisdiction.

Only the conformity of municipal decisions with the law may be submitted to an administrative control. Any such control is to be exercised through independent bodies, which, in cases prescribed by law, can demand a new deliberation.

The territory of a municipality should not be altered without a legal procedure, which involves the consultation of the populations concerned.

Municipalities and associations of municipalities have the right to belong to international organisations in order to promote the defence of their interests and their rights, in accordance with the fundamental principles of this Charter.

RESOLUTION CONCERNING MUNICIPALITIES AND THE EUROPEAN INSTITUTIONS

The thousand mayors and local government representatives, belonging to 16 European countries, meeting in Versailles on 16, 17 and 18 October 1953

Declare

That municipal self-government is the bulwark of personal liberties,

That municipal liberties are everywhere threatened by the encroachments of the State,

That the mayors and elected members of local authorities, united beyond national frontiers by their preoccupations as managers in direct contact with the realities and with their populations, are the builders of a Europe that is free, united and respectful of diversity;

Are delighted at the creation by the Council of Europe at Strasbourg of a Special Committee on Municipal and Regional Affairs, to which they will bring their fullest collaboration;

See in the coming birth of the European political community an important new step towards the integration of Europe in full respect for democracy;

Consider that this community will only bear its full fruit, and will only ensure the economic and social development of its localities, on the condition that an effective participation is reserved for the representatives of Europe's local authorities.