



The Principle of Self-Government according to the Will of the People in the Locality in the Legal System of the Council of Europe

Uthen Thatsaringkharnsakun

Faculty of Law, University of Phayao, No. 19 Moo 2, Maeka Sub-District, Muang District, Phayao 56000, Thailand

Corresponding author. E-Mail address: uthenthat@gmail.com

Received: 20 July 2020; Revised: 29 August 2020; Accepted: 2 September 2020

Abstract

The study of the principle of self-government according to the will of the local people which is an important basis in the European Charter of Local Self-Government of the Council of Europe has three objectives as follows: 1) Studying the evolution of the European Charter; 2) Studying the content of legal measures as defined in the European Charter; and 3) Studying the application of the European Charter in the member States of the Council of Europe. This study uses the methodology of documentary research.

The results of the study revealed that: 1) The principle of self-government according to the will of the people in the locality, known internationally as the principle of local self-government clearly existed since the Middle Ages of Europe that the monarch granted the Charters to the local government units to provide some autonomy for their self-government which later it evolved into the preparation of important documents such as the European Charter of Municipal Liberties of 1953, the Declaration of Principles on Local Autonomy of 1968 and developed into the arrangement of the European Charter of Local Self-Government in 1985 which has a treaty status binding on international law; 2) The content of important legal measures in the European Charter relating to local government consists of matters such as the legal protection of local self-government, the concepts and scope of local self-government, the appropriate administrative structures and resources for tasks as well as the right to associate; 3) The application of Charter in member States, namely Denmark, Netherlands and Spain, found that the main problems that exist in the local government system of these member States, such as there is no legal protection for the principle of local self-government in the legal system, the problems of assigning and allocating ambiguous and redundant tasks for local authorities, the problems of inadequate financial resources for local authorities to perform the tasks as well as the problem of administrative supervision on local authorities that are too strict, etc.; 4) The suggestion is to bring legal measures as stipulated in the Charter into the constitution or the internal law of the member States in order to be truly enforced.

Keywords: Local Government, Local Self-Government, The Will of the People in the Locality, Council of Europe

Introduction

The principle of self-government according to the will of the people in the locality, which is internationally recognised as the principles of local self-government, has been applied in the local government law system of democratic countries that believes in the concept of democratic governance at all levels. That is to say, this concept is not only emphasised on applying the democratic principle at the national level, but also applying the democratic principle at all levels of government, especially at the local level.

The principle of self-government in the will of the people in the locality, or the principle of local self-government, has a long historical background but it was clearly evident during the European Middle Ages in the event that the monarchs granted written Charters that guaranteed certain self-governing liberties to local government units to manage their own affairs without intervention from the monarchs. This principle was brought back to life in the nineteenth century, along with the development of democracy that took place in many European countries. This makes the principle not only giving the local government autonomy to self-government, but also to applying the principle in conjunction with the democratic principle. Since the nineteenth century, the principle of self-government according to the will of the people in the locality or the principle of local self-government



have been used as the basis for the creation of legal measures in the local government law system. This can be seen from the provisions of the Constitution or the domestic laws of many countries including Thailand.

The European Charter of Local Self-Government is a type of treaty status binding on the member States under international law. Those countries that have ratified this Charter have to prepare and revise their laws in accordance with and inconsistent with the provisions of the Charter. The Council of Europe has also established a process for monitoring and evaluating the implementation of the Charter for the member States. Considering the time since it was approved in 1985 to the present, it has been found that the Charter has influenced the local government system of many European countries for more than 30 years. Therefore, the study of the principle of self-government according to the will of the people in the locality, based on the experience of the legal system of the European Council in relation to the European Charter of Local Self-Government in the evolutionary, content and enforcement aspects of the member States, is of great benefit to appropriately apply such principle in the system of local government law of Thailand.

Objectives of the Study

This study has three educational objectives:

1. To study the evolution of the Principle of Self-Government of the people in the locality in the European Charter of Local Self-Government of the Council of Europe.
2. To study the content of the legal measures as provided in the European Charter of Local Self-Government of the Council of Europe.
3. To study the effect of the enforcement of the European Charter on Local Self-Government in member States, with examples from three unitary state countries: Denmark, Spain and the Netherlands.

Method of the Study

Method of the study is the documentary research whereby studying and reviewing the literature to find knowledge from the related documents such as books, academic articles, research works, laws and judgments

Scope of the Study

The study mainly focuses on the principles of self-governance of the will of the people in the locality, which is transformed into the provisions of the European Charter of Local Self-Government in the legal system of the Council of Europe. In addition, the examples used in the study are three member States that are bound to this Charter with unitary state status: Denmark, Spain and the Netherlands.

Result of the Study

The study of the principle of self-government in the will of the people in the locality as shown in the European Charter on Local Self-Government uses the Method of Documentary Research with three study objectives: evolution, content and enforcement. The results of the study are as follows.

1. Evolution of the European Charter of Local Self-Government

The principle of self-government according to the people in the locality has developed with the emergence of local government units and the formation of modern states. Self-governing local government units may have



been discovered since ancient Roman times and evolved more prominently in the Middle Ages in the form of self-government freedom and self-government rights as established by the Charter. This can be seen from the fact that many monarchs granted the Charters to local government units in order to have certain privileges of self-government as set out in each of those Charter, such as the right to collect income in their own area, the tax exemption must be delivered to the King, monopoly in local trading, exemption from the military burden to support the king, etc. Local government units that were privileged from the Charter to self-governing had the legal status of an incorporation. The examples of a well-known local self-government charter are the London Charter of Liberties given to the City of London by King William the Conqueror in 1067, and in the Great Charter (Magna Carta) as part of the provisions of the Great Charter, it was King John gave self-government freedom to the City of London and other local government bodies. In 1215, the medieval practice of the Charter granting such self-government right arose not only in England but was extended to the major European territories which is now France, Germany and Italy. By the European medieval practice of granting privileges or self-government freedom to local government bodies in written document was called the Charter. This is one of the reasons why the Council of Europe documents on local self-government used the terms "Charter" instead of other names, such as agreement, covenant, protocol, convention, declaration or statute.

In the time of the modern state, at least from the nineteenth century onward, the principle of self-government according to the people in the locality, which took place in the Middle Ages, was again raised to combat the trend of centralisation to the central state because the local government was believed to be a shield to the basic rights of the people. Along with the development of sovereignty in modern states, the local government, together with the freedom and right of self-government that existed in the middle ages, evolved into a local government organisation that became only part of the state administration system. In addition, new ideas, principles and terms emerged in relation to the promotion of local government organisations to have characteristics based on the principle of self-government according to the will of the people in the locality such as decentralisation, local autonomy, etc. However, in drafting the Charter on the local self-government, the drafters considered several terms appropriate to the freedom of the local government in the Middle Ages for the new purpose to be provided in the Charter. These included the terms: local government, local self-determination, local governance and local autonomy. Finally, the drafters chose to use two terms: local self-government and local autonomy, while the others gave reasons for not choosing the term local government that it was merely the demonstration of the decentralised administrative system in areas smaller than the national level, however, does not provide a view of what national government should do for local government. For the term local self-determination implied self-determination leading to full independence to the extent of separation from the state which was inconsistent with the purpose of the Charter to create harmony between national government and various local governments within the country. While the term local governance was not chosen for one reason that in the early 1980s, it was not well known to scholars and lawyers. Another reason was that this term did not just refer to the government administration, it also extends to interactions between practitioners in decision-making processes that were specific within the institution but did not promote social pluralism for the purposes of the Charter.

As for the terms local self-government and local autonomy, the drafters deemed to be synonymous, and they both indicated the degree of independence in the internal affairs of public bodies under their own rules. However, the term local autonomy still had a questionable meaning because it was linked to the notion of self-independence without state intervention, which seemed dangerous to the unity of the state. While the term local



self-government refers only to the administration of the internal affairs of the local government organisation with representatives of the local people as the administrators, which are still part of the state administrative structure that are not Separated from or against the state And for the aforementioned reasons, the English version of this charter adopted the term “Charter of the Local Self-Government”, but in the French version of the Charter adopted the term “Charte de L’autonomie Locale or in English “Charter of Local Autonomy”, which encouraged mutual exchange of knowledge and created a more harmonious practice through the application of the provisions of the Charter.

After World War II, the Council of Europe, an international organisation was established in 1949 with the aim of strengthening the concept of democracy and European unity. The Council of Europe would like to be an organisation linked to local government organisations at the supranational level to protect and promote the right of local self-government. Beginning in 1952, the Consultative Assembly of the Council of Europe, or what is now known as The Parliamentary Assembly of the Council of Europe, established a Special Committee on Municipal and Regional Affairs to monitor and carry out its mission. The concept of the principle of self-government according to the will of the people in the locality is increasingly driven more concrete when the General Assembly of Europe’s Municipalities held a meeting in 1953 and approved the European Charter of Municipal Liberties, whose content was to promote and protect the right to self-government the role of local people and the mission of local government organisations to exist in the domestic law, especially in the constitution of the country. In addition to the European Charter of Municipal Liberties, there is also an important document that influences the drawing up of the European Charter on Local Self-Government, the Declaration of Principles on Local Autonomy, which was approved by the European Conference of Local Authorities in 1968 and later approved by the Parliamentary Assembly in 1969 with content including the right to freedom in local affairs, local elected administrators, promoted and protected by law and the constitution, and the right to join as an association, etc. The content of the two documents is almost the same and can be considered a prototype of both the written provisions and the concept of the subsequent European Charter on Local Self-Government but these documents are not bound by international law and are merely a framework for cooperation.

In 1981, the Standing Conference of Local and Regional Authorities of Europe, later in 1994, was changed to the Congress of Local and Regional Authorities of Europe, proposed a draft Charter of Local Self-government to the Committee of Ministers of the Council of Europe. The Committee submitted the draft Charter to the Steering Committee for Regional and Municipal Matters, which is currently the Committee of Local and Regional Democracy to review and revise the draft Charter of Local Self-Government, with proposals from a wide range of perspectives from discussion at the meeting of the Conference of European Ministers responsible for Local Government. This meeting emphasised the principle of local autonomy and binding as a treaty under international law. After consideration to revise the various provisions of this draft Charter which has taken almost two years. The revised draft Charter was returned to the meeting of the Conference of European Ministers responsible for Local Government to recheck the draft Charter again. The Council unanimously resolved the principles contained in the draft Charter and required the Charter to have legal status as an international treaty in 1984. The European Charter of Local Self-Government was finally approved by the Committee of Ministers of the Council of Europe on 27 June 1985. It was officially opened for signature in Strasbourg on 15 October 1985, whereby Article 15, paragraph 2 of the European Charter of Local Self-Government, was set to come into force on 1 September 1988. By ratification of this Charter, the member States are called upon to make an obligation to implement their domestic

law on local government in accordance with the provisions of the Charter, with the Congress of Local and Regional Authorities of Europe is responsible for monitoring the implementation of the Charter. (Council of Europe, 2007)

2. Content of the Legal Measures in the European Charter of Local Self-Government of the Council of Europe

The concept of the principle of self-government according to the will of people in the locality has become a legal measure in the status of international law that provides a framework and a guide for member States to be bound and acted upon. The legal measures contained in the provisions of the Charter will help to promote and ensure the principle of self-government according to the will of people in the locality in the name of the Principles of Local Self-Government to the local government organisations of the member States of the Council of Europe. The study found that the key legal measures enacted in this Charter are as follows. (Council of Europe, 2010)

2.1 Legal Guarantees in the Legal System of the Member States

The Charter sets out legal guarantees in the provision of Section 2 of the Charter that stipulates that the principle of local self-government shall be recognised in domestic legislation and in Article 11 of the Charter providing protection to local government organisations, stipulating that local government organisations shall have the right of recourse to remedies from the courts for the protection of the free exercise of powers and respect for this principle of local self-government as are recognized and protected in the constitution and domestic law.

2.2 Conceptual Framework of Local Self-Government

In the provision of Article 3, paragraph 1 of the Charter, the concept of local self-government is defined as the rights and ability of local government organisations within the limits of the law to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.

2.3 Characteristics of the Rights User of the Local Government Organisations

In the provision of Section 3, paragraph 2 of the Charter provides that the right users of local government organisations have characteristics consisting of a council or assemblies composed of members freely elected by secret ballot on the basis of direct, equal and universal suffrage, and which may possess executive organs responsible to them. However, the exercise of these rights shall in no way affect recourse to any other form of direct citizen participation where it is permitted by the law.

2.4 The Powers and Responsibilities of the Local Government Organisations Shall be in Accordance with the Law

In the provision of Article 4, Paragraph 1 of the Charter, the basic powers and responsibilities of a local government organisations shall be prescribed by the constitution or by domestic law. However, it shall not prevent the exercise of authority of the local government organisations for specific purposes as permitted by the law.

2.5 Discretion of the Local Government Organisation

In the provision of Article 4, Paragraph 2 of the Charter, the local government organisations have full discretion, within the scope of the law, to initiate any action within the scope of their powers and responsibilities. This discretion demonstrates the ability of local government organisations to self-governing according to the will of the local people.

2.6 Mission Allocation to Local Government Organisations

In the provision of Article 4, Paragraph 3 of the Charter, the principles for allocating missions to local government organisations shall be assigned to the local government organisation closest to the people first,



including taking into account the scope and nature of the mission, as well as the requirements of efficiency and economy.

2.7 Characteristics of Powers and Responsibilities Assigned to Local Government Organisations

The powers and responsibilities assigned to the local government organisations must be in accordance with the provision of Article 4, paragraph 4 of the Charter provided, that is, the local government organisations shall be full and exclusive. They may not be undermined or limited by central or regional organisations or agencies except as provided for by the law

2.8 Delegation of Powers and Responsibilities to Local Government Organisations by Central or Regional Authority

In the case that a central or regional authority delegates powers and duties to organise certain missions to the local government organisation. The provision of Article 4, Paragraph 5 of the Charter stipulates that the local government organisations shall have reasonable discretion in order to adapt their exercise to local conditions.

2.9 Planning and Decision-Making in the Activities of Local Government Organisations

In the provision of Article 4, Paragraph 6 of the Charter, stipulates that in the planning and decision-making processes for all matters directly related to the local government organisations shall be consulted, insofar as possible, in due time and in an appropriate way.

2.10 Changes in Local Government Organisation Boundaries

In the provision of Article 5 of the Charter, in the case of changes in the local government organisation boundaries, prior consultation with the local community concerned must be consulted in advance, which may be referred to as a referendum. This is to allow local communities that are direct stakeholders to participate in such decisions.

2.11 Determination of the Internal Structure of the Local Government Organisations

In the provision of Article 6, paragraph 1 of the Charter, the autonomy of internal administration structures is given to local government organisations in order to allow them to adapt to local needs and to achieve administrative efficiency.

2.12 Service Personnel of the Local Government Organisations

The local government service personnel, such as officers, employees, and workers working in the local government organisation, is important person to the provision of public services of the local government organisations. For this reason, the provision of Article 6, paragraph 2 of the Charter, requires that the conditions of service provided by service personnel are be established in order to ensure the quality of service, including recruiting highly qualified personnel on the basis of competence and moral system, and providing adequate training opportunities, as well as defining compensation and career advancement.

2.13 Elected Representatives of Local Government Organisations

The local elected representatives are constituted in the exercise of the functions of the local government organisations that represents their own governing body and from persons that reflect the will of the people in locality. In the provisions of Article 7 of the Charter provided that in performing the functions of such representative, there shall be a condition of position in order to be free in performing functions and to provide financial compensation appropriate to the operating expenses, compensation for the loss of earnings and remuneration for work done, including protection in social welfare. In addition, it shall be established by law that any functions and activities contrary to the holding of such representative position.

2.14 Administrative Supervision of Local Government Organisations

In the provisions of Article 8 of the Charter, the administrative supervision of local government organisations may only be exercised according to such procedures and in such cases as are provided by law, with the aim of ensuring that the local government organisations is in compliance with the statute and constitution. It also requires that the supervision shall be exercised in such a way as to ensure that the intervention of the controlling organisation is kept in proportion to the importance of the interests which it is intended to protect. This article aims to determine the scope of the controlling organisation not to exercise control over the local government organisations until it affects the principle of self-government according to the will of the people in the locality.

2.15 Financial Resources of Local Government Organisations

In the provision of Article 9 of the Charter provides that local government organisations shall be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers. The financial resources shall also be commensurate with the responsibilities provided for by the law. Part at least of the financial resources shall derive from local taxes and charges of which, within the limits of law, they have the power to determine the rate. It also stipulates that the financial system of the local government organisation must be diverse, flexible and easy to adapt.

Article 9 also provides protection for financially weaker local government organisations by providing assistance on financial equality and financial balance, which shall not diminish the discretion of local government organisations, including consultation to review and allocate appropriate financial resources. Furthermore, the grants for local government organisations shall be general in order to allow local government organisations to exercise their discretion freely in use of the grants according to their mission, as well as the local government organisations may borrow money for investment from the national capital market within the limits of law.

2.16 Association of Local Government Organisations

In the provision of Article 10 of the Charter stipulates that the local government organisation shall enjoy the right to establish cooperation and to form an association within the framework of the law in order to carry out tasks of common interest. The legal right of local government organisations to become a member of an association is to protect and promote the common interests and recognition of states for membership of international associations. However, the local government organisations have to comply with certain conditions stipulated by the law.

3. Example of the Application of the European Charter of Local Self-Government in some Countries

The European Charter of Local Self-Government is an international law that sets the standard for the protection of the rights of local government bodies and requires those ratified member States to comply with the legal measures provided in this Charter. The Congress of Local and Regional Authorities of Europe is responsible for monitoring and evaluating the implementation of the Charter taking place in each member State. The study of the effect of the charter took place in three member states: Denmark, Spain and the Netherlands, which is unitary-state country like Thailand, the results are as follows

3.1 Denmark

Denmark joined the Council of Europe on 5 May 1949 and was also a co-founder. Denmark signed the European Charter of Local Self-Government on 15 October 1985 and ratified it on 3 February 1988 (Congress of Local and Regional Authorities, 2013a)



3.1.1 Problems

(1) Lack of clarity on assigning powers and duties to local government organisations that still have overlapping powers and responsibilities; (2) The inadequacy of financial resources used by the local government organisations to perform their responsibilities and the insufficiency of the mechanisms for maintaining financial equilibrium, including the distribution of unequal and appropriate financial burdens to the local government organisations; (3) State supervision is too strict that it impedes the access to capital in the money market; (4) The reduction of the authority of the local government organisations at the lower level by transferring to the local government organisations at the higher level. So that it may not be able to meet the needs of local people at the lower level directly; (5) Limited revenue collection competences of regional local government organisations, causing insufficient financial resources to be self-sufficient because they rely solely on a central source of income.

3.1.2 Recommendations

(1) Clearly define the scope of powers and responsibilities of local government organisations and correct the overlapping of powers and responsibilities between local government organisations; (2) Allocate financial resources to the local government organisations sufficiently and appropriately for the performance of its powers and responsibilities; (3) Improve the methods of maintaining financial equilibrium and to distribute the budget equally and efficiently; (4) Revise the State's supervisory procedures *vis-à-vis* local government organisations in order to facilitate their access to the national capital markets; (5) Improve the improper powers and responsibilities of the regional government organisations to have sufficient powers and responsibilities to solve problems and respond to the needs of the local people appropriately, as well as giving the power to levy taxes by themselves in order to have adequate financial resources.

3.2 Spain

Spain became a member of the Council of Europe on 24 November 1977 Spain signed the European Charter of Local Self Government on 15 October 1985 and ratified this Charter on 3 February 1988. (Congress of Local and Regional Authorities, 2013b)

3.2.1 Problems

(1) The ambiguity in the allocation of powers and responsibilities to local and regional government organisations cause the waste of financial resources and inefficient public services in the area; (2) The determination of remuneration or salary to local elected representatives is not systematic and confusing, including efforts to reduce these compensation costs. As a result, the number of elected representatives had to be reduced, affecting the democratic conditions in the local area; (3) decentralisation of powers and responsibilities to local government organisations but did not provide adequate resources for the performance of their powers and responsibilities; (4) Policies and measures to create fiscal independence for local government organisations are not effective. Local government organisations still rely on central budget allocated as a priority and do not have their own direct income; (5) The administration of small local government organisations faces inadequate financial problems due to methods of maintaining the fiscal balance and unfair distribution of financial resources between small and large local government organisations; (6) Government policies that focus on improving the efficiency of the administration of local government organisations without considering the autonomy of the administration according to the authority of the local government organisation.

3.2.2 Recommendations

(1) In the reform of the government's administrative system, the principle of subsidiarity and the principle of one competence corresponds to one administration should be applied to avoid overlapping of powers and responsibilities in the same area and create efficiency in the preparation of public services, which will save the budget; (2) The government should take into account the proposals from the national local government associations and the local government organisations for consideration of the reform of local government law; (3) revise the law to determine the minimum and maximum rates of remuneration to be paid to local elected representatives using the same intent and criteria as the payment of remuneration to members of the Parliament in that area. This will support the representatives of the local government to perform their functions perfectly; (4) create a guarantee in the laws of the Parliament stating that the decentralisation of duties to local government organisations shall also provide adequate financial resources; (5) Promote fiscal independence of local government organisations by creating a sustainable state of the local government organisation's fiscal status, especially by allowing local government organisations to have their main source of income, such as local taxes, that is not income from the budget allocated by the central government; (6) Clearly stipulated in the law on the relationship between the central and local government organisations, including related agencies; (7) In the merger of local government organisations, an appropriate consultation process shall be established every time.

3.3 Netherlands

The Netherlands joined the Council of Europe on 5 May 1949 and was also a co-founding country. The Netherlands signed the European Charter of Local Self-Government on 7 January 1988 and ratified the Charter on 20 March 1991. (Congress of Local and Regional Authorities, 2014).

3.3.1 Problems

(1) Lack of legal protections because the principles of local self-government have not been defined in the Dutch legal system, such as in the Constitution or the laws of the Parliament; (2) The allocation of powers and duties between the local government organisations are not clear; (3) Relationship between the central government and the local government organisations where the law requires the local government organisations to perform duties under strict supervision; (4) The planning and decision-making process for local impact activities does not yet have a consultation mechanism which must be clearly defined in the law; (5) The financial resources are insufficient to make the local government autonomy of decision-making and self-reliance because it still depends on the allocation and transfer of budget from the central government. In addition, the collection of local tax revenues remains limited, which should be reformed.

3.3.2 Recommendations

(1) The principles of local self-government shall be prescribed in the Constitution or the laws of the national parliament; (2) Promote autonomy and appropriateness in the performance of powers and responsibilities of local government organisations, especially improving the missions of cooperation between the central and the local government organisations under strict supervision; (3) Strengthen the mechanism for consultation and participation in planning and decision-making processes in all affairs of local government organisations; (4) revise the fiscal law of the local government organisation in order to be free from dependence on the central budget, and budget should be allocated sufficiently and suitable for the performance of duties in accordance with the scope of authority. In addition, local tax laws should be revised in order to determine the local government organisations have their own income and set their own tax rates.



Summary and Suggestion

The principles of self-governance according to the will of local people have evolved influenced by key concepts: Concepts of rights and competence in self-government in conjunction with the concept of local democracy. This is due to the introduction of the principle of local self-government as it appeared in the Middle Ages and applied to the principles of democracy that have been popular since the nineteenth century to be used as a basic concept in the development of local government. Until the draft charter that was developed, approved by the Committee of Ministers of the Council of Europe on 27 June 1985. The European Charter of Local Self-Government has a treaty status under international law. It was officially opened for signature on 15 October 1985. The Charter came into force on 1 September 1988 under monitoring and evaluating the implementation by the Congress of Local and Regional Authorities of Europe.

In the content of the legal measures of the European Charter of local self-government, it was found that the main contents are: (1) Creating legal guarantees for principles of local self-government; (2) Establishing a basic conceptual framework of the principles of local self-government; (3) Establishing legal measures for building rights and capacities for local government organisations in various activities such as autonomy in determining the management structure, having human and financial resources belonging to the local government organisation and sufficient for the performance of duties and responsibilities, Autonomy in decision-making in the performance of duties as prescribed by law, including the protection of local government organisations from overuse of supervisory power that affects their autonomy or self-government; (4) Establishing legal measures for promoting the principle of local democracy so that a local government organisation is an organisation belonging to the local people and administered and decided by the local people, including being an organisation that performs powers and responsibilities for the benefit of local people.

As a result of the application of the European Charter on Local Self-Government in member States, namely Denmark, Spain and the Netherlands. It was found that there were significant problems which are: (1) Centralisation of power into the center leads to overly strict supervision; (2) Legal guarantees for the protection of self-government rights of local government organisations in some countries have not yet been established in their legal systems; (3) The allocation of authority between the central and local government organisations still overlaps in the area; (4) The independence of the local government organisation's financial resources is insufficient; (5) The role of elected representatives of the local government organisation has not been fully recognized, and the determination of the means for participation of local people has not yet been achieved.

Suggestions for solving such problems are: (1) The reform of the state administration system concerning local government in the country must take into account concerning the administrative autonomy, ability, resources and competence, including appropriate centralized supervision; (2) Creating legal guarantees for incorporating the contents of the Charter in the constitution and domestic laws; (3) Reform of the local government organisation's fiscal system to have their own income and sufficient to perform their duties in order to reduce dependence on the central budget; (4) Development of a system of elected representatives of the local government by taking into account about the number, eligibility, compensation, welfare, performance of duties, work monitoring, and ethical systems; (5) Establish legal measures to promote the participation of local people that are clear, practical and that must be convenient for the people.



References

Council of Europe. (2007). *50 Years of Local and Regional Democracy*. Strasbourg: Council of Europe.

Council of Europe. (2010). *European Charter of Local Self-Government and Explanatory Report*. Strasbourg: Council of Europe.

Congress of Local and Regional Authorities. (2013a). *Local and Regional Democracy in Denmark*. Strasbourg: Council of Europe.

Congress of Local and Regional Authorities. (2013b). *Local and Regional Democracy in Spain*. Strasbourg: Council of Europe.

Congress of Local and Regional Authorities. (2014). *Local and Regional Democracy in Netherlands*. Strasbourg: Council of Europe.