



Recommendation 295 (1961)¹

Protection and development of local autonomy

Parliamentary Assembly

The Assembly,

Considering that local autonomy represents the most ancient and solid basis of the political structure and fundamental freedoms of European civilisation;

Considering that local authorities have an essential contribution to make to the proper functions of the democratic State, and can make that contribution only if they are given a large measure of autonomy;

Considering the European Charter of Municipal Liberties adopted by the first States-General of European Municipalities at Versailles on 18th October 1953;

Considering [Opinion No. 6](#) of the European Conference of Local Authorities on the protection and development of local autonomy adopted on 14th January 1957;

Believing that, in addition to these general declarations of principle, it is desirable that the member States of the Council of Europe should undertake legal obligations for the protection and development of local autonomy;

Considering that an appropriate means of doing so would be the inclusion in the Second Protocol to the Convention on Human Rights of an appropriate article relating to local autonomy, analogous to the Article in the First Protocol on free elections,

Recommends to the Committee of Ministers that it should instruct the Committee of Experts now engaged in drafting the Second Protocol to include therein an article on the protection of local autonomy based on the following draft :

1. The High Contracting Parties undertake that local communities shall have the right to be governed freely by their elected representatives; the form of local government and the rights and duties of local authorities shall be determined by law and safeguarded by an effective remedy before a national authority
2. The local authorities shall have their own financial resources and shall receive from the State out of the general revenue such additional resources as they need to meet the expenditure which they have to bear in the general interest".

1. Assembly debate on 26th September 1961 (16th Sitting) (see [Doc. 1319](#), Report of the Legal Committee). Text adopted by the Assembly on 26th September 1961 (16th Sitting).

