

Statement by the VII Forum

The Local Government Forum insists that the Government of the Republic of Estonia start immediately following the precepts of the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) in full!

On the initiative of the first Local Government Forum, the delegation of the Association of Estonian Cities and the Association of Municipalities of Estonia addressed the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) in Strasbourg in 2009 in order to ask the Council of Europe for its opinion on the issue of whether the cuts made to the budgets of the local governments of Estonia by the Government of the Republic of Estonia in its supplementary budget met the terms and conditions of the European Charter of Local Self-Government. After the aforementioned inquiry, the budgetary situation of Estonian local governments became even more critical after the Parliament approved the second negative supplementary budget in 2009.

As a result of the inquiry, the delegation of CLRAE paid a visit to Estonia and met the representatives of our government bodies, the Parliament, the Supreme Court, the national associations of sub-central government entities and the cities of Tallinn and Haapsalu. One month before the arrival of the CLRAE delegation in Estonia, in March 2010 the Supreme Court passed judgement no 3-4-1-8-09, which made it obligatory for the government to make a clear distinction in future laws between the monetary funds granted to local governments for the purpose of deciding over and organising matters concerning local life and the funds granted for carrying out duties of the state. The state was also obliged to allocate funds in the state budget that would be intended for local governments in order to enable them to carry out the duties of the state prescribed to the local governments by the law.

At the meeting of the Chamber of Local Authorities of CLRAE that took place in October 2010, recommendation no 294 (2010) concerning the local democracy of Estonia was approved, which was then noted by the Committee of Ministers of the Council of Europe in November 2010.

The Chair of Local Self-Government and Regional Policy of the Tallinn University of Technology, headed by Professor Sulev Mäeltsemees, commissioned by the Tallinn Development and Training Centre Foundation, presented an overview in September 2011 on how the Government of the Republic of Estonia has followed the precepts during the period between 26 October 2010 and 1 September 2011.

The CLRAE report included nine clear instructions, the last of which was the requirement that the authorities of Estonia were to inform the Congress of the follow-up measures undertaken on the basis of the recommendations listed in the report. The analysis conducted by the Tallinn University of Technology shows that only one of the recommendations listed has been followed – the recommendation concerning the ratification of the supplementary protocol of the European Charter of Local Self-Government concerning the right to participate in the activities of sub-central government entities. The Government of the Republic of Estonia has neither taken any considerable steps towards implementing the

other eight recommendations nor shown its good will to do so. On the contrary, the situation has even worsened when the recommendation about the proportion of the resources allocated to local governments is concerned.

§ 154, section 2 of the Constitution of the Republic of Estonia states that it is the right of sub-central government entities to have the duties of state imposed on it fully funded by the state budget. This right is a protective measure against the sub-central government unit's need to use the funds intended to be used for fulfilling the duties of the local government for carrying out its duties of state. The situation that necessitates the local government units to find resources for covering the cost of carrying out the duties of state on the expense of the funds intended for carrying out local duties or choose which duties to carry out, is contrary to the constitution.

The Local Government Forum expresses its protest against the unwillingness of the Government of Estonia to follow the European Charter of Local Self-Government, the Constitution of the Republic of Estonia and the judgements of the Supreme Court. We insist that the Government of Estonia start immediately following the precepts of CLRAE in full. Estonia needs to become a country where European values are held in high regard and the opinions of Estonian local governments and the representative body of European local governments are taken into consideration.

We hereby address these issues to the President of the Republic of Estonia, the members of the Parliament, the members of the Government of Estonia, the management board and members of the Association of Estonian Cities, the management board and members of the Association of Municipalities of Estonia, the management boards of the local government associations of Estonian counties, the heads of Latvian, Lithuanian and Finnish local government associations, the Congress of Local and Regional Authorities of the Council of Europe and its President Mr Keith Whitmore, the members of the European Parliament, the Committee of Regional Development and its Chair Mrs Danuta Hübner, the Committee of the Regions of the European Union and its President Mrs Mercedes Bresso, the Council of European Local and Regional Self-Governments and its President Dr Wolfgang Schuster, the Regional Policy Directorate-General of the European Commission and its Director General Dirk Ahner and Elżbieta Bieńkowska, the Minister of Regional Development of the Republic of Poland, the current Presidency of the European Union.

Approved at
the Local Government Forum in Tallinn on 18 November 2011