

DRAFT EUROPEAN OUTLINE CONVENTION ON MOUNTAIN REGIONS

The member states of the Council of Europe and other signatories to this Convention,

1. Considering that one of the aims of the Council of Europe is to achieve a greater unity between its members, and that this aim is particularly pursued through the conclusion of agreements in the economic and social spheres;
2. Recalling the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities of 1980, known as the Madrid Convention;
3. Recalling the recommendations and commitments made at the 1992 Rio de Janeiro Conference on Environment and Development, particularly Chapter 13 of Agenda 21;
4. Also recalling the Intergovernmental Declaration adopted at the European Consultation on sustainable mountain development (Trento, Italy, 7–11 October 1996), which considers that the mountain regions are an exceptional asset which needs to be preserved;
5. Taking into account the Salzburg Convention of 1991 on the Protection of the Alps;
6. Recalling Field of Action No. 10, on mountain eco-systems, of the Pan-European Biological and Landscape Diversity Strategy approved by the Ministers of the Environment in 1995;
7. Considering all of the resolutions and recommendations relating to mountain areas adopted by the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe;
8. Considering Recommendation 14 (1995) of the Congress of Local and Regional Authorities of Europe and Recommendation 1274 (1995) of the Parliamentary Assembly of the Council of Europe, on the draft European convention of mountain regions;
9. Noting that mountain regions cover large areas of Europe and fulfil important functions of general interest, particularly of an environmental, economic, social and cultural nature;
10. Aware that the mountain regions of Europe, in spite of their diversity, which should be preserved and promoted, experience common economic, social and environmental problems, because of their altitude, sloping terrain and climate, which call for a specific, integrated policy framed according to the principles of sustainable development;
11. Considering that this policy must be part of a pan-European regional/spatial planning policy, which must entail measures of economic and social development, the protection and management of natural resources and the respecting of local traditions and cultures;
12. Considering that the situation of the mountain regions environment represents not only a constraint, but also an opportunity for the populations living there and that it is necessary to find the right balance between their economic and social development and the protection of the environment;
13. Taking into account the transfrontier character of some mountain regions and the need to implement a coherent policy on both sides of the border;

14. Convinced that the peculiarities of mountain regions make it more difficult for their inhabitants to provide for their basic needs and that the populations should be able to maintain living and working conditions equivalent to those of other regions;

15. Considering that, for this purpose, it is important in the first instance to rely on Europe's local and regional authorities, which are closer to the territories, inhabitants and problems of mountain regions, to encourage their co-operation and to support initiatives they might take;

Have agreed as follows:

PART I: OBJECT, DEFINITION AND SCOPE

Article 1 - Object

1. The object of this Convention is to define a common framework so that:

a. each Contracting Party can establish a specific and integrated policy on the development, planning, management and protection of mountain regions and the implementation of that policy by all appropriate means;

b. bilateral or multilateral international agreements can be drawn up concerning homogeneous oreographic areas of a transfrontier nature.

2. The aim of the common framework referred to in Article 1 is to guarantee for mountain populations conditions for a socio-economic development which respects the balance between human activities and the requirements of the environment, in keeping with the goals and principles set in the above Preamble.

Article 2 - Definition of mountain regions and territorial scope

1. For the purposes of this Convention, the Contracting Parties interpret "mountain regions" to mean areas whose altitude, sloping terrain and climate create special conditions which affect the pursuit of human activities.

2. In accordance with Article 12(1) below, any State may designate the regions of its territory, corresponding to the above definition, to which the Convention shall apply.

PART II: PRINCIPLES AND INSTRUMENTS

Article 3 - Principles

1. The specific nature of mountain regions must be legally established by the Contracting Parties; a policy must therefore be developed for the benefit of these regions, mainly favouring traditional activities and framed according to the principles of sustainable development.

2. The local authorities should be involved in the definition, formulation and application of measures required for the implementation of this policy, according to their respective powers and to the principle of subsidiarity. The Contracting Parties undertake to develop the role of local and regional authorities when preparing and implementing their mountain policies, by

strengthening their powers and their financial resources and by facilitating, wherever necessary, transfrontier co-operation.

3. Co-operation between local authorities and between regions, within a national, transfrontier and transnational framework, should facilitate the implementation of the mountain policy.

Article 4 - Instruments

With a view to implementing a mountain policy stemming from this Convention, each Contracting Party undertakes to:

a. apply adequate instruments for the development and protection of mountain areas. These instruments, in the form of global, integrated plans and programmes, shall be defined in the most suitable territorial context: local, regional, national or transfrontier. They shall cover territories that are homogenous and coherent from the functional point of view;

b. adapt and increase the effectiveness of the various sectorial policies already in force and ensure their co-ordination and their integration into a comprehensive approach;

c. foster inter-municipal, interregional and transfrontier co-operation and, where appropriate, seek to conclude bilateral and/or multilateral international agreements covering homogenous transfrontier territories.

2. In order to apply paragraph B above, each Contracting Party undertakes to take the appropriate measures, within the framework of the sectorial policies concerned, in the legal, administrative, fiscal, economic and financial spheres, drawing on the pointers which appear in the appendix to this Convention.

PART III - STANDING COMMITTEE

Article 5 - Composition and functioning

1. For the purposes of the Convention, a Standing Committee shall be set up.

2. Any Contracting Party may be represented on the Standing Committee by a delegation comprising representatives of mountain regions. Each delegation shall have one vote. The Parliamentary Assembly of the Council of Europe and the Congress of Local and Regional Authorities of Europe (CLRAE) shall participate as observers.

3. In the event of its accession to the Convention, the European Community, within the areas of its competence, shall exercise its right to vote with a number of votes equal to the number of its member states which are Contracting Parties to this Convention; the European Community shall not exercise its right to vote in cases where the member states concerned exercise theirs, and conversely.

4. Any member state of the Council of Europe which is not a Contracting Party to the Convention may be represented on the Committee as an observer.

The Standing Committee may, by unanimous decision, invite any non-member state of the Council of Europe which is not a Contracting Party to the Convention to be represented by an observer at one of its meetings.

Any body or agency technically qualified in this field may apply for observer status with the Standing Committee. The Standing Committee may, by a simple majority, accept such a request.

5. The Standing Committee shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within one year of the date of the entry into force of the Convention. It shall subsequently meet at least every two years and whenever a majority of the Contracting Parties so request.

6. A majority of the Contracting Parties shall constitute a quorum for holding a meeting of the Standing Committee.

7. Subject to the provisions of this Convention, the Standing Committee shall draw up its own Rules of Procedure.

Article 6 - Competence

1. The Standing Committee shall be responsible for monitoring the application and the implementation of this Convention. It may in particular:

a. make recommendations to the Contracting Parties concerning measures to be taken for the purposes of this Convention;

b. recommend the appropriate measures to keep the public informed about the activities undertaken within the framework of this Convention;

c. make recommendations to the Committee of Ministers concerning non-member States of the Council of Europe to be invited to accede to this Convention;

d. make any proposal for improving the effectiveness of this Convention.

2. In order to discharge its functions, the Standing Committee may, on its own initiative, arrange for meetings of groups of experts.

Article 7 - Report on the application of the Convention

After each meeting, the Standing Committee shall forward to the Committee of Ministers of the Council of Europe a report on its work and on the functioning of the Convention.

Each contracting Party shall inform the Standing Committee of all measures taken in application of this Convention.

Article 8 - Publicity of proceedings

The Standing Committee will periodically - and at least every five years - make a detailed report to the Parliamentary Assembly and to the CLRAE on the application of this Convention.

PART IV: FINAL PROVISIONS

Article 9 - Signature and ratification

This Convention is open for signature by the member states of the Council of Europe and by the European Community. It will be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 10 - Entry into force

1. The Convention will enter into force on the first day of the month following the expiry of a period of three months after the date on which five states of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 9.

2. In respect of any member state or of the European Community, which may subsequently express its consent to be bound by the Convention, the latter shall enter into force on the first day of the month following the expiry of a period of three months after date of the deposit of the instrument of ratification, acceptance or approval.

Article 11 - Accession by non-member states

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any non-member state of the Council of Europe to accede thereto.

2. In respect of any acceding state, the Convention shall enter into force on the first day of the month following the expiry of a period of three months after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 12 - Territorial clause

1. Any Contracting Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which, in accordance with Article 2 above, the present Convention shall apply, in consultation with the local and regional authorities and other representatives of the mountain regions concerned.

2. Any Contracting Party may, at any later date, extend the application of this Convention to any other territory meeting the conditions of Article 2 of the present Convention, for whose international relations it is responsible or on whose behalf it is authorised to give undertakings, by specifying it by declaration addressed to the Secretariat of the Council of Europe.

Article 13 - Denunciation

1. Any Contracting Party may, at any time, denounce this Convention by means of notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiry of a period of six months after the date of receipt of the notification by the Secretary General.

Article 14 - Notifications

The Secretary General of the Council of Europe shall notify the member states of the Council of Europe and any state which has acceded to this Convention of:

- a.* any signature;
- b.* the deposit of any instrument of ratification, acceptance, approval or accession;
- c.* any date of entry into force of this Convention in accordance with Articles 9 and 10;
- d.* any report established in pursuance of the provisions of Articles 7 and 8;
- e.* any other act, notification, declaration or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg,, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any state invited to accede to this Convention.

APPENDIX

Pointers with a view to application of Article 4 (1) (b) of the Convention

A. Pointers relating to the various sectorial policies concerned

1. Economic diversity and multiple job-holding

Stimulation of the diversity of economic activities and promotion of multiple job-holding, by taking all useful decisions, particularly as regards labour law, social protection, taxation and training.

2. Agriculture and forestry

1. Application of an agriculture and forestry policy adapted to the specificity of mountain areas, to the protection of the environment and to the multi-functional role of agriculture, favouring the modernisation of this sector of activities and the diversification and marketing of production by developing policies based on quality for each type of product.

2. This policy shall, in particular:

- a.* guarantee the conditions of continuity of agricultural, forestry and pasture lands, farms and mountain crops;
- b.* foster complementary economic activities;
- c.* support agricultural and forestry management initiatives contributing to the protection and management of the environment;
- d.* compensate for the natural and ecological constraints inherent in mountain areas;
- e.* take measures for the protection, development and sustainable use of forests.

3. Industry, crafts, trade and private services

1. Development of industry, crafts, trade and private services, taking into account the special conditions of mountain regions.

2. Strengthening of co-operation, especially among small enterprises and also among the different sectors of the economy, including agriculture, forestry and tourism;

3. Introduction of scientific research and technological development and creation or improvement of networks for transfer of technology and innovation in mountain regions.

4. Tourism

1. Fostering and supporting of initiatives contributing to the development of quality tourism which is respectful of the natural, economic, social, heritage and cultural environments of mountain regions, especially those taken by local and regional authorities exercising their powers.

2. Encouragement of quality tourism respectful of the ecological specificity of every site, and adaptation of the capacity of infrastructure and services;

3. Fostering of year-round tourism;

4. Regulation of the exercise of dangerous recreational activities or those liable to undermine the environmental balance, and raising of tourists' awareness of these problems.

5. Housing, living environment and infrastructure

1. Supervision to make sure that permanent residents are not affected by real-estate market distortions caused by the demand for second homes;

2. Consolidation and promotion of existing housing and control of the establishment of second homes;

3. No practice of discrimination against mountain regions as compared with the rest of the territory with regard to housing and basic amenities and public services;

4. Easy access for mountain communities to nearby public services;

5. Maintenance of public amenities or services in mountain regions, irrespective of their profitability.

6. Transport

While respecting environmental constraints and the need to protect the health and quality of life of the population of mountain regions:

1. Promotion of safe, year-round accessibility of mountain regions;

2. Improvement of rail transport for international transit and interregional traffic, and especially at local level, and promotion of public transport;
3. Improvement of regional, interregional and transfrontier communication routes, taking account of Community rules on environmental impact assessment.

7. Energy

1. Turning to account of endogenous resources and exploitation of hydroelectric potential in a manner compatible with environmental requirements;
2. Redistribution to mountain authorities of revenue earned by their hydraulic resources;
3. Consolidation of programmes for the development of alternative and renewable energy sources.

8. Environment

1. Protection and sustainable management of soils, water and air, of sites, landscapes and degraded areas, the conservation of fauna and flora and their habitats and, where appropriate, their rehabilitation;
2. Conducting of impact studies on the environment for all infrastructure and industry or tourism schemes, and also programmes or policies which are liable to cause significant or lasting damage to the environmental resources of mountain areas;
3. Delimitation, in the plans and programmes referred to in Article 4(a) of the Convention, of the areas where building, public amenities, traffic or other activities prejudicial to the environment must be restricted, avoided or, if necessary, prohibited;
4. Inventory of areas prone to natural hazards and implementation of a policy of hazard prevention to guarantee the safety of persons and property.

9. Education and training

1. Promotion of access to education and, taking into account the necessity of adult education, maintenance of schools in mountain areas and organisation of them so as to avoid long journeys for pupils, in particular by fostering distance learning and the development of education technologies.
2. Setting up of training circuits, tailored to the economic needs of mountain areas, such as technical and vocational training techniques and training in specific mountain professions.

10. Culture

1. Respect for, and reinforcement of, the identity of mountain populations and their regions;
2. Maintenance and promotion of the diversity and richness of their cultural heritage and of the activities of local voluntary associations.

11. Scientific and technical co-operation

1. Introduction or improvement of mountain information and statistics systems compatible and comparable between one country and another;

2. Promotion of networking and co-operation among any institutions concerned with the specific problems of mountain areas.

B. Pointers relating to the adoption of economic and financial measures

The economic and financial measures adopted with a view to the application of Article 4(1)(b) of the Convention may take the form of:

1. Direct assistance, tax incentives and/or payments for services rendered for the purposes of environment protection and management or of natural hazard prevention;

2. Contributions in compensation for natural handicaps or ecological constraints;

3. Equalisation systems, including tax equalisation, to help less privileged regions.