

Draft European outline convention on mountain regions - CG (7) 6 Part II

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EXPLANATORY MEMORANDUM

The mountain regions of Europe cover more than a million km², ie about 50% of the European continent, and fulfil some very important functions of general interest, particularly of an environmental, economic, social, political and cultural nature.

Each of Europe's mountain regions has its own specific problems, largely due to structural and institutional factors, making it difficult to develop common strategies to promote sustainable development in mountain regions and thereby improve the quality of life of their inhabitants.

Furthermore, the lack of proper policies - or the existence of incoherent, ill co-ordinated policies - can cause the decline of these regions, leading their inhabitants to desert them, with serious consequences for the ecological and social equilibrium of the whole European continent.

It is therefore essential that people living in mountain regions should be guaranteed sustainable and balanced economic development, the right to live and work in the mountains, the preservation of their environment and living conditions and a standard of living equivalent to those in other, more privileged urban and rural regions.

Moreover the mountains of Europe constitute an exceptional socio-cultural heritage that should be promoted, preserved and also protected, by respecting and perpetuating the social identity, traditions and culture of their people.

The economic and social problems of the mountain regions (the "mountain question") have been the subject of increasing attention in recent years on the part of state and regional decision makers as well as the European institutions and, in particular, the Council of Europe.

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Under the aegis of what was then the Council of Europe's Standing Conference of Local and Regional Authorities and its Parliamentary Assembly, an initial Conference of Alpine Arc Regions was held in Lugano (Switzerland) in 1978. The main outcome of that conference was the adoption of a final Declaration by the representatives of the authorities responsible for the Alpine arc regions and the intergovernmental organisations concerned, calling for appropriate measures to develop and protect the Alpine mountain range.

Ten years later, in Trento (Italy) in 1988, the second European Conference of Mountain Regions, anxious to build on the results already achieved, extended the scope of its final Declaration to all the mountain regions of Europe. Participants at the Trento conference also called for a binding legal instrument that would bring together in a single document all the efforts to achieve adequate economic development for Europe's mountain regions while preserving their often very fragile natural environment.

Accordingly, the body which represented and continues to represent the local and regional authorities of Europe, ie the CLRAE or Conference, until 1994, then Congress of Local and Regional Authorities of Europe, based on the democratic European spirit that characterises it, set about the task of laying down essential policy guidelines for the development and protection of Europe's mountain regions. In view of the fact that many mountain regions straddle national borders, such a policy could be effectively developed only in the framework of transfrontier and European legal instruments combining measures to protect the natural environment with sustainable and balanced economic development.

An initial draft of such a text was approved at Chamonix in 1994, at the 3rd European Conference of Mountain Regions, by more than 200 participants from 20 Council of Europe member states. This draft text was the result of a basic initiative and a vast survey conducted in the mountain regions themselves: regional and local authorities, transfrontier organisations and various associations aired their views and made suggestions.

The resulting Charter attempted to look beyond the traditional dichotomy between economic development and environmental protection, based on the conviction that mountain regions must make it a priority not only to guarantee the conditions necessary for the development - cultural, economic, political and social - of the local population, but also, at the same time, protect their natural resources for the sake of the ecological equilibrium of the continent.

This Charter is by no means in contradiction with the Alpine Convention. On the contrary, it complements and supplements it; the Alpine Convention is a legal instrument confined to the Alpine mountain range and focused mainly on protecting the natural environment, with little impact on the economic development of the communities concerned or their role in land management. In giving his support to the European Charter of Mountain regions in Chamonix, Mr BARNIER, who chaired the Alpine Conference and is currently European Commissioner for regional policy, fully highlighted its compatibility with the provisions of the Alpine Convention.

On 30 and 31 May 1995 the Congress approved the European Charter of Mountain Regions and adopted Recommendation 14 (1995) inviting the Committee of Ministers to examine the draft Charter with a view to its adoption. The Recommendation too stressed the complementary nature of the respective provisions of the Charter and the Alpine Convention, in terms not only of geographical scope but also of the different objectives pursued, target populations and procedures envisaged.

As one of the purposes of the Charter is to prompt the institutions of the European Union to implement a specific policy for the Union's mountain regions, the Recommendation also invites the European Community to become a party to it once it comes into force. In this spirit, policies in favour of mountain regions must come under general programmes - capable of forming a standard reference for any other sectoral policy - and comprise suitable legal, administrative, fiscal, economic and financial measures.

In terms of its geographical scope and the populations affected, the Charter concerns all of Europe's mountain regions, their populations and the competent political and administrative authorities at the regional, national and European levels.

In order to cover all of Europe's mountain areas it was necessary to adopt a general, fairly flexible and open definition of the term "mountain region" - based on such parameters as altitude, slope and climate - and it was left to the Parties, in consultation with the

representatives of the mountain regions concerned, to designate the territories to which the Charter should apply.

In order to place the interests of mountain populations at the heart of the policy-making effort, while seeking a proper balance between human activities and ecological requirements, the text calls on the Parties to respect the specific characteristics of mountain regions, to frame comprehensive planning policies for mountain areas and to foster better intermunicipal, inter-regional and transfrontier co-ordination.

Political reactions to the draft European Charter were particularly favourable.

On 21 April 1995, by a large majority, the Committee of the Regions of the European Union adopted an Opinion of its own initiative concerning this project that raised two important points:

1. one of the main reasons for the difficulty experienced in achieving a proper "balance" between the regions of Europe lies in the fact that the concept of the "mountain" region is diluted in that of underprivileged or underdeveloped areas in general, whereas the specific needs of these regions call, on the contrary, for the definition of specific objectives and suitable, distinctive measures in keeping with those specific needs.

2. Partnership between local and regional authorities and the European institutions is fundamental for the development of a co-ordinated policy on mountain regions.

In its statement the Committee of the Regions approved the analysis, the orientations and the policies proposed by the draft Charter, which it considered apt to provide an effective answer to the specific problems of mountain regions, and noted that the whole could serve as a basis for a mountain policy defined in sufficiently general and flexible terms to allow for the different contexts and the differences between mountain regions.

It also considered the Charter as a particularly useful tool for strengthening local democracy, in view of the importance it gave to local authorities in devising and developing policies in favour of mountain regions. It further noted that the Charter offered a sufficiently open framework not to clash with other international conventions concerning particular mountain chains and/or particular activities, such as those in favour of the natural environment.

Finally, it called for the definition of a mountain policy by the European Union, draw inspiration from the recommendations in the draft Charter, and hoped that the competent European Union authorities would take steps to accede to the Charter as soon as it was formally adopted by the Council of Europe.

The Parliamentary Assembly of the Council of Europe likewise formally expressed its support for the Charter in its Recommendation 1274 of 27 June 1995.

The European Charter of Mountain Regions also won the support of the conference in Trento on 7-11 October 1996. In the final document of this last in a series of intergovernmental consultation sessions that had begun in Aviemore in April 1996, the Charter was officially recognised as the legal reference at the European level that could guarantee the lasting development of the mountain regions of Europe, in application of Chapter 13 of Agenda 21 of the 1992 Rio Declaration.

In December 1996 the Ministers' Deputies of the Council of Europe formally decided to set

up a group of experts to draft the text of an international convention by the end of June 1998, to be submitted to the member states for signature and ratification.

The terms of reference of the "Working Party on Mountain Regions and Rural Areas" provided for it to prepare two texts, a draft European Charter of Mountain Regions, based on Recommendation 14 (1995), and a draft European Charter for Rural Areas, based on Parliamentary Assembly Recommendation 1296 (1996), but from the outset we were faced with an attempt to merge into one agreement the principles of the European Charter of Mountain Regions and those concerning rural development in general, with the risks this entailed.

The members of the working party representing the Congress of Local and Regional Authorities and the Parliamentary Assembly of the Council of Europe fought for the two questions to be kept separate, and for the specific characteristics of mountain regions and their local authorities and populations to be recognised and not confused yet again with the problems of rural areas in general. This distinction is essential in order to secure political recognition once and for all for the specific nature of mountain regions and put a stop to the artificial association of "mountain" and "countryside" which has done so much harm to the development of our communities.

At our request the Committee of Ministers, in a decision dated 30 April 1997, confirmed the working party's terms of reference, providing for it to prepare two draft conventions: a draft European Charter of Mountain Regions on the basis of Recommendation 14(1995) and a draft European Charter for Rural Areas on the basis of Recommendation 1296(1996).

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In response to the various requirements voiced by the government representatives - particularly concerning the "form" of the draft agreement a revised version of the draft Charter in the form of an outline Convention has been presented with a view to introducing greater flexibility into the binding commitments embodied in Articles 5 to 18 of the original draft Charter, while following the guidelines laid down in Recommendations 14(1995) and 1274(1995).

This was the first step towards the adoption of an outline Convention setting forth the basic principles and aims of European policy on mountain regions, grouping together in an appended protocol the orientations that were to inspire the different sectoral policies of the Parties in sectors already identified or yet to be identified.

At its meeting in Berlin on 29 April 1998 the Committee of Senior Officials of the CEMAT examined the draft Convention and also took note of the revised version of the draft European Convention on Mountain Regions submitted by the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe.

The opinion of the CEMAT Senior Officials emphasised the fact that mountain regions fulfil important functions of general interest and acknowledged the need for a specific, integrated policy on these regions at European level, elaborated in keeping with the principles of sustainable development.

At present, in spite of the efforts of the members of the Congress of Local and Regional Authorities of Europe and the June 1998 deadline set by the Committee of Ministers for the presentation of the text of an international convention, and although the draft Charter met with

nothing but favourable reactions, the draft convention is still not among the texts submitted to the member states for signature.

The political course followed corresponds to an increasing social demand to be satisfied and to which every effort has been devoted .

In spite of all that, the mountains still have no status of their own and continue to be swallowed up in the indiscriminate, changing concept of the "underprivileged area".

Implementing adequate policies for the protection and promotion of Europe's mountain regions has now become a matter of some urgency if we are to maintain the ecological and social equilibrium of the European continent. We must implement policies in the framework of transfrontier and European legal instruments based on the complementarity between environmental protection and balanced, sustainable development.

Europe's mountain regions are an exceptional cultural heritage and their role must be duly acknowledged and enhanced. Promoting lasting development in mountain regions for the benefit of the whole continent thus requires appropriate policies acknowledging the right of mountain dwellers to live and work and to enjoy a quality of life equivalent to that enjoyed by people living in urban and rural areas.

Defining such policies is a task for a supranational authority, especially as most of Europe's mountain chains lie in border regions, so the difficulties encountered in implementing specific national and regional policies are compounded by the need for coherency between the policies implemented on either side of the border.

It is quite clear that decisions concerning the problems of mountain regions must be examined within a transnational legal framework capable of meeting the requirements of the "mountain system", which can no longer be approached from the purely national angle insofar as it has become a keystone of European integration.

Furthermore, if there is no comprehensive policy at the European level, no supranational legal framework where mountain regions are considered as separate entities, with their own needs and expectations, any major initiative taken in this field must inevitably be sector-specific and confined to certain geographical areas, and would therefore certainly not correspond to the homogeneous policy which Europe's mountain areas need.

In an age where economic globalisation makes spatial planning central to long-term sustainable development and market forces have swept away national borders, it is increasingly necessary to develop strategies on a transfrontier and transnational level.

The Outline Convention on Mountain Regions - based on the principles of subsidiarity, partnership, solidarity and participation, transfrontier co-operation and autonomy - is a practical response to this challenge, in the perspective of an integrated policy on mountain regions in a Europe faced with the same economic, social and environmental problems, which often necessitate the implementation of co-ordinated policies on both sides of national borders.

While the Alpine Convention applies to the Alps alone, our draft outline Convention proposes the concept of the "mountain region", laying down certain parameters and leaving it to the Parties to define the exact scope. In this respect, therefore, its scope is broader than that of the

Alpine Convention. In producing the protocols to the Alpine Convention the role of nature conservation bodies was paramount. The genesis of the Alpine Convention bypassed local authorities altogether; they were never involved in the preparatory work.

The two texts should not be considered as rivals but merely as "different" in their perception of the "mountain" phenomenon and the implementation of specific policies.

Beyond their differences, the two conventions are in fact complementary. In the long term the nature conservation objectives of the Alpine Convention tie in with the objectives of development, and the draft Convention on Mountain Regions also provides for the protection of the main biotopes, the extension of protected areas, more impact studies and less traffic.

In order to avoid subsequent difficulties of a legal-cum-political nature, we revised and adjusted the Charter, turning it into a draft outline Convention, less binding on the Parties, true, but nonetheless important and significant for the future development of our mountain regions.

The Congress Working Group on "New prospects for Regional/Spatial Planning and Transport Policy in Greater Europe" felt the need to highlight the importance of the adoption of the outline Convention by the Committee of Ministers of the Council of Europe. It is urgent that this instrument should be made official, stating the problems and demands of the mountain regions in the face of the guidelines and priorities of development policy on the European continent.

The Autonomous Region of the Aosta Valley decided to contribute to the effort to finalise the outline Convention by organising a seminar in St. Vincent on 28 April 2000 to examine the text in greater detail before it is submitted to the European Conference of Ministers responsible for Regional Planning in Hanover on 7 and 8 September 2000.

Following the seminar in St. Vincent the Working Group on "New prospects for Regional/Spatial Planning and Transport Policy in Greater Europe" re-examined the text of the draft Convention and amended it, emphasising the need for the member states which become Parties to the future Convention to further intermunicipal, inter-regional and transfrontier co-operation and transmit information to the Standing Committee on all measures taken in application of the Convention.

Concerning the schedule for the adoption of the draft Convention, the Working Group reaffirmed the need to obtain a decision from the Committee of Ministers of the Council of Europe following the European Conference of Ministers responsible for Regional Planning in Hanover, rejecting any suggestion of postponing the decision on the draft Convention for several years.

The draft Recommendation including the draft Convention in its appendix was unanimously approved by the Working Group.

The coming months will be decisive for the future of this international Convention, which bears witness to the role of genuine political players which the local and regional authorities are determined to assume on the European scene. This initiative of the Council of Europe - a driving force behind local and regional participation in European construction - should meet with a warm welcome on the part of the member states and - as in the case of the 1980

"European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities" - of the European Union too.