

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

COMMITTEE OF MINISTERS

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5TH CONFERENCE OF EUROPEAN MINISTERS RESPONSIBLE FOR LOCAL GOVERNMENT

(Lugano 5-7 October 1982)

Follow-up to the conclusions adopted by the conference

Secretariat memorandum
prepared by the Directorate of Environment
and Local Authorities

INTRODUCTION

1. The 5th Conference of European Ministers responsible for Local Government (actually, the 6th if account is taken of the ad hoc conference held in Lisbon in 1977) took place in Lugano from 5 to 7 October 1982 at the invitation of the Federal Councillor, Mr Pierre Aubert, member of the Swiss Government, Head of the Federal Department for Foreign Affairs.
2. Nineteen member states of the Council of Europe were represented (Iceland and Malta having sent apologies), 12 at ministerial level (Minister or Secretary of State) and 7 by senior officials. The latter included two states, the Federal Republic of Germany and Sweden, which had officially announced the participation of their Minister of the Interior. The Ministers concerned were replaced by senior officials following a change of government in the two states on the eve of the conference.

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3. The Chair was taken by Federal Councillor, Mr Pierre Aubert. In view of the fact that he had to be absent at the end of the third session and during the fourth session because of government business, he was replaced by Mr Marino Corder, Under-Secretary of State at the Italian Ministry of the Interior, who had been elected Vice-Chairman as representative of the host country to the next conference, the 6th, to be held in Rome in 1984.

4. In pursuance of Resolution (71) 44 on Conferences of Specialised Ministers, the Secretary General provided secretarial services for the conference whose preparation had been assigned, by decision of the Ministers' Deputies at their 325th meeting, to the Steering Committee for Regional and Municipal Matters (CDRM).

5. This memorandum, submitted to the Committee of Ministers in pursuance of item 8 of Resolution (71) 44 sets out briefly the conference's aims and conclusions, which are contained in Appendix IV to this document and formulates suggestions about further action which might be taken by the Committee of Ministers.

6. AIMS AND CONCLUSIONS OF THE CONFERENCE

The conference had two themes:

- I. Local autonomy: legislation, practice, prospects
- II. The state of transfrontier co-operation between territorial communities or authorities (1)

The debate on each of the two topics was introduced by a political report presented by Mr Bernard Dupont, Swiss National Councillor, and Mr Flavio Cotti, Councillor of State, member of the State Council of Ticino, respectively, and based on technical reports submitted by the CDRM.

7. The very lively conference debates undoubtedly had a political flavour which seemed to inspire genuine commitment on the part of the Ministers. In their interventions and the conclusions on the first theme they underlined the importance they attached to local autonomy as an essential part of the European democratic system and stressed the role of the Council of Europe in this sphere. A number of speakers described a possible European Charter of Local Self-Government as the «fourth pillar» of the Council of Europe.

8. The Colloquy between the Ministers and Representatives of the Assembly and of the Conference of Local and Regional Authorities of Europe (CLRAE) which took place on 6 October 1982, was particularly lively. It dwelt mainly on the draft Charter of Local Self-Government submitted by the CLRAE (Resolution 126 (1981)) to the Committee of Ministers. The 12 members of the conference present at the colloquy, supported by the representative of the Assembly, undoubtedly did much to persuade the majority of the conference to adopt a favourable attitude towards the idea that the Charter of Local Self-Government should take the form of a convention, despite certain reservations on this matter expressed by a number of speakers.

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(1) See Appendix I: agenda of the conference.

9. The Ministers requested the Committee of Ministers of the Council of Europe to instruct the Steering Committee for Regional and Municipal Matters (CDRM) in contact with the CLRAE, to make the necessary changes to the draft charter submitted by the CLRAE, in accordance with the comments concerning the form and the substance made during the conference, so that it could be submitted to them for approval at their next conference in Rome in 1984.

10. With regard to the second theme: the state of transfrontier co-operation between territorial communities or authorities, the Ministers noted with satisfaction that progress had been made towards the implementation of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and expressed the wish that ratification by the other countries should be carried out as soon as they were able to do so. A number of forthcoming ratifications were announced (1).

11. The Ministers asked that the political reports presented on the two themes by MM Dupont and Cotti should be referred to the CDRM for examination.

12. At the end of the conference the Ministers expressed their appreciation of the excellent way in which it had been organised. They accepted the invitation of the Italian Government to hold the next session of the conference in Italy in 1984, «to decide upon the draft Charter of Local Self-Government and to discuss the relationships between the various levels of local administration under a regional organisation». (See conclusions last sentence).

13. With regard to the interest aroused by this conference and its impact on public opinion, it should be noted that newspaper and agency articles, together with radio and television broadcasts, were very numerous in some countries and bear witness to excellent press coverage.

SUGGESTIONS FOR FURTHER ACTION

A. THEME I (Local autonomy)

14. Item I (i) of the conclusions on this theme reads as follows:
«/The Ministers/ ask the Committee of Ministers of the Council of Europe to instruct the Steering Committee for Regional and Municipal Matters (CDRM), in contact with the Conference of Local and Regional Authorities of Europe, to make the necessary changes to the draft European Charter of Local Self-Government in accordance with the comments concerning the form and the substance made during the conference, so that it may be submitted to them for approval at their next conference.»

15. The Secretariat will take account of this ministerial recommendation in the working paper (CM (82) 203) to be prepared by the Plan and Programme Division for the examination of the draft 1983 Programme of Activities (addendum to CM (82) 149). The Deputies will be requested to approve an amended text of Activity 20.1.5.

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(1) Austria ratified the Outline Convention on 18 October 1982.

16. The Deputies are invited

- i. when adopting the 1983 Intergovernmental Programme of Activities to respond favourably to the wish of the ministerial conference by approving Activity 20.1.5;
- ii. to transmit the report presented by Mr Dupont to the conference to the CDRM so that it is examined and taken into account when Activity 20.1.5 is being prepared and also when proposals relating to the Medium-Term Plan and the Intergovernmental Programme of Activities are being drawn up.

B. THEME II (Transfrontier co-operation)

17. The conclusions relating to this theme do not call for any specific action. Accordingly, reserve Activity 20.6.2, which had initially been provided for in the draft 1983 Programme of Activities (see CM (82) 149 add.) as a possible follow-up to theme II of the Lugano Conference, need not be considered further. The Deputies are invited to take a decision to that effect when they examine the draft 1983 programme.

18. It should be pointed out, however, that the conclusions adopted by the Ministers refer to the recommendations adopted at the second conference (Athens 1976) on transfrontier co-operation. Furthermore, the Ministers expressed the wish that the report presented to them by Mr Cotti, should be submitted to the CDRM for examination.

19. In the light of what has been said above, the Deputies might agree to transmit the report presented by Mr Cotti to the Lugano Conference to the CDRM so that it is examined and taken into account when implementing its activities, particularly that concerning the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

C. PREPARATION OF THE 6TH CONFERENCE

20. The final item of the conclusions of the ministerial conference at Lugano reads as follows: «The Ministers/ gratefully accept the invitation of the Italian Government to hold the next session of the conference in Italy in 1984, particularly to decide upon the draft Charter of Local Self-Government and to discuss the relationships between the various levels of local administration under a regional organisation.»

21. Accordingly, the Secretariat has amended (see CM (82) 203) the wording of Activity 20.1.6, provisionally included in the draft 1983 Programme of Activities (add. to CM (82) 149). The Deputies are invited to adopt the new wording of Activity 20.1.6 when examining the draft programme.

22. Lastly, it is suggested that the Deputies might instruct the Secretary General to transmit the conclusions of the 5th Conference of European Ministers responsible for Local Government for information to:

- the Assembly of the Council of Europe
- the Standing Conference of Local and Regional Authorities of Europe
- the European Conference of Ministers responsible for Regional Planning
- OECD
- the Commission of the European Communities.

A P P E N D I X I

AGENDA

of the 5th Conference of European Ministers
responsible for Local Government

Lugano 5-7 October 1982
Congress Centre

1. Opening of the conference by Mr Pierre Aubert, Federal Councillor, member of the Swiss Government, Head of the Federal Department of Foreign Affairs
2. Address of welcome by the State Councillor, Mr Ugo Sadis, Vice-President of the State Council of the Canton of Ticino
3. Introductory statement by Mr Gaetano Adinolfi, Deputy Secretary General of the Council of Europe
4. Election of Chairman and Vice-Chairman
5. Working session on the theme I: «Local autonomy: legislation, practice, prospects»
 - 5.1 Presentation of the technical report of the Steering Committee for Regional and Municipal Matters (CDRM) by its Vice-Chairman, Mr Ernst Buschor
 - 5.2 Presentation of the political report by Mr Bernard Dupont, member of the Swiss National Council
 - 5.3 Discussion
6. Working session on the theme II: «The state of transfrontier co-operation between territorial communities or authorities»
 - 6.1 Presentation of the technical report of the Steering Committee for Regional and Municipal Matters (CDRM) by its Chairman, Mr Jean Thill
 - 6.2 Presentation of the political report by Mr Flavio Cotti, State Councillor, member of the Government of the Canton of Ticino
 - 6.3 Discussion

Appendix I

7. Colloquy between Ministers, Heads of delegation and Representatives of the Parliamentary Assembly and of the Conference of Local and Regional Authorities of Europe (CLRAE) on theme I: «Local autonomy legislation, practice, prospects», with particular reference to the European Charter of Local Self-Government
8. Continuation of the discussion on theme I, possibly on theme II
9. Adoption of conclusions.
10. Discussion of follow-up action taken on the conclusions and resolutions of previous conferences and exchange of views on common problems and future activities
11. Date and place of the next conference.
12. Press conference

ANNEXE II / APPENDIX II

CINQUIEME CONFERENCE DES MINISTRES EUROPEENS
RESPONSABLES DES COLLECTIVITES LOCALES

Lugano, octobre 1982

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS

Délégations des pays membres du Conseil de l'Europe/
Delegations of the member States of the Council of Europe

AUTRICHE/AUSTRIA - De par le ministère fédéral de l'Intérieur :

M. Erwin LANC, Ministre de l'Intérieur

M. Herbert WALTER, Conseiller sénatorial

M. Alfred PETROVIC, Conseiller ministériel

De par la Fédération des Länder :

M. Leopold WAGNER, Landeshauptmann von Kärnten

M. Alois PARTL, Landesrat von Tirol

BELGIQUE/BELGIUM : M. Charles-Ferdinand NOTHOMB, Ministre de l'Intérieur

M. E. BEYENS, Chef de Cabinet adjoint

M. E. JANSSENS, Secrétaire Général

M. G. VRANCKEN, Directeur général des collectivités locales

Mlle O. DAURMONT, Secrétaire de la Délégation

CHYPRE/CYPRUS : M. Elias ELIADES, Vice-Ministre de l'Intérieur

M. N. PHYLACTOU, Directeur général du ministère de la Défense

DANEMARK/DENMARK : M. Johan ERICHSEN, Chef de Division, ministère de l'Intérieur

M. Jørgen LOTZ, Chef de Division, ministère de l'Intérieur

M. Peter Rygaard ANDERSEN, Chef de Section, ministère de l'Intérieur

FRANCE : M. André WHIEN, Directeur de Cabinet du Directeur général des
collectivités locales, ministère de l'Intérieur

M. Gérard FRANC, Administrateur civil, ministère des Relations extérieures

REPUBLIQUE FEDERALE D'ALLEMAGNE/FEDERAL REPUBLIC OF GERMANY :

M. Heinz KIRCHNER, Ministerialdirigent, ministère de l'Intérieur

M. Wolf ROHDE, Conseiller ministériel

GRECE/GREECE : M. George GENNIMATAS, Ministre de l'Intérieur

M. Dimitri VELISSAROPOULOS, Ambassadeur de Grèce à Berne

Mme Olga KAIMAKOUDI, Directeur du Service des relations entre la Grèce
et les Communautés européennes

Mme Evdokia SERRELI, Directeur détaché auprès du Cabinet du ministre de l'Intérieur

M. TRIDARIS, Conseiller à l'ambassade à Berne

IRLANDE/IRELAND : M. Dan TURPIN, Secrétaire adjoint, ministère de l'Environnement

M. Eamon DREA, Secrétaire personnel du Ministre, Ministère de l'Environnement

ISLANDE/ICELAND : Excusé/Ap. for absence

ITALIE/ITALY : M. Marino CORDER, Sous-secrétaire d'Etat, ministère de l'Intérieur
M. Antonio LATTARUOLO, Directeur général de l'Administration civile
M. Alessandro PADRONO, Préfet de 1re Classe
M. Gianni IETTO, Vice-Préfet, Inspecteur du ministère de l'Intérieur

LIECHTENSTEIN : M. Hans BRUNHART, Chef du gouvernement
M. Leonard VOGT, Ressortsekretär

LUXEMBOURG : M. Jean SPAUTZ, Ministre de l'Intérieur
M. Jean THILL, Premier Conseiller de gouvernement
Mme Christiane DIEDERICH-TOURNAY, Conseiller de direction adjoint

MALTE/MALTA : Excusé/Ap. for absence

PAYS-BAS/NETHERLANDS : M. M.G. ROOD, Ministre de l'Intérieur
M. A.J. VIS, Secrétaire général du Ministère de l'Intérieur
M. C.F.G. de MENTHON BAKE, Directeur du Département de l'Intérieur
Mrs W. JANSEN, Conseiller aux affaires internationales

NORVEGE/NORWAY : M. Kjell URSIN-SMITH, Secrétaire personnel du Ministre,
ministère du Gouvernement local et du Travail
Mme Eldrid NORDBØ, Directeur général
M. Bjarne SUNDE, Directeur général adjoint

PORTUGAL : M. Angelo CORREIA, Ministre de l'Administration interne
M. Roberto CARNEIRO, Secrétaire d'Etat pour l'Administration régionale et locale
M. Nuño VITORINO, Directeur général de l'Action régionale et locale
M. Jorge Pedroso de ALMEIDA, Directeur de Services et Délégué au Comité
directeur pour les question régionales et municipales
M. Antonio BARBOSA de MELO, Président du Centre d'études et formation communale
M. Domingos DUARTE LIMA, ministère de l'Administration interne

ESPAGNE/SPAIN : M. Luis Manuel COSCULLUELA MONTANER, Ministre de l'Administration
territoriale
M. José MALDONADO RAMOS, Sous-secrétaire
M. Manuel PIZARRO MORENO, Secrétaire général
M. Mario CORELLA MONEDERO, Directeur général de l'Administration locale
M. MONTANA, maire de la ville de Vic

SUEDE/SWEDEN : M. Ingvar HJELMQVIST, Directeur, ministère du Gouvernement local
M. Carl-Gunnar PETERSON, Directeur, ministère du Gouvernement local

SUISSE/SWITZERLAND : M. Pierre Aubert, Conseiller fédéral, Département fédéral
des Affaires étrangères
M. Bernard DUPONT, Conseiller national et Président de la commune de Vouvry
M. René FELBER, Conseiller d'Etat du canton de Neuchâtel
M. Ernst BUSCHOR, Chef de l'Administration des finances du canton de Zurich
M. Candido LANINI, Membre du Comité central de la Centrale d'émission des
communes suisses
M. Diego SCACCHI, Syndic de Locarno et représentant de l'Union des villes suisses
M. Rolf BODENMUELLER, Chef du Service du Conseil de l'Europe, Département
fédéral des Affaires étrangères

Représentants du canton du Tessin :

M. Ugo SADIS, Vice-Président du Conseil d'Etat
M. Flavio COTTI, Conseiller d'Etat
M. Ferruccio PELLI, Syndic de Lugano
M. Mario CARATTI, Syndic de Morcote
M. Mario SOLARI, Directeur de l'Office tessinois du tourisme
M. Achille GIANINI, Vice-Syndic de Vicomorcote

Représentants du Département fédéral des Affaires étrangères

Mme Maria Luisa CARONI, Collaboratrice diplomatique, information et presse
Mlle Catherine KRIEG, Collaboratrice diplomatique, Secrétaire du Chef du Département
M. Pierre BARRAZ, Adjoint diplomatique, protocole
M. Jean-Pierre VILLARD, Collaborateur diplomatique, Service du Conseil de l'Europe

TURQUIE/TURKEY : M. Türel OELZKAROL, Conseiller de l'Ambassade de Turquie à Berne

ROYAUME-UNI/UNITED KINGDOM : M. Wyn ROBERTS, MP, Sous-secrétaire parlementaire de l'Etat du "Welsh Office"

M. Ian PRICE-JONES, Secrétaire personnel de M. Roberts
M. Terence HEISER, Fonctionnaire du Département de l'Environnement
M. H.D. HALLETT, Fonctionnaire du Département de l'Environnement

Délégations des pays observateurs

FINLANDE/FINLAND : M. Arno HANNUS, Secrétaire Général, ministère de l'Intérieur
M. Arto LAITINEN, Conseiller de gouvernement, ministère de l'Intérieur

Délégations d'organismes observateurs

ASSEMBLEE PARLEMENTAIRE : M. Karl AHRENS, Président de la Commission de l'aménagement du territoire et des pouvoirs locaux

CONFERENCE DES POUVOIRS LOCAUX ET REGIONAUX DE L'EUROPE (CPLRE) :

M. Erich KIESL, Oberbürgermeister von München et Vice-Président de la CPLRE
M. Lucien HARMEGNIES, Président de la Commission des structures et finances locales de la CPLRE
M. Gordon PIRIE, Premier Vice-Président de la CPLRE

Conseil de l'Europe

COMITE DIRECTEUR POUR LES QUESTIONS REGIONALES ET MUNICIPALES (CDRM)/
STEERING COMMITTEE FOR REGIONAL AND MUNICIPAL MATTERS

M. Jean THILL, Président du Comité/Chairman of the Committee
M. Ernst BUSCHOR, Vice-Président du Comité, Rapporteur
M. Jean MEYLAN, expert consultant

Secrétariat Général du Conseil de l'Europe

M. Gaetano ADINOLFI, Secrétaire Général adjoint
M. Gérard BALOUP, Directeur adjoint de l'Environnement et des Pouvoirs locaux
M. Gianfranco PAVESI, Secrétaire du CDRM
M. Rinaldo LOCATELLI, Secrétaire exécutif de la CPLRE
M. Christopher LUCKETT, Secrétaire adjoint du CDRM
Mlle Sevinç ERCMAN, Secrétaire du Comité pour les Structures locales et régionales
M. Philip BLAIR, Secrétaire de la Commission des structures et des finances
locales de la CPLRE
M. Jean-Louis LAURENS, Attaché au Cabinet du Secrétaire Général
Mme Renée GAUTRON, Service de presse
M. Wolfgang RÖSSLE, Service de presse

A P P E N D I X I I I

Members of the Parliamentary Assembly and the Conference of Local and Regional Authorities of Europe who took part in the colloquy with the Ministers on theme I: «Local autonomy: legislation, practice, prospects»

I. PARLIAMENTARY ASSEMBLY

Mr Anton MUHEIM (Switzerland), National Councillor, socialist, Vice-Chairman of the Committee on Regional Planning and Local Authorities

II. CONFERENCE OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

Mr Lucien HARMEGNIES (Belgium), member of the Standing Committee, Chairman of the Committee on Local Structures and Finance

Group-Captain Gordon H PIRIE (United Kingdom), Vice-Chairman of the conference, member of the Bureau, Vice-Chairman of the Standing Committee, member of the Joint Working Party responsible for the Preparation of the Conference of Pyrenean Regions

Mr Moreno BUCCI (Italy), member of the Standing Committee, Vice-Chairman of the Committee on Local Structures and Finance, Chairman of the Sub-Committee on Regional Units of Government

Mr J H C MOLENAAR (Netherlands), member of the Committee on Local Structures and Finance, member of the Sub-Committee on Regional Units of Government

Mr Daniel COLIN (France), member of the Committee on Local Structures and Finance, member of the Sub-Committee on Local Government Staff

Sir Duncan LOCK (United Kingdom), member of the Committee on Local Structures and Finance, Chairman of the Sub-Committee on Local Government Staff

Mr Klaus Maria HEINEMANN (Federal Republic of Germany), member of the Committee on Local Structures and Finance

Mr Otto MAIER (Austria), member of the Committee on Local Structures and Finance

Mr Alain de la MOUSSAYE (France), member of the Committee on Local Structures and Finance, Vice-Chairman of the Sub-Committee on Regional Units of Government

Mrs Cristiana STORELLI (Switzerland), member of the Environment and Town Planning Committee, member of the Cultural Committee

Mr Mario DIAZ BIELSA (Spain), member of the Committee on Local Structures and Finance, member of the Sub-Committee on Regional Units of Government

Mr E MARTINENGO (Italy), member of the Environment and Town Planning Committee, member of the Sub-Committee on Pollution.

A P P E N D I X I V

CONCLUSIONS
ADOPTED BY THE
5TH CONFERENCE OF EUROPEAN MINISTERS
RESPONSIBLE FOR LOCAL GOVERNMENT
(Lugano 5-7 October 1982)

The European Ministers responsible for Local Government, meeting in Lugano from 5 to 7 October 1982;

1. Convinced of the fundamental importance of the municipalities as an institution in European society;
2. Noting that democracy in municipalities functions at human scale, at a period characterised by a certain sense of anonymity in political and social life and sometimes by alienation of citizens from political and social life;
3. Convinced that local autonomy is a fundamental freedom indispensable to democratic systems at both national and European level;
4. Conscious of the role of the Council of Europe as a guardian of democratic principles and human rights and believing that it is the task of the Council of Europe to preserve and develop this fundamental heritage;
5. Paying tribute to the efforts and achievements of the Council of Europe in establishing European co-operation between local and regional authorities and their involvement in the integration of Europe;
6. Adopted the following conclusions:
 - I. As regards local autonomy

The Ministers,

- a. Underline that local autonomy is an essential part of a democratic system of government and stress the role of the Council of Europe in this sphere;
- b. Note that the growing complexity of modern administration, the striving for efficiency and the systematic transfer of decision-making from local authorities to other entities, in certain countries, are constant pressures which threaten to erode the scope of local autonomy;
- c. Believe that the defence of local autonomy is part of efforts made in several European countries to decentralise the management of public affairs and to bring it as close as possible to the people;

- d. Consider that the defence of local autonomy does not imply opposition to the role of the state in providing some services or regulating the economy;
- e. Believe that the decentralisation to regional powers which can be seen in several European countries must follow the principle of subsidiarity stated at the Lisbon Conference in 1977 that «Administrative functions must be entrusted to the level closest to the people, a higher level coming into the picture only if the functions cannot be co-ordinated or performed at the next level down»;
- f. Recognise that local autonomy implies that local authorities must be given the means enabling them to exercise effectively their powers;
- g. Congratulate the Conference of Local and Regional Authorities of Europe (CLRAE) for having drawn up in its Resolution 126 (1981) a draft European Charter of Local Self-Government;
- h. Consider that this draft charter constitutes an important step towards a definition of the principles of local autonomy, while noting the reservations of some Ministers about the need for a charter in the form of a binding convention and about some aspects of the content of the Charter;
- i. Ask the Committee of Ministers of the Council of Europe to instruct the Steering Committee for Regional and Municipal Matters (CDRM), in contact with the Conference of Local and Regional Authorities of Europe, to make the necessary changes to the draft European Charter of Local Self-Government in accordance with the comments concerning the form and the substance made during the conference, so that it may be submitted to them for approval at their next conference.

II. As regards transfrontier co-operation between territorial authorities

The Ministers,

- a. Note with satisfaction that, in accordance with the recommendation which they adopted at their Athens Conference in 1976, the Committee of Ministers has adopted the European Outline Convention on Transfrontier Co-operation between Territorial Authorities or Communities which was opened for signature in Madrid in May 1980 and came into force on 22 December 1981;
- b. Welcome the fact that 11 member states of the Council of Europe have already signed the convention and that six of them have deposited the instruments of ratification;
- c. Express the wish that ratification by the other countries should be carried out as soon as they are able to do so.

The Ministers welcomed the opportunity afforded to them, on the initiative of their Swiss colleague, Mr Pierre Aubert, of conferring in Lugano on the themes of local autonomy and the state of transfrontier co-operation between territorial communities or authorities on the basis of the excellent reports by MM Dupont and Cotti which they wished to see submitted to the CDRM for examination. They conveyed their heartfelt thanks to the Swiss authorities for the perfect organisation of the conference and their warm hospitality.

They gratefully accepted the invitation of the Italian Government to hold the next session of the conference in Italy in 1984, particularly to decide upon the draft Charter on Local Self-Government and to discuss the relationships between the various levels of local administration under a regional organisation.