

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 398 (2016)¹ Autonomy and borders in an evolving Europe Principles, frameworks and procedures for protecting and modifying status, competences and borders of sub-national entities within domestic law

1. Throughout the history of Europe there have been constant changes to States' territorial boundaries. From the Second World War until the fall of the Berlin Wall, however, Europe experienced an unprecedented period of territorial stability.

2. Since 1989, the fall of the Berlin Wall and the disintegration of the Soviet bloc, Europe has resumed its "multiplication" of borders and the pace of change shows no sign of slowing. Borders continue to be redrawn, sometimes against the wishes of the populations concerned.

3. Respect for the rule of law, the national sovereignty of States and good neighbourly relations have been the basic principles underpinning all European intergovernmental co-operation since 1945. These principles are a prerequisite for any changes to boundaries and autonomy statutes sought by member States.

4. When territorial re-organisation proves to be necessary, the Council of Europe, which has substantially developed its standard-setting competences in the field of human rights and the rule of law, is well placed to promote appropriate democratic methods as a means of resolving tensions between its increasingly diverse populations.

5. A pluralist democracy must not only respect the ethnic, cultural, linguistic and religious identity of individuals and groups but must also create the appropriate conditions in which they can express, preserve and develop those identities.

6. The procedures applicable to the modification of territorial boundaries and statutes of autonomy in member States must be part of a stable, recognised and legally established framework. Any changes must be made in a transparent manner, with due process, and by means of a sustainable political dialogue between central government, the regional authorities and all parties concerned.

7. The Congress of Local and Regional Authorities, having regard to:

a. the preamble and Article 1 of the Statute of the Council of Europe (ETS No. 1);

b. the Council of Europe Reference Framework for Regional Democracy;

c. the Council of Europe Framework Convention for the Protection of National Minorities (ETS No.157) ;

d. the Vienna Declaration of the Heads of State and Government of Member States of the Council of Europe (1993) ;

e. Congress Recommendation 346 (2013) on regions and territories with special status in Europe;

f. Recommendation Rec(2004)12 of the Committee of Ministers to Member States on the processes of reform of boundaries and/or structure of local and regional authorities;

g. Recommendation No. R (96) 2 of the Committee of Ministers to Member States on referendums and popular initiatives at local level;

8. Mindful that the relationship between regional authorities and central government must be based on the principle of mutual loyalty, with all due respect for the unity, sovereignty and territorial integrity of the State;

9. Concerned at the disregard for international standards and the resort to undemocratic means for redrawing boundaries and changing the territorial organisation of member States,

10. Invites the local and regional authorities of member States of the Council of Europe to:

a. have recourse, where necessary, to judicial bodies to ensure compliance with the principles of regional self-government, if enshrined in domestic law;

b. ensure that any demand for internal secession or separation takes place within an institutional, if not constitutional, framework, and that the corresponding procedure entails the consultation of all the populations concerned;

c. develop and improve, in conflict prevention and resolution, procedures that entail effective, transparent and representative institutional dialogue with central government so as to ensure that the solutions envisaged are as legitimate as possible;

11. Invites its Governance Committee to:

a. hold a high-level international conference on the theme Autonomy and Borders in an Evolving Europe in 2017;

b. further develop its work on the principles, frameworks and procedures for protecting and modifying the status, competences and boundaries of regional entities within domestic law;

c. continue the discussions on the potential of regional bodies and institutions for easing regional tensions.

1. Debated and approved by the Chamber of Regions on 23 March 2016 and adopted by the Congress on 24 March 2016, 3rd Sitting (see Document CPR30(2016)02FIN, explanatory memorandum), rapporteur: Karl-Heinz Lambertz, Belgium (R, SOC).