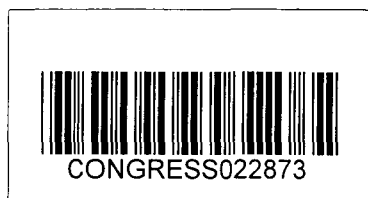


For debate in the Standing Committee
Pour débat à la Commission Permanente
See Rule 12 (4) (5) – Voir article 12 (4) (5) du Règlement*



Congress of Local and Regional Authorities of Europe

Congrès des pouvoirs locaux et régionaux de l'Europe

50e

Strasbourg, 10 February 1999

CG (5) 25
Part II

FIFTH SESSION

DRAFT RECOMMENDATION OF THE COMMITTEE OF MINISTERS TO THE MEMBER STATES ON FOSTERING TRANSFRONTIER CO-OPERATION BETWEEN TERRITORIAL COMMUNITIES OR AUTHORITIES IN THE CULTURAL FIELD

Rapporteurs: Moreno BUCCI (Italy, L) and M. Hans-Ulrich STÖCKLING (Switzerland, R)

EXPLANATORY MEMORANDUM

* Objections to the Standing Committee procedure must reach the Head of the Congress Secretariat a clear week before the meeting of the Standing Committee ; if 5 members object, the report will be submitted to the Plenary Session.

Les éventuelles objections à l'examen en Commission Permanente doivent parvenir au Chef du Secrétariat du Congrès une semaine avant la réunion de la Commission Permanente ; si 5 membres du Congrès présentent des objections, le rapport sera soumis à la session plénière.

Explanatory memorandum¹

The draft Recommendation favours the promotion of transfrontier cultural co-operation. It emphasises that local and regional authorities are fully entitled to engage in cross-border activities and encourages them to develop this type of co-operation. The guiding principles appended to the Recommendation include a number of very positive elements. In particular, they say that governments should provide territorial communities and authorities with an adequate legal framework for such action, refer to the setting-up of shared institutions and, in the education field, stress the advantages of common curricula for students on both sides of borders. It is a good thing that states should be encouraged to conclude specific co-operation agreements and to set up bilateral intergovernmental funds in support of transfrontier cultural initiatives.

However, the Recommendation could usefully be more explicit on certain points. It could, for example, refer directly to some of the measures set out in the appendix. An explicit reference to the model agreements in Resolution 259 (1994) would also be useful, since several suggestions taken from them are included in the appendix. It is worth recalling, in this respect, that the Congress had expressed the wish in its Resolution 165 (1985) on co-operation between European frontier regions, that a model agreement for transfrontier co-operation in the field of culture be drawn up. Likewise, the Recommendation should mention the Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and Resolution 248 (1993) on inter-territorial co-operation. Finally, there should be more emphasis on the following specific aspects and problems of transfrontier cultural and school co-operation:

- Responsibility for cultural affairs and education is shared between central government and local and regional authorities. Indeed, in most member states, education is mainly administered by central government. Transfrontier co-operation in this field will thus succeed only if it involves both the decentralised authorities of the relevant ministries and the local or regional authorities on both sides of the border. It would be particularly useful to emphasise that the involvement of national educational and cultural authorities in transfrontier co-operation initiated at regional or local level does not necessarily mean that such co-operation is subject to the law which governs relations between governments, i.e. international public law. The definition of transfrontier co-operation given in the appendix should thus allow for possible participation by decentralised national authorities in operations carried out by territorial communities or authorities.

- The draft Recommendation does mention the problem of learning neighbouring languages, but it ought to say more about what this means in terms of teacher training, the use of native speakers as teachers, special curricula, and particularly early and intensive language learning and teaching methods. (These points were

¹ The Rapporteurs would like to express their thanks to Mr Jean-Marie WOEHLING, expert, for his collaboration in the drafting of the explanatory report and opinion of the CLRAE.

developed in the report by MM. Mans and Meintz - CLRAE Resolution 259 (1994)).

- A connection might usefully be made between transfrontier co-operation and the promotion of regional and minority languages, many of which are used in frontier regions. The Recommendation might refer to the provisions in the European Charter for Regional or Minority Languages which deal with transfrontier educational and cultural co-operation.
- Deconcentration and decentralisation in the cultural and educational spheres should also be encouraged, to ensure that transfrontier co-operation in these areas at local level has a proper legal basis. In particular, local and regional authorities should have some freedom to adjust curricula, step up language teaching and assign staff to transfrontier co-operation activities.
- The participation of independent public bodies in co-operative ventures launched by local authorities is another relevant question. This applies in particular to public radio and television stations or companies, which are often centrally organised and are not always sufficiently interested in transfrontier co-operation.
- Lastly, the new electronic communication techniques and ways of using them more effectively for transfrontier co-operation purposes should be mentioned. One option here might be to promote cross-border cable networks and shared electronic services.

Appendix
Draft Recommendation
of the Committee of Ministers to the Member States on
Fostering transfrontier co-operation between territorial communities or authorities
in the cultural field

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Having regard to the Declaration of the Heads of State and Government of the Council of Europe member States signed in Vienna on 9 October 1993, in particular to its statement that the creation of a tolerant and prosperous Europe does not depend only on co-operation between States. It also requires transfrontier co-operation between local and regional authorities, without prejudice to the constitution and territorial integrity of each State,

Having regard to the Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, signed on 21 May 1980, its Additional Protocol signed on 9 November 1995 and its Protocol N° 2 signed on 5 May 1998,

Having regard to Resolution 165 (1985) of the CLRAE on co-operation between European Frontier Regions,

Having regard to Resolution 259 (1994) of the CLRAE on regional and local authorities and transfrontier or transnational school co-operation,

Considering that good-neighbourly relations are the basis for establishing a freer and more tolerant Europe which is the key to enhancing democratic stability;

Considering that local and regional authorities are entitled to engage in transfrontier activities in conformity with their national law and with due regard to international commitments of their States;

Considering that transfrontier co-operation in the cultural field strengthens mutual understanding and confidence between peoples living in frontier areas, whether they share an ethnic, cultural, linguistic or religious identity, a common cultural heritage or whether they belong to diverse cultural backgrounds;

Aware that a solid transfrontier co-operation in the cultural field facilitates the broadening and deepening of co-operation in other areas of activity, such as public services, economic development, environmental protection, regional planning, mutual assistance in emergencies, and is, therefore, the cement of transfrontier relations;

Considering that in some of the member States, various forms of transfrontier co-operation in the cultural field have been implemented successfully;

Determined to ensure the development and wider practice of transfrontier co-operation in the cultural field by putting forward certain guidelines, examples and measures;

RECOMMEND to the governments of member States:

to establish a comprehensive policy on fostering transfrontier co-operation in the cultural field and to encourage the initiative of territorial communities or authorities in developing such co-operation according to the guidelines which appear in the appendix.

Appendix to the Draft Recommendation

Guidelines for fostering transfrontier co-operation in the cultural field

I. Definitions

Transfrontier co-operation between territorial communities or authorities

The definition of the term transfrontier co-operation between territorial communities or authorities is taken from Article 2 of the Outline Convention on Transfrontier Co-operation which reads as follows:

Transfrontier co-operation shall mean any concerted action designed to reinforce and foster neighbourly relations between territorial communities or authorities within the jurisdiction of two or more Contracting Parties and the conclusion of any agreement and arrangement necessary for this purpose.

The expression "territorial communities or authorities" shall mean communities, authorities or bodies exercising local and regional functions and regarded as such under the domestic law of each State.

The cultural field

Transfrontier co-operation in the cultural field involves education (including language), cultural action, youth and sports, cultural heritage and media

II. Principles of transfrontier co-operation in the cultural field

1. The aim of transfrontier co-operation in various cultural activities should be to bring peoples closer together and to ensure that populations on both sides of the frontier draw equal benefit from it.
2. Frontier territorial communities or authorities, while establishing cultural policies, should consider the transfrontier dimension of their cultural policies, and should encourage and mobilize cultural institutions to establish contacts with their counterparts across the frontier.
3. There should be a regular exchange of information between territorial communities and authorities which engage in such activities and the Ministries concerned, in order to make sure that national policies and international commitments are respected.
4. Transfrontier cultural activities should encompass as many cultural institutions as possible (museums, theatres, libraries, schools, media etc).

5. Transfrontier co-operation in the cultural field should seek to be sustainable. The creation where possible, of joint centres and common institutions, should be encouraged.

6. Central governments should establish the necessary legal framework within which territorial communities or authorities could engage in transfrontier co-operation in the cultural field.

III. Specific areas of action

A comprehensive policy on transfrontier co-operation in the cultural field should encompass several areas of action. Some examples are mentioned below.

i. Education

A transfrontier dimension in education prepares young generations at an early stage for the respect, understanding and tolerance between frontier populations.

The following actions are suggested for the educational aspect of transfrontier co-operation in the cultural field:

- within the framework of school twinning and partnerships between frontier schools, the promotion of exchange of students and tutors
- organisation of excursions across the frontier
- raising greater awareness of the neighbouring State's language, history and culture in frontier school programmes
- arrangement of bilingual teaching programmes
- facilitation of access to schools across the frontier
- institution of transfrontier school programmes or if possible, common school curricula, where children from the two frontier areas attend school together and receive the same education provided partly on one side and partly on the other side by teachers from the two school authorities concerned
- promoting transfrontier academic mobility
- exploring the joint use of installations and equipment and the joint organisation of research and teaching in higher education in border areas

ii. Cultural action

The facilitation of access to cultural activities on the other side of the frontier encourages dialogue and eliminates psychological barriers between frontier populations while raising awareness of their common cultural heritage.

The following show the courses of action that could be taken in this domain:

- distribution of joint booklets across the border on theatre, concert programmes, museums and exhibitions, historic centres, monuments, popular and village festivals
- jointly organised festivals, music and theatre performances and art exhibitions on regional cultures
- friendship days between frontier regions
- co-operation between cultural institutions (museums etc.)

iii. Youth and sports

The participation of young people in transfrontier activities helps them establish a transfrontier vision whilst making them acknowledge the diversity and richness of cultural and historical traditions. Young people should be encouraged to participate in all the various aspects of transfrontier co-operation mentioned in this recommendation.

Some additional means of promoting this aspect of cultural transfrontier co-operation may entail:

- organisation of sporting events and competitions between partnership schools or others
- arranging youth camps which include young people from both sides of the frontier

iv. Cultural heritage

In border regions, the cultural fabric which previously existed across frontiers is separated by political boundaries. The architectural and archaeological heritage in border regions has historical and cultural values which are shared by the populations across the frontier. Several transfrontier activities could be directed towards strategies for jointly preserving and promoting the cultural heritage. These may include the following:

- creation and promotion of cultural routes which bring out common cultural characteristics across frontier areas
- transfrontier co-operation in vocational training, exchange of information and technical skills on preserving the architectural heritage
- joint action to co-ordinate the management of transfrontier archaeological sites
- common policies to promote cultural tourism across frontier regions

v. Media

Local and regional media in the frontier regions can be a powerful instrument not only in increasing understanding and building confidence between frontier populations, but also in encouraging the development of transfrontier co-operation in various fields of activity.

The following activities could be encouraged and facilitated:

- transfrontier co-operation of local, regional and national television for the co-production and joint broadcasting of programmes of transfrontier interest
- co-operation between local and regional radio stations disseminating news covering the whole transfrontier area
- development of cross-border bilingual newspaper/magazine containing information on the border region
- the creation of transfrontier press clubs to report objectively about the neighbouring region
- local/regional radio programmes on teaching the neighbour's language
- use of the Internet for transfrontier co-operation in the cultural field (particularly in the creation of transfrontier bilingual newspapers)

IV. Measures to encourage the development of transfrontier structural and administrative arrangements

Transfrontier co-operation in the cultural field should not be an ad hoc, occasional arrangement. The creation of transfrontier structures and permanent links across the frontier should be encouraged.

The following actions could be arranged:

- creation of cultural centres in border regions to promote understanding between frontier populations
- creation of joint institutes for studying common frontier cultures
- regular meetings between frontier local and regional administrators to develop and implement yearly transfrontier cultural programmes
- regular conferences for promoting co-operation between frontier regions in cultural matters
- twinning of border regions and towns

V. Measures to eliminate legal, administrative and technical obstacles

The member States are encouraged to resolve any legal, administrative and technical difficulties liable to hamper the development of transfrontier co-operation in the cultural field and to co-operate with the neighbouring States in this regard.

Some measures could be considered as follows:

- adding a clause on transfrontier co-operation in the cultural field to the agreements concerning friendship, good-neighbourly relations and cultural co-operation concluded or to be concluded between neighbouring States
- new arrangements to facilitate the crossing over of borders for frontier populations when it concerns cultural events, such as waivering of visa requirements or the fee for visas, simplifying border controls and so on
- facilitating clearance at the border when it concerns goods that will be used for cultural activities (ie musical instruments)
- drawing up an agreement for transfrontier school co-operation (for exchanges of teachers and pupils), which provides a general framework for more specific local agreements
- taking action for the mutual recognition of qualifications such as diplomas and school certificates

VI. Financial measures to encourage transfrontier co-operation in the cultural field

Member States are encouraged to examine whether financial support could be provided to those frontier territorial communities or authorities which carry out experimental joint projects on cultural matters and which have a highly favourable influence on good-neighbourly relations.

Some strategies concerning financial matters may involve:

- encouraging various organisations and institutions in frontier areas to contribute to cultural transfrontier co-operation, such as chambers of commerce and industry, companies, and so forth
- eliminating obstacles against the use of local and regional budgets for the purpose of transfrontier co-operation in the cultural field

creating bilateral intergovernmental funds between various ministries of neighbouring States, including the Ministries of Culture and Foreign Affairs, in order to provide financial assistance for cultural transfrontier initiatives

- informing the frontier territorial communities or authorities about European financial instruments available for financing transfrontier projects, such as the confidence-building measures programme of the Council of Europe and the pertinent programmes of the EU such as the Interreg, Phare and Tacis programmes on transfrontier co-operation.