

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

Opinion 10 (1999) on the draft Recommendation of the Committee of Ministers to the member states prepared by the CDLR on fostering transfrontier co-operation between territorial communities or authorities in the cultural field¹

*(Extract from the Official Gazette of the Council of Europe
– March 1999)*

The Congress,

Having been asked by the Steering Committee on Local and Regional Democracy for an opinion on the 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;

Considering that cultural and educational exchanges are indispensable as a basis for lasting, long-term transfrontier co-operation, inasmuch as they are necessary to a sound mutual understanding between the authorities and inhabitants on either side of borders;

Considering, in particular, that learning the languages of neighbouring countries and acquiring intercultural experience, both at school and outside, are an essential part of preparing tomorrow's managers to work effectively with their counterparts in other countries;

Emphasising that transfrontier cultural co-operation can seem deceptively easy, but often remains superficial if those involved are not clear about what is at stake in intercultural and institutional terms;

Noting that, while many public authorities are already practising or experimenting with transfrontier cultural co-operation, there is also a trend towards cultural uniformity, which makes young people lose touch with their own and their neighbours' cultural roots, and threatens to impoverish transfrontier cultural co-operation;

Realising that the multiplicity of bodies and players involved in culture and education makes transfrontier co-operation between regional and local authorities in these areas particularly difficult, creating a need for effective co-ordination between state authorities (especially

schools authorities), independent public bodies (notably radio and television stations) and regional and local authorities;

Concerned about the respect of the subsidiarity principle and, in particular, about the important competencies assigned in certain member states to the local and regional authorities in the field of education and culture;

Convinced that it is worth making a special effort here and seeking innovative ways of providing the legal, institutional and financial tools needed to meet the special requirements of educational and cultural action and the way States are organised;

Welcomes the draft Recommendation of the Committee of Ministers addressed to the member states;

Welcomes the open-minded spirit of the draft Recommendation communicated to it;

Agrees with the main thrust of the proposals and guidelines contained in that Recommendation;

Wishes to make the following observations, with a view to making the proposed Recommendation even more forceful and effective:

1. Transfrontier co-operation between local communities or authorities must be defined in terms which do not exclude the possibility of involving decentralised offices of national ministries with responsibility for educational and cultural affairs. The same applies to schools and to public radio and television companies. However, in all cases where the central State is competent in the field of transfrontier cultural co-operation, the State should be accompanied by a local or regional authority. This equally applies to points 2 and 4 below.

2. It is important that member states should provide the legal bases needed for the conclusion of transfrontier co-operation agreements on education and culture which involve local and regional authorities, decentralised national authorities, public-sector schools, and public radio and television companies, on both sides of borders.

Here, the Recommendation might usefully refer to the model agreements for participation by territorial communities and authorities in transnational and transfrontier school co-operation set out in the Appendix to Resolution 259 (1994) on regional and local authorities and transfrontier or transnational school co-operation. In particular, appropriate administrative, legal and financial arrangements should be made, so that schools can conclude transfrontier co-operation agreements with the support of local authorities, transfrontier curricula can be introduced, and transfrontier secondary schools can be established.

3. In most cases, effective transfrontier co-operation in culture and education depends on overcoming language problems, since frontiers between countries are often frontiers between languages. The draft Recommendation rightly refers to bilingual teaching programmes. But it would be useful to say more on this, and particularly to stress the need for administrative and legal measures to facilitate teacher exchanges, and encourage countries

1. Discussion and adoption by the Standing Committee of the Congress on 5 March 1999 (see Doc. CG (5) 25, draft opinion presented by MM. M. Bucci and H.U. Stöckling, Rapporteurs).

to employ teachers from the other country, and send their own teachers to train in it.

Moreover, bilingual education policies are closely linked with the promotion of regional and minority languages, which are common in frontier areas. The Recommendation might call on member states to rely on the provisions of the European Charter for Regional or Minority Languages which deal with transfrontier co-operation (Art. 14 a. and b¹).

4. While many local authorities have relatively wide-ranging cultural powers – making them significant players in transfrontier cultural co-operation – their powers concerning education and the media are often fairly limited. The Congress considers it important in this respect to encourage states to continue efforts and transfer more power to local and regional authorities in the education and cultural field, and give schools more scope for initiative. In the case of radio and television, too, states could usefully be urged to encourage decentralisation, for the purpose of promoting genuinely local channels and programmes.

5. The draft Recommendation is right to include transfrontier structural and administrative arrangements on its list of desiderata. The setting-up of “co-managed” transfrontier bodies does indeed seem desirable. With a view to giving them a proper legal framework, the Recommendation should refer to the instruments mentioned in the additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, and should encourage states to conclude bilateral or multilateral agreements establishing a cross-border legal framework for bodies that co-manage cultural infrastructures or programmes. In this respect, we regret that the draft Recommendation of the CDLR does not propose any model agreements for the establishment of permanent structures of co-operation.

6. Among possible media-related initiatives, mention should also be made of the new technologies – particularly the interconnection of cable networks or the setting-up of transfrontier networks, and the provision of transfrontier Internet servers.

7. Finally, the Congress would like to underline that some of the comments on transfrontier co-operation contained in the draft Recommendation also hold good for inter-territorial co-operation within the meaning

1. Article 14 – Transfrontier exchanges

The Parties undertake:

- a. to apply existing bilateral and multilateral agreements which bind them with the States in which the same languages is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same languages in the States concerned in the fields of culture, education, information, vocational training and permanent education;
- b. for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

of Resolution 248 (1993) and the Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

The Congress would therefore like to suggest the following amendments (indicated in bold in the text):

a. replace throughout the text, the expression “neighbouring country” with “**neighbouring country(ies)**”

b. complete 4th and 5th points in the preamble in the following manner:

In view of CLRAE Resolution 165 (1985) on co-operation between European frontier regions, **which calls in particular for the drawing up of a model agreement for transfrontier co-operation in the field of culture;**

In view of CLRAE Resolution 259 (1994) on territorial authorities and communities and transnational and transfrontier co-operation in the field of education, **where model agreements in the field of education appear in the list of model agreements appended to the outline Convention.**

c. Amend paragraph 8 of the declaration as follows:

Considering that transfrontier co-operation in the cultural field strengthens mutual understanding and confidence between peoples living in frontier areas, **whether they share one language, religion, cultural heritage or not [delete: common] or have different cultural backgrounds;**

d. Integrate a new paragraph 9:

Convinced that the promotion of transfrontier action in the field of culture allows for regional, minority or even national cultures to develop at a time when they could be threatened by globalisation and the risk of cultural standardisation;

e. Change existing paragraph 9 as follows:

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, **education**, economic development, environmental protection, regional planning, mutual assistance in emergencies, and is, therefore, the cement of transfrontier relations;

f. In part “I. Definition”, of the appendix to the declaration under the title “The Cultural Field” add:

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

g. In part “II, Principles of transfrontier co-operation in the cultural field” amend paragraph 6, as follows:

6. Central governments should establish, **unless it has already been foreseen, either by means of ordinary law or via the national Constitution**, the necessary legal framework **and the necessary autonomy** [delete: within which territorial communities or authorities could engage in transfrontier co-operation] in the cultural field **in order to enable transfrontier co-operation in conformity with the principle of subsidiarity;**

h. In part “III. Specific Areas of Action”, under “i. Education” add as follows 5th indent:

– facilitation of access to schools across the frontier, **in particular by means of preferential rates for transport, including transport across estuaries or lakes;**

i. Change 7th indent as follows:

– promote transfrontier academic mobility **and co-operation between the universities of frontier regions;**

j. Change number 8 as follows:

– exploring the joint use of installations and equipment, **including internet sites**, and the joint organisation of research and teaching in higher education in border areas;

k. In the Chapter “III. Specific areas of action”, section “ii. Cultural action” add a second paragraph:

Promote artistic creation by providing artists from transfrontier regions and municipalities with additional assets.

l. In the same section, amend course of action No. 2 as follows:

– jointly organised festivals, music and theatre performances and art exhibitions **by artists from both sides of the border** [delete “on regional cultures”].

m. In section iv, change the title as follows:

iv. **Common Cultural Heritage**

n. Change paragraph one as follows:

In **certain** 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 often shared by the populations across the frontier.

Several transfrontier activities could be directed towards strategies for jointly preserving and promoting the cultural heritage.

o. In section iv, 3rd indent, include as follows:

– joint action to co-ordinate the management of transfrontier **heritage** sites [delete archaeological] **including landscapes;**

p. In part “IV. Measures to encourage the development of transfrontier structural and administrative arrangements” add a new indent as follows:

– promote the establishment of local or regional cultural associations which have as their objective transfrontier cultural co-operation, taking their inspiration from instruments foreseen in the additional Protocol of the European Outline Convention between territorial Communities or Authorities.

q. In part “VI. Financial measures to encourage transfrontier co-operation in the cultural field” add to strategy no. 3 as follows:

– 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, **in particular by using part of the revenues of national lotteries as is currently done in certain member states.**

r. Add new paragraph to measures as follows:

– ensure direct or indirect financial support from the public and private sector for local or regional radio and television stations, with a view to offsetting the current tendency towards media concentration.