

# CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

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## **Recommendation 130 (2003)<sup>1</sup> on the European Charter for Mountains**

The Congress,

1. Having regard to its Recommendation 75 (2000) on the draft European outline convention on mountain regions;
2. Taking account of its Resolution 136 (2002) on the International Year of the Mountains, in which the Congress considered it desirable to prepare a draft non-binding instrument of the Council of Europe on mountain regions;
3. Having prepared to this end the draft recommendation of the Committee of Ministers of the Council of Europe on the European Charter for Mountains set out below;
4. Invites the Parliamentary Assembly of the Council of Europe to support the draft;
5. Recommends that the Committee of Ministers of the Council of Europe adopt a recommendation to member states on the European Charter for Mountains on the basis of the draft set out below and to that end suggests that, after receiving the opinion of the Parliamentary Assembly, it transmit the draft recommendation to the Steering Committee on Local and Regional Democracy (CDLR).

### **Draft recommendation of the Committee of Ministers of the Council of Europe on the European Charter for Mountains**

The Committee of Ministers, pursuant to Article 15.b of the Statute of the Council of Europe,

1. Considering that the Council of Europe has as its objective to reinforce as much as possible both economic and social cohesion between its members and local and regional democracy in Europe;
2. Recalling in that regard the recommendations made and the commitments given at the Conference on Environment and Development held in Rio de Janeiro in 1992, and more particularly Chapter 13 of Agenda 21;
3. Taking into consideration also the European Landscape Convention (ETS No. 176);
4. Recalling also Action Theme 10 on mountain ecosystems of the Pan-European Biological and Landscape Diversity Strategy approved by Ministers of the Environment in 1995;
5. Noting that the particular circumstances of mountain regions make it more difficult to meet the basic needs of their inhabitants but that it is none the less necessary to guarantee the populations of mountain regions the right to live and work in the mountains, the preservation of their

living environment, and an environment, conditions and standard of living equivalent to other more favoured rural and urban regions;

6. Convinced that the populations of mountain regions and their natural environment constitute the basis of the richness of mountain regions and that these regions cannot fulfil the role demanded by the general interest unless their landscape and their natural resources are protected, an appropriate human presence is maintained and economic development and adequate protection and management of the environment are implemented;

7. Considering that any policy on the mountain regions must rely primarily on the local and regional authorities, which are closest to the territories, inhabitants and problems of mountain regions, and that it is appropriate, in full compliance with the principle of subsidiarity, to encourage co-operation between these authorities and to support any initiatives which they may take;

8. Recalling in this regard the European Charter of Local Self-Government (ETS No. 122);

9. Considering that the European mountains constitute an exceptional heritage which must be developed and preserved and that it is necessary to defend and foster their development by ensuring that the social identity, traditions and culture of their populations are respected and preserved;

10. Taking into account the fact that certain mountain regions are frontier areas and the problems in implementing coherent policies on both sides of frontiers;

11. Recalling in this regard the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106), known as the Madrid Convention of 1980, and the additional protocols thereto (ETS Nos. 159 and 169);

12. Recalling all the resolutions and recommendations relating to mountains, the countryside, spatial planning and protection of the environment adopted by the relevant European Conferences of Ministers, by the Congress of Local and Regional Authorities of Europe (in particular Resolution 202 (1989) of the then Standing Conference of Local and Regional Authorities of Europe and Recommendations 14 (1995) and 75 (2000)), by the Parliamentary Assembly (in particular Recommendations 1274 (1995), 1433 (1999) and 1575 (2002)), and by the Committee of Ministers of the Council of Europe;

13. Taking account, for the Alps, of the 1991 Salzburg Convention on the Protection of the Alps;

14. Continuing on the path of its Recommendation (2002)<sup>1</sup> to member states on the guiding principles for sustainable spatial development of the European continent, which defines a pan-European policy for spatial planning that necessarily entails measures of economic and social development, the protection and management of natural resources and respect for local traditions and cultures, including in mountain regions;

15. Asserts that mountain regions, which occupy large territories in Europe and play a significant role in the general interest, especially at the environmental, economic, social and cultural levels and which in their diversity – which should be preserved and promoted – experience economic and social problems and common environmental problems owing to their particular geomorphological and climatic situations, must be the subject in member states – or where appropriate between a number of member states, of a special, integrated policy of development, planning, management and protection, to be implemented by all appropriate means, in accordance with the text of the European Charter for Mountains set out in the appendix to this recommendation;

16. Accordingly, recommends that member states:

*a.* adapt their legislation and practices both at national level and within the European Union, in accordance with the text of the European Charter for Mountains set out in the appendix to this recommendation;

*b.* promote co-operation between territorial communities in mountain areas: at domestic level, in particular by means of co-operation between municipalities or between regions or by any other specific form of inter-territorial co-operation, or, where frontiers between states within a group of mountains so require, by means of trans-frontier co-operation, with provision where necessary for international, bilateral or multilateral framework agreements on trans-frontier mountain areas, while insuring an effective and rapid implementation of the agreements;

*c.* inform the Council of Europe of the action taken at national level on the provisions of this recommendation.

## Appendix

### European Charter for Mountains

Recognising that the European mountains constitute an exceptional heritage which must be developed and preserved, in particular by the protection and promotion of the diversity of their populations, which means ensuring that their social identity, traditions and culture are respected and preserved,

The member states of the Council of Europe will endeavour:

1. To make provision for legal recognition of the specific nature of mountain regions, which must be reflected both in the organisation of political and administrative structures and in specific policies in particular sectors of activity;

2. To draw up and implement a spatial development policy in mountain regions which will favour the sustainable development of traditional activities while respecting and protecting the environment, such policy being based on a global assessment of human and natural resources, breaking away from the traditional dichotomy between economic development and protection of the natural environment and seeking to strike a balance between human activities and ecological requirements. This policy must favour agriculture, forestry and craft industries and

must also be capable of ensuring the preservation of the natural environment and of forming the essential basis for any other complementary economic activity. The objectives of such a policy will include:

*a.* retaining the populations in the area and combating the exodus of young persons;

*b.* preserving the identity and dissemination of the cultural values specific to mountain regions and to each homogeneous mountain area;

*c.* establishing or modernising the infrastructures and facilities necessary for improving the quality of life of the populations and the development of the mountain regions and for making it possible in particular to guarantee access to these areas by an adequate transport system and also the maintenance and improvement of public services adapted to the specific features of mountain regions;

*d.* relocating certain state activities to mountain areas;

*e.* promoting the energy resources specific to the mountains and thus making it possible to take advantage of endogenous resources and to exploit the hydroelectric potential in a way compatible with environmental requirements, while allowing mountain communities to benefit from the income generated by their hydroelectric resources;

*f.* preserving farmland and pastureland and maintaining and modernising agricultural activities by an approach specific to mountain agriculture;

*g.* conserving existing industry and craft industries and establishing activities based on new technology;

*h.* developing the tertiary sector, and in particular tourism, as a complement to the traditional way of life;

3. To take into consideration and to recognise, so far as possible, the geographic entity constituted by each mountain area, in order to provide a democratic framework which will allow the populations concerned to express their views and also in order to ensure that existing or future administrative divisions do not constitute a barrier to the implementation of mountains policy;

4. To ensure that any policy on spatial planning and the development of mountain regions is conceived and implemented in such a way as to give priority to the interests of the populations concerned. To this end, the instruments of such a policy should take the form of global, integrated plans and programmes, drawn up at the most appropriate territorial level – local, regional, national or transfrontier – and applicable in areas reflecting both the affinities of the populations and criteria of geographic homogeneity and functional coherence;

5. To develop a policy of economic and financial aid and of tax incentives in mountain regions aimed in particular at:

*a.* introducing equalisation and aid systems, including tax aid, for less advantaged mountain regions, such systems having as their particular purpose the attainment of the objectives set out at paragraph 2 above and applying

particularly to areas in which incomes are below the acceptable level;

*b.* compensating for the natural or ecological constraints inherent in mountain areas and for restrictions on use imposed by regulation or by contract;

*c.* remunerating the ecological services performed by mountain populations, particularly as regards the maintenance of the landscape and protection against natural risks;

*d.* facilitating the maintenance and establishment of farms and of craft, commercial or industrial undertakings which use non-polluting technologies;

*e.* facilitating the settlement of young persons in mountain areas, especially in the agricultural, craft and tourist sectors and in the public sector;

6. In accordance with the European Charter of Local Self-Government, to ensure that responsibility for decision making on these matters lies with the authorities closest to the citizen. Where appropriate, states will establish and ensure the functioning of the procedures and

measures necessary for local and regional authorities to be effectively associated with the definition, drafting and application of the measures dictated by this policy, in a manner consistent with their respective powers and with the principle of subsidiarity;

7. To ensure that the management and implementation of such plans and programmes are carried out in the most decentralised manner possible, in application of the principle of subsidiarity, since the local and regional authorities that operate directly in the mountain areas and are most familiar with their specific problems are in a position to mobilise local players to promote the widest range of social, economic and cultural activity;

8. To ensure that the powers and financial resources of the local and regional bodies are reinforced and extended in order to promote the mountains policy.

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1. Debated and adopted by the Congress on 22 May 2003, 3rd Sitting (see Document CG (10) 9, draft recommendation presented by Mr V. Prignachi and Mr V. Kadokhov, rapporteurs).