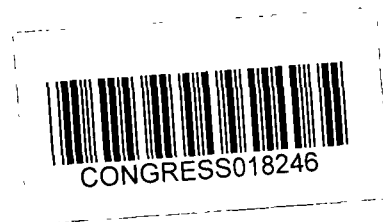


Council of Europe
Conseil de l'Europe



95/2031



Congress of Local and Regional Authorities of Europe
Chamber of Regions

Congrès des pouvoirs locaux et régionaux de l'Europe
Chambre des régions

Strasbourg, 20 April 1995

CPR (2) 3
Part II

SECOND SESSION

(Strasbourg, 30 May and 1 June 1995)

REPORT

THE EUROPEAN CHARTER OF MOUNTAIN REGIONS

(Rapporteur: Mr Dino Vierin, Italy)

1. INTRODUCTION

Europe's mountain regions cover an area of more than one million square kilometres, i.e. approximately 50% of the continent's territory, and fulfil general-interest functions of great importance in the environmental, economic, social, political and cultural fields.

Every mountain region in Europe has its own problems, which are mainly due to structural and institutional factors.

This specificity is scarcely conducive to the development of joint action plans to promote the sustainable development of mountain areas and thereby improve their inhabitants' quality of life.

Moreover, a lack of suitable policies for mountain areas or the adoption of inconsistent, poorly co-ordinated policies can lead to deterioration of those areas and local population loss, with serious consequences for the ecological and social balance of the whole continent.

It is therefore vital to guarantee mountain dwellers sustainable, balanced economic development, the right to live and work in the mountains, preservation of their habitat, and living conditions and standards equivalent to those enjoyed in other more favoured rural and urban regions.

Europe's mountain areas constitute an outstanding socio-cultural heritage, which must be promoted and protected by ensuring that the social identity, traditions and culture of the communities who live in them are respected and sustained.

In order to ensure that all these conditions prevail in Europe's mountain regions, in spite of the difficulties caused by their differences and special features, the Council of Europe was asked to produce an international legal instrument, laying down guiding principles for sustainable, balanced development of all of these areas.

This arduous task was undertaken by the Congress of Local and Regional Authorities of Europe, through its Chamber of Regions.

This report will attempt to present the end result of its efforts, namely the European Charter of Mountain Regions, a draft instrument which sets out to reflect and respect both the special features of mountain regions and their economies, and the independence typical of the communities who live in them.

2. ACTION BY THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE TO PROMOTE MOUNTAIN REGIONS AS PART OF THE COUNCIL OF EUROPE'S WORK

Since 1974, in response to Assembly Resolution 570, which stressed the Alpine regions' key geopolitical role in Europe, and Resolution 7 of the Committee of Ministers on the economic and social problems of mountain regions, these regions have received increasing attention from national and regional decision-makers and from the European institutions.

In this connection, the Standing Conference of Local and Regional Authorities of Europe joined the Parliamentary Assembly in organising a first Conference of Alpine Regions, which was held in Lugano (Switzerland) from 18 to 20 September 1978.

The conference's main outcome was a final declaration, in which the representatives of the authorities responsible for the Alpine regions and the intergovernmental organisations concerned called for special development and protection programmes for Alpine territory.

Almost ten years later, with a view to consolidating the results achieved by that conference and giving them a stronger European emphasis, the second European Conference of Mountain Regions, held in Trento (Italy) from 9 to 11 May 1988, took things further by addressing all of Europe's mountain regions in its final declaration.

At the Trento Conference, the mountain regions also urged the need for a binding legal instrument, bringing together in summary form the various initiatives taken over the years to secure adequate economic development levels in all of Europe's mountain regions, while safeguarding their often very vulnerable natural environments.

For this purpose, and relying on the representative nature of its membership and the democratic, European spirit prevailing within it, the Standing Conference of Local and Regional Authorities of Europe instructed its Committee on Regional Problems and Development to arrange for a working group to hold several meetings in 1993 and 1994 and lay down the essential policy guidelines for the development and protection of Europe's mountain regions.

The result of this work was presented at the 3rd European Conference of Mountain Regions, held in Chamonix (France) from 15 to 17 September 1994, at which action was at last taken on the wishes expressed at the Trento Conference. In Chamonix, over 200 participants from 20 Council of Europe member states unanimously approved the draft European Charter of Mountain Regions, subject to a few minor amendments which were to be made later.

3. THE EUROPEAN CHARTER OF MOUNTAIN REGIONS

Drafting a European Charter of Mountain Regions involves translating into politico-legal terms the growing demand for guidelines making it possible for Europe's mountain regions to enjoy economic, social and cultural development without detriment to an environment which, for a variety of reasons, is often particularly fragile.

Despite this demand, mountain regions have often been subordinated to the communication, transit and other needs of the large urban centres, or treated as areas of expansion for the markets of other regions, which harness their water and energy resources and exploit their climatic and landscape assets.

We know, however, that mountain regions must pursue regional/spatial planning policies which provide the conditions and space necessary for socio-economic development of their local communities, which safeguard their natural resources in order to maintain Europe's ecological balance and which, in a spirit of complementarity, allow them to fulfil

a social function as leisure and living areas for urban populations.

In this connection, the traditional activities of mountain regions, such as agriculture, stock-raising, grazing, forestry and crafts must provide the basis for any other form of economic development.

These activities not only enable quality goods to be produced, but also play a fundamental role in regulating natural balances, since they stabilise the soil, help to maintain the hydrogeological balance, are sustainable, and make for attractive and varied landscapes.

To permit endogenous development on the basis of traditional activities, the European Charter of Mountain Regions stresses that local and regional communities in mountain areas must be given more autonomy, in accordance with the subsidiarity principle, as well as a bigger say in public decision-making processes which affect their territories, and that their identity must be strengthened on the basis of their cultural values and traditions.

This international legal instrument will therefore pave the way for effective action to overcome the old dichotomy between economic and environmental interests, and for national and regional strategies geared to making the most of local and regional potentials, and using human and natural resources in ways which benefit both.

4. THE FOUNDATIONS AND ORIGINALITY OF THE EUROPEAN CHARTER OF MOUNTAIN REGIONS

I. Geographical context and target group

The title of the draft European Charter of Mountain Regions already makes it clear that the text is aimed at all of Europe's mountain areas, the people who live in them, and the regional, national and European authorities responsible for them.

II. Aims and strategies

The Charter's main aim is to formulate general principles, applying to all the Council of Europe's member states, for a policy covering management, development and protection of all of Europe's mountain regions.

Clearly, the first necessity here is to define mountain regions in clear, unambiguous terms.

However, different criteria are used to define mountains in different parts of Europe.

The definition needed was one which provided a conceptual basis for the implementation of policies which differed both in content and territorial scope.

On the basis of socio-economic and environmental evaluation, this definition makes it possible to pinpoint, either in all mountain regions or in certain types of region, situations that call for specific, non-standardised measures.

In other words, the Charter's definition of mountain regions avoids superficial classification, but still offers a concept which is based on universally accessible parameters.

Having defined "mountain regions" in terms sufficiently flexible and open to cover all of Europe's mountain territories, but also rich enough conceptually to serve as a basis for the adoption of suitable policies by the relevant institutions, the Charter strikes an innovative note in its aims. These include:

- making mountain dwellers the focus of political concern; the central element here is mountain communities' own interest in their regions' social, economic and cultural development;
- safeguarding the human, natural and cultural heritage of Europe's mountain regions by attempting to encourage and motivate the communities who live in them and promoting their habitat, work and responsibilities;
- keeping these communities in place by offering them valid socio-economic alternatives;
- giving local authorities in mountain regions greater decision-making powers, in accordance with the subsidiarity principle, and asserting the right of local communities to be consulted;
- dealing with mountain areas in comprehensive terms, covering economic and environmental factors in a dialectical, constructive spirit;
- fostering strategies to reduce structural delays in development, combat their causes and promote employment;
- reducing disparities between mountain regions and lowland or urban regions, which are often more favoured;
- creating the framework conditions needed to secure an improved return on Alpine regions' natural resources, and particularly energy resources;
- providing fair remuneration for ecological activity in mountain areas, e.g. compensation for efforts made to preserve the landscape;
- supporting life in mountain areas by developing a genuine "mountain policy" at national and European level, and bringing a "Mountain Objective" into all the development programmes pursued by national and European institutions.

To achieve these aims, the Charter calls for regional/spatial planning policies which make for improved intermunicipal, inter-regional and transfrontier co-ordination, effective rebalancing of resources and recognition of the special nature of the problems of mountain areas.

These regional/spatial planning policies must form part of general plans or programmes which cover all the factors typical of the mountain area concerned and are capable of serving as a standard reference for all other sectoral policies.

For the purpose of implementing such a regional/spatial planning policy, the parties must adopt legal, administrative, fiscal, economic and financial measures and launch a whole series of sectoral policies.

These policies' aims will include:

- applying agricultural policies which are suited to mountain areas, giving preference to family holdings and departing from some of the standards applied in lowland regions, preserving agricultural and pasture land in the mountains by modernising farms, promoting the marketing of quality goods and encouraging young farmers to settle in mountain regions;
- implementing a forestry policy aimed at development of the timber industry, particularly by increasing protection against natural disasters and fires;
- encouraging the production and marketing of quality, regional craft products by launching training programmes in traditional activities and setting up innovative businesses;
- guaranteeing access to housing for mountain dwellers and promoting renovation of buildings;
- developing tourism in a way which respects the natural environment and complements traditional economic activities;
- fostering mobility in mountain regions and helping to ensure that the labour market, inter-regional traffic and international transit traffic function smoothly, by giving priority to rail transport, developing piggyback and intermodal transport and improving communications in compliance with European standards on environmental impact studies;
- exploiting the energy potential of mountain regions in an environment-friendly manner and enabling local communities to benefit from revenue earned by their hydroelectric resources;
- ensuring that schools remain open, providing more technical and vocational training in mountain regions and setting up awareness-raising programmes on preservation of their natural, cultural and social environment;
- maintaining and promoting diversity and richness of the mountain regions' cultural heritage by inventorising their cultural assets and ensuring that the traditions, special forms of expression and, generally, cultural identity of mountain communities are respected;
- preserving the natural mountain environment by carrying out environmental impact studies, reducing noxious emissions and checking hydrogeological erosion;

- setting up a system to provide information and statistics which are internationally compatible and comparable, and also promoting co-operation between universities and firms and the setting-up of specialised research centres.

III. How the Charter was prepared

In drafting the Charter, the Congress of Local and Regional Authorities of Europe was inspired from the outset by the democratic principle of participation and consultation.

A first draft was prepared by Mr MOLINER (Spain), in co-operation with a working group consisting of representatives and experts from Europe's mountain regions, and with the help of the Congress Secretariat.

This draft was then sent to public and private, local and regional bodies in mountain areas, and to all other interested parties. They were asked for comments and suggestions, so that the special interests and needs of mountain communities could be more fully reflected in the text. This gave the mountain regions themselves a chance to speak out.

The draft Charter presented in Chamonix was therefore based on broad consultation of the regions concerned, and incorporated as many as possible of the suggested changes.

Among others, the following bodies, institutions and authorities representing territorial communities comprising mountain regions, and inter-regional or intermunicipal bodies with interests or activities in this field were consulted:

- 1) the Association of the Central Alps ARGE ALP
- 2) the Association of the Eastern Alps ALPEN-ADRIA
- 3) the Working Community of the Western Alps (COTRAO)
- 4) the COEUR (Centre d'observation des régions d'Europe)
- 5) the Rhine valley border community
- 6) the Working Community of the Jura
- 7) the Working Community of the Pyrenees
- 8) the Working Community of Galicia - North Portugal
- 9) the Working Community of the Danube regions
- 10) the Euro-region "Egrensis"
- 11) the Union of Municipalities of Upper Silesia and Upper Moravia
- 12) the Euro-region of the Carpathians
- 13) the European Association of Elected Representatives from Mountain Regions
- 14) the ANEM (Association Nationale des Elus de Montagne), France
- 15) the GPMVR (Groupement de la Population de Montagne du Valais Romand)
- 16) the SAB (Swiss association of mountain regions)
- 17) the FEPM (Fédération Européenne des Populations de Montagne)
- 18) the Euromontana association (France)
- 19) the Assembly of European Regions (AER)
- 20) the Central Jura Association (Switzerland)
- 21) the Val-de-Travers Association (Switzerland)
- 22) the Association of European Border Regions (AEBR)

- 23) the Unione Nazionale Comuni, Comunità ed Enti Montani (UNCCEM, Italy)
- 24) the Working Community of Geneva (Switzerland)
- 25) the International Commission for the Protection of the Alps
- 26) the Region of Lower Austria
- 27) the Region of Upper Austria
- 28) the Region of the Tyrol (Austria)
- 29) the Region of Vovoida (Poland)
- 30) the Autonomous Region of Madeira (Portugal)
- 31) the Region of Thesprotia (Greece)
- 32) the Region of Catalonia (Spain)
- 33) the Region of Carinthia (Austria)
- 34) the Region of Piemonte (Italy)
- 35) the Canton of Vaud (Switzerland)
- 36) the Autonomous Region of Trento (Italy)
- 37) the Region of Baden-Württemberg (Germany)
- 38) the Province of Cuneo (Italy)
- 39) the Municipality of Boticas (Portugal)
- 40) the Municipality of Argein (France)
- 41) the Autonomous Region of Trentino-Alto Adige (Italy)
- 42) the Municipality of Iguena (Spain)
- 43) the Canton of Solothurn (Switzerland)
- 44) the Region of Languedoc Roussillon (France)
- 45) the Region of the Valle d'Aosta (Italy)
- 46) the Canton of Valais (Switzerland)
- 47) the Region of Bavaria (Germany)
- 48) the Region of Franche-Comté (France)

5. THE EUROPEAN CHARTER OF MOUNTAIN REGIONS AND OTHER MEASURES TO PROMOTE MOUNTAIN AREAS ADOPTED AT EUROPEAN LEVEL

It seems important to highlight the things which distinguish the European Charter of Mountain Regions from other international legal instruments which deal with the same questions, even when they do so from a different angle.

As far as the Alps are concerned, the Convention on the protection of the Alps (the "Alpine Convention"), and its Protocols undoubtedly constitute an international legal instrument of major importance.

The International Commission for the Protection of the Alps (CIPRA) started work on an international instrument to protect the Alps in 1987.

Six of the seven Alpine countries signed the resulting Alpine Convention in Salzburg on 7 November 1991, and all seven countries (Germany, Austria, France, Italy, Liechtenstein, Slovenia and Switzerland) have now signed. The Principality of Monaco signed in 1995. The Commission of the European Union has also approved the Convention, which was recently ratified by Austria, Germany, Liechtenstein and Slovenia.

It accordingly came into force in March 1995.

The Protocols are currently being drafted, each under the responsibility of one of the signatory states.

The Alpine Convention is specifically intended to protect the Alps' natural environment.

From what we have already said, it is clear that the provisions of the European Charter of Mountain Regions complement those of the Alpine Convention insofar as:

- the two instruments are targeted at different groups,
- the geographical areas they cover are complementary,
- they have different objectives,
- different procedures were followed in preparing them.

6. GENERAL REACTIONS TO THE EUROPEAN CHARTER OF MOUNTAIN REGIONS

Reactions to the draft European Charter of Mountain Regions have generally been favourable, in terms of both principle and content.

The balance which it strikes between economic development and protection of the environment and its determination to make human beings the focus of coherent political action have been particularly appreciated.

It has been especially praised for highlighting the importance of such issues as:

- farming in mountain areas, landscape, crafts and small industries;
- education and tourism;
- public services, infrastructure and facilities with a special emphasis on developing rail transport;
- culture and research;
- international, scientific and technical co-operation;
- increasing the powers of regional and local authorities in accordance with the principles of subsidiarity and autonomous development.

At the Chamonix Conference, Mr Barnier, former President of the Alpine Conference, welcomed the European Charter, and said that it was fully compatible with the Alpine Convention.

This view was reiterated in Conference's final declaration.

In the declaration, the participants suggested that the Alpine Convention should constitute, for the Alps, an instrument for application of the European Charter "before the letter", and should thus be integrated, in a spirit of complementarity, within the Charter's general framework, once the Council of Europe's member states had signed and ratified it.

To make this possible, they hoped that the proposals made by the representatives of the Alpine regions would be acted on, thus facilitating ratification of the Convention by all the Alpine States as a first step towards such integration within the Charter's general framework.

The Alpine regions' representatives in Chamonix particularly requested that the Convention and its protocols be incorporated in the domestic law of states in close co-operation with the regions directly concerned, and that those regions be made, as far as possible, responsible for enforcing them, within the limits of the powers accorded them at national level.

Still on the subject of reactions to the draft Charter, the European Union's Committee of the Regions responded to an invitation sent to Mr Blanc, its chairman, by Mr Haegi, President of the Chamber of Regions, by adopting an "own-initiative" opinion on the text.

This opinion was prepared by the Committees' Commission II, which is responsible for spatial planning, agriculture, hunting, fisheries, forestry, marine environment and upland areas.

Mr Censi, who chairs the Commission and acted as rapporteur for the opinion, has been invited to present it at the plenary session of the Congress.

Throughout the lengthy process of drafting the European Charter of Mountain Regions, invaluable support was provided by the Parliamentary Assembly, and one of its members, Mr BRIANE, took an active part in the work of the CLRAE group responsible for preparing the draft.

In the Recommendation which accompanied the draft Charter, the Parliamentary Assembly was asked to continue its support by adopting a specific recommendation urging the Committee of Ministers to approve the Charter, and the Council of Europe's member governments to sign and ratify it.

7. CONCLUSIONS

If it is adopted by the Congress of Local and Regional Authorities of Europe, the European Charter of Mountain Regions will be submitted to the Committee of Ministers for final adoption.

To this end, the draft Charter is preceded by a Recommendation asking the Committee of Ministers to examine it without delay, with a view to adopting it, and so giving all of Europe's mountain regions an international legal instrument capable of correcting existing socio-economic disparities within a framework of sustainable and balanced development.

The Recommendation also urges the governments of Council of Europe member states to take account of the recommendations made in the Declaration of Chamonix-Mont Blanc, approved at the Chamonix Conference by over 200 representatives of Europe's mountain regions, when drafting or amending legislation, programmes or sectoral policies with an impact on mountain regions.

The European Charter is also intended to encourage the institutions of the European Union to implement a first specific policy for the Union's mountain areas.

The Recommendation accordingly invites the European Union to accede to the European Charter of Mountain Regions when it comes into force.