

Opinion 173 (1993)¹

Texts adopted at the 28th Session of the Standing Conference of Local and Regional Authorities of Europe (CLRAE)

Parliamentary Assembly

1. The Assembly has, since its very first sessions, regarded the contribution of local and regional authorities to the building of Europe as vital, and the Standing Conference of Local and Regional Authorities of Europe can play a crucial part in the introduction and exercise of democracy in the local and regional authorities of the countries of central and eastern Europe.
2. Furthermore, the Assembly has always shared the Conference's desire for statutory improvement and consequently has supported and contributed to the efforts made with this in mind.
3. In accordance with its terms of reference, the Assembly hereunder gives its opinion on the texts adopted at the 28th Session of the CLRAE.

A. [Resolution 241 \(1993\)](#) on the 7th European Symposium of Historic Towns²

The Assembly has followed with interest the series of European Symposia of Historic Towns and hopes that this series will continue under the aegis of the CLRAE. The series, which began in Split in 1971, is a continuing reminder of the importance of integrating conservation with dynamic policies of urban planning. It also provides a convenient context for bringing together local authorities, parliamentarians and representatives of non-governmental organisations. In particular the symposia have become one of the institutional links between the Council of Europe and Europa Nostra/IBI.

The resolution, following the declaration adopted in Istanbul in September 1992, places special emphasis on solidarity with the municipalities and regions involved in the war in the former Yugoslavia. This concern parallels that expressed by the Assembly Committee on Culture and Education (see in particular [Document 6756](#)). The cultural dimension should be included in support programmes for this area, including the "Causes communes" project initiated at local authority level. This resolution should therefore be read together with CLRAE [Resolution 251](#).

The Assembly also shares and supports the desire for action to be taken in respect of the environment in the countries of central and eastern Europe. It would like this action also to include awareness and education programmes for use in schools.

[Resolution 242 \(1993\)](#) on statutory improvement of the CLRAE and enhancement of the participation of regions and towns

The Assembly regrets that the Conference, having affirmed its desire to give local and regional authorities a statutory position more appropriate to their specific nature and respective roles, ultimately adopted a compromise resolution which cannot be satisfactory to the regions, which would like the Council of Europe to

1. See [Doc. 6847](#), report of the Committee on the Environment, Regional Planning and Local Authorities, Rapporteur: Mr Zierer. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 5 June 1993 - Adopted by the Standing Committee of the CLRAE on 4 February 1993

2. Adopted by the Standing Committee of the CLRAE on 4 February 1993.



provide them with a platform for dialogue and consultation enabling them to deal, completely independently, with subjects particular to their status and situation and to forge the links they consider appropriate with, inter alia, the Parliamentary Assembly.

The Assembly therefore reiterates its desire for two chambers to be set up within a single body, which would differ from that proposed in the resolution in that it would retain its present denomination of Conference. One of the chambers would comprise local authorities, while the other would be made up of regional authorities.

The chambers should differ from the Conference's proposed sections in that they should enjoy a certain amount of autonomy, each have a bureau and be allowed to hold an annual plenary session separate from the annual session of the Conference. The Parliamentary Assembly is convinced that this is the only solution which will enable the Council of Europe and the Conference to strengthen their role as a representative of the various local and regional authorities among the different European bodies.

The Assembly also understands the CLRAE's wish to be granted a certain degree of independence in managing its financial resources, as enjoyed by the Parliamentary Assembly. But for the same reason it cannot understand the Conference's continuing request for the Council of Europe budget to meet its members' participation expenses. The Assembly is sure that statutory improvement of the CLRAE necessarily involves the payment by local and regional authorities of the costs of their members' participation in the Conference.

Where admissibility conditions for members are concerned, the Assembly would like the basic principle to be that members must hold elected office. It is aware of the special circumstances in certain member states and of the need to take these into account. It suggests that the Rules of Procedure of the Conference (or of each of the two chambers) allow for this and include a full list of possible exceptions. The list would appear in an appendix to the Rules of Procedure and would be revised in the event of any further accession or following institutional changes in any country.

C. Resolution 243 (1993) on citizenship and extreme poverty: the Charleroi Declaration

The Assembly notes this resolution with satisfaction. Like [Resolution 244](#), it corresponds to the concerns of Assembly [Recommendation 1196 \(1992\)](#) on severe poverty and social exclusion: towards guaranteed minimum levels of resources. Its Social, Health and Family Affairs Committee was represented at the Nottingham Conference on Housing and its approach thereto is reflected in paragraphs 5 and 15.iii.b of [Recommendation 1196](#).

D. Resolution 244 (1993) on the right to housing and its implementation by local and regional authorities

The Assembly regrets that specific attention has not yet been given by the CLRAE to the problems of housing for young people.

E. Resolution 245 (1993) on municipal and regional environmental policy in Europe

The Assembly fully subscribes to the Conference's proposals, which follow the same lines as the Assembly's work in this sphere.

The Assembly reiterates its attachment to partnerships with the main parties involved in environment-related policies. It was in this spirit that the Committee on the Environment, Regional Planning and Local Authorities, in pursuance of the terms of reference given to it by the Assembly, carried out the Freshwater Europe campaign relating to water resource management, at the end of which the Assembly will shortly be required to examine guidelines for a pan-European water management policy.

With more particular reference to local authorities' role in this field, the Assembly shares the CLRAE's wish to encourage them to develop awareness and education programmes and all other activities in their "proximity".

F. Resolution 246 (1993) on combating the greenhouse effect and protecting the ozone layer: the role of local and regional authorities

The Assembly is of course delighted about the role that the Conference wishes local and regional authorities to play in this sphere; whether that be by the development of action involving the general public, or by steps to encourage the business world and policy-makers to do everything possible to help to protect the ozone layer and combat the greenhouse effect.

It also believes that it would be useful if local and regional authorities were represented at the forthcoming Pan-European Conference of Ministers of the Environment, to be held in Bulgaria in 1995.

G. Resolution 247 (1993) on North-South solidarity and interdependence: the role of the CLRAE

The Assembly welcomes the support expressed by the CLRAE in favour of the Council of Europe's North-South Centre, and its various proposals for an improvement in its functioning. These largely meet the suggestions contained in the Assembly's **Resolution 998 (1993)** on the Council of Europe's North-South Centre: role and achievements, adopted on 12 May 1993, and stating, inter alia, that "the North-South Centre merits continued existence ... [and that it] has made and continues to make a positive contribution to North-South understanding in Europe".

The Assembly notes with satisfaction the educational activities proposed by the CLRAE. It is in encouraging awareness within Europe of North-South issues that the Council of Europe's centre in Lisbon can make its most effective contribution.

H. Resolution 248 (1993) on inter-territorial co-operation

Inter-territorial co-operation is now essential to the building of Europe. The 3rd Conference of Mediterranean Regions, held recently in Taormina by the Parliamentary Assembly and the CLRAE, clearly showed the interest felt by some regions which have the same problems and similar aims in having a platform for dialogue and co-operation. However, these links, even if they are organised and sustained, have no legal framework to give the results of such co-operation any lasting value.

The Assembly can therefore only subscribe to the Conference's proposal to the Committee of Ministers that the draft convention on inter-territorial co-operation between territorial communities or authorities be adopted, a quite natural complement to the European Outline Convention on Transfrontier Co-operation.

If local and regional authorities are actually to play the role increasingly acknowledged to be theirs, this convention could only help them to do so efficiently.

I. Resolution 249 (1993) on Gypsies in Europe: the role and responsibility of local and regional authorities

This resolution is entirely in line with Assembly thinking on Gypsies in particular and on minorities in general. It should be considered alongside Assembly **Recommendation 1203 (1993)** on Gypsies in Europe. The practical proposal for a network of municipalities concerned with the reception of Gypsy communities should in particular be given support.

In fact, the situation of Gypsies warrants closer attention on the part of the Council of Europe and its member states. The problems facing Gypsies have been attracting the attention of the Parliamentary Assembly for a long time and it rejects in particular all forms of discrimination against them.

It therefore supports the wish of the Conference that the European Committee on Migration (CDMG) be instructed to organise a forum on the implications of the migration of Gypsies and their situation in this context. The Committee on Migration, Refugees and Demography should be associated with such a forum.

J. Resolution 250 (1993) on the development of local and regional self-government in central and eastern European countries

As early as 1989 the Assembly acknowledged and offered support for the role that the CLRAE can play in helping the countries of central and eastern Europe to set up systems in accordance with the Council of Europe's European Charter of Local Self-Government.

It has to be said that the authorities do not always comply with the principles of decentralisation, but bring a de facto dispersal of central government control. Recent events such as the dissolution by the Lithuanian Parliament of the Vilnius municipal council, leaving the city under direct rule, prove that constant vigilance must be shown as systems of local democracy are introduced and applied.

The Assembly subscribes to and supports the CLRAE's proposal that the Committee of Ministers substantially increase the resources needed for the LODE programme. It particularly emphasises the training of local and regional authority staff and the provision of information to elected representatives. Democracy and local self-government are only possible if those responsible are trained. Only after training and armed with appropriate information can those responsible perform their task properly.

As for the setting up of a foundation for the development of local self-government, one of whose tasks should be to co-ordinate bilateral and multilateral assistance programmes with the countries of central and eastern Europe, the Assembly would like care to be taken to avoid duplication and the creation of more bodies. It points out that OECD's new databank containing all the information about bilateral and multilateral projects

with these countries was an instrument of co-ordination. It therefore requests that any feasibility study of a project such as the one proposed by the CLRAE be preceded by an investigation into what might already exist in this sphere.

K.Resolution 251 (1993) on humanitarian action and aid to local democracy in the former Yugoslavia

The Assembly fully supports **Resolution 251**.

32. It is pleased to note that the text refers to its own **Recommendation 1205 (1993)** on the situation of refugees and displaced persons in several countries of the former Yugoslavia and to its **Recommendation 1189 (1992)** on the establishment of an international court to judge war crimes.

It also supports the principle that the economic embargo cannot be applied to humanitarian aid.

It can only approve of the support and contribution by the local and regional authorities towards enabling the refugees of the former Yugoslavia to be received under acceptable conditions and endorses the Conference's appeal to governments to display solidarity by receiving these refugees and to take measures to bring an end to the hostilities as soon as possible.

In this prospect, the Council of Europe is co-operating with the Office of the United Nations High Commissioner for Refugees (UNHCR) and Unicef in the provision of psychological assistance to refugee women and children who have been traumatised by the war and is supporting the efforts of the non-governmental organisations which are seeking to establish close contacts between local authorities of the regions of the former Yugoslavia and of other European states.

While making it clear that the Council of Europe should first and foremost make every possible effort to further the peace process in the territories of the former Yugoslavia, the Assembly gives its encouragement to action taken to bring relief to the population groups of this region, whose situation is dramatic.

It unreservedly supports the "Causes communes" initiative, not limited to humanitarian action in the strict sense, but intended to include practical action relating to training and information about democracy. This kind of "proximity partnership" involving "donor" and "beneficiary" communities has already been tried and tested. The initiatives in Romania developed by "Opération villages roumains" (OVR), which received Council of Europe support, showed that institutional activities organised by intergovernmental organisations needed to be complemented by "capillary" action by non-governmental bodies.

In the same vein, the importance of encouraging the development of unbiased and pluralistic information is rightly emphasised. Such initiatives should be linked to confidence-building measures introduced by the Council of Europe, especially concerning the media, and the activities of the Co-ordinating Centre for Independent Media in the Balkan Region recently established in Ljubljana on the initiative of the International Federation of Editors and Journalists (FIEJ) and the International Federation of Journalists (IFJ).

Account should also be taken of the cultural dimension (see **Resolution 241** above).

L.Resolution 252 (1993) amending the Rules of Procedure

The Assembly shares the desire for national delegations and political groups to be set up within the CLRAE, these changes are a natural consequence of the spirit underlying the statutory improvement of the Conference.

M.Resolution 253 (1993) on the regional dimension of the European audiovisual area

For the Assembly, pluralism remains the key objective in the media landscape. The regional dimension can be a welcome addition to the variety of media provision, but it should not preclude the availability of national or international sources of information and entertainment.

Greater attention should be paid to the provision of multilingual options in televised broadcasts (whether by subtitling or alternative audio channels).

N.Resolution 254 (1993) on the impact on local and regional authorities of the Single Market, the Maastricht Treaty and the European Economic Area

The Assembly supports the wish of the Conference that the right of foreigners to vote at local level should be introduced as advocated in the Convention on the Participation of Foreigners in Public Life at Local Level. It also shares its concern at the growing extent of migration towards western Europe resulting from economic disparities with central and eastern Europe. In fact, this problem is soon to be considered by the Parliamentary Assembly.

The Assembly recalls its role as the parliamentary forum of the European Conference of Ministers of Transport (ECMT) and its biennial report on ECMT activities; the most recent one is the subject of [Resolution 977 \(1992\)](#). A new resolution and report, covering ECMT activities in 1991 and 1992 is at present under elaboration and will deal with the transport issues raised in this resolution.

Where, in particular, the position of local and regional authorities in this context is concerned, the Assembly can but subscribe to the desire for the reinforcement of transfrontier co-operation, local and regional autonomy and an overall, prospective regional/spatial planning policy. This fits in with the parallel discussions under way in the Assembly's Committee on the Environment, Regional Planning and Local Authorities.

On the subject of the CLRAE's regret that the Maastricht Treaty does not refer to local and regional authorities as beneficiaries of the principle of subsidiarity, and its request that the European Community lay down a legal definition of that principle, the Assembly considers this step inappropriate. The definition and laying down in legal terms of the subsidiarity principle with reference to local and regional authorities are not matters for the European Community, but primarily ones for states and the European Charter of Local Self-Government already contains many relevant provisions.

However, given the importance of the principle, increasingly the basis for definitions of responsibilities at different levels, the Assembly proposes that the Committee of Ministers ask the competent bodies of the Council of Europe (Directorate of Legal Affairs, CLRAE, Parliamentary Assembly) to define the principle in relation to member states, and that, as a second stage, consideration be given to preparing an instrument (charter, outline convention, etc.) to provide a more precise legal basis for the exercise of the principle by local and regional authorities.