

CONFERENCE

PRACTICAL APPROACHES TOWARDS EFFECTIVE EUROPEAN TRANSFRONTIER CO-OPERATION

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Gemeente Maastricht



Ministerie van Binnenlandse Zaken en
Koninkrijksrelaties



Ministerie van Buitenlandse Zaken

Practical Approaches Towards Effective European Transfrontier Co-operation

WE THE PARTICIPANTS IN THE CONFERENCE,

Having reviewed the latest developments in the field of transfrontier co-operation on the basis of our experiences and in the light of the practical applicability of the legal instruments available and the different forms of co-operation such as Euroregion and Euregio;

Recalling the Council of Europe European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and its 2 protocols which provide a legal framework for transfrontier co-operation initiatives and having regard to its 3rd protocol being prepared for signature and ratification by member states of the Council of Europe;

Recalling Congress Recommendation 117 (2002) on promoting transfrontier co-operation: an important factor of democratic stability in Europe which recognises that transfrontier co-operation is essential for the development of stability in Europe;

Recalling Congress Recommendation 240 (2008) on the Draft European Charter of Regional Democracy which, amongst others, promotes the right of regional authorities to engage in transfrontier co-operation;

Recalling the Council of Europe Committee of Ministers' Recommendation (2005)² on good practices in and reducing obstacles to transfrontier co-operation between territorial communities or authorities, which identifies numerous obstacles to effective transfrontier co-operation and encourages Council of Europe member states to take action in order to overcome them;

Recalling the Council of Europe Committee of Ministers' Recommendation (2005)³ to member states on teaching neighbouring languages in border regions;

Recalling Regulation 1082/2006 of the European Parliament and the Council on a European Grouping of Territorial Co-operation (EGTC) which aims to facilitate and promote transfrontier co-operation between members with the aim of strengthening economic and social cohesion;

Welcome the report currently being prepared by the Congress of Local and Regional Authorities of the Council of Europe, which examines the state of transfrontier co-operation in Europe today, the conclusions and recommendations of which will give new impetus to the Congress' activities in this field;

Welcome the commitment of the Parliamentary Assembly of the Council of Europe and its support for the Organisation's work in the field of transfrontier co-operation;

Aware that the European ministers responsible for local and regional government will hold the 16th session of their conference in Utrecht on 16-17 November 2009 to discuss, inter alia, the challenges to transfrontier co-operation at the beginning of the 21st century, and to contribute ideas and proposals for their consideration and political initiative,

DECLARE

We live in the year of the 60th anniversary of the Council of Europe, established in the aftermath of World War II. Today, we witness transfrontier movements of all types, on a scale never experienced before, as a result of European integration and internationalisation. Yet, the political map of Europe comprises today, at the dawn of 21st century, many more independent states and thousands more kilometres of frontiers than 60 years ago. The challenge of our time is to make sovereignty and independence co-exist with freedom of movement and new forms of governance across borders.

Even now, in the 21st century, borders are seen too often as walls at which unwelcome events (disease, economic crisis) or persons (illegal immigrants, organised crime) can and should be stopped. They are not yet perceived as lines along which different worlds of ideas and opportunities can meet, fertilize each other and give rise to new forms of governance, development and society.

Local and regional authorities as well as citizens in the border regions know that the latter vision is closer to the truth than the former and that action should be taken to lift the negative stigma that lingers over frontiers and turn border areas into “lands of opportunities”.

Disparities between legal and administrative systems, different languages, cultures and traditions may be a source of enrichment and opportunities for citizens to seize but may also constitute insurmountable barriers to contacts, dialogue and co-operation if action is not taken at all appropriate levels of political decision.

Dialogue and good administrative co-operation at and between all institutional levels (local, regional and national), between the States involved and their appropriate institutional and legislative frameworks are therefore a key means of ensuring peace, democratic stability and sustainable development in border regions.

ADOPT THE FOLLOWING RECOMMENDATIONS

Member states of the Council of Europe should see in transfrontier co-operation one of the major challenges to effective democratic governance in the 21st century. They should adopt or adjust their policy to the effect that:

- the legal framework for transfrontier co-operation is adjusted to meet the needs of local and regional authorities to co-operate with their neighbours across borders;
- transfrontier co-operation is recognised as one of the dimensions of multilevel governance in the domestic legal order;
- the relevant international conventions, such as the Madrid Outline Convention and its two protocols already in force, are signed, ratified and incorporated into the domestic legal order and protocol No 3 on Euroregional co-operation groupings is signed at the forthcoming Utrecht conference and subsequently ratified as a matter of urgency;
- European Union Regulation 1082/2006 on EGTCs is implemented and the necessary domestic legislation adopted without delay in EU member states;

- bilateral issues are addressed through dialogue and negotiation, and treaties or agreements are concluded with neighbouring states in order to remove obstacles to effective co-operation;
- analysis of the relevant legislation in neighbouring member states make a constituent part of the analysis when preparing new national legislation that may affect citizens' every-day life in border regions;
- adequate resources accompany any transfer or increase of functions and responsibilities;
- the capacities of local and regional authorities to meet the challenges of transfrontier co-operation, are strengthened through adequate human resources and training policies;
- "dedicated" agencies, such as the MOT in France, the Benelux Committee on Transfrontier Cooperation, are set up in order to advise, accompany and train local and regional authorities in the various stages of transfrontier co-operation and institution-building;
- the establishment of a "spokesperson or ombudsman for transfrontier co-operation" could be envisaged where appropriate: this person – provided with adequate powers and resources – could act as a facilitator between local and central authorities and also raise awareness in central authorities about local governments' needs and problems in respect of co-operation with their neighbours, thus facilitating the adoption of concrete solutions to identified problems;
- local and regional authorities are allowed to experiment flexible and innovative approaches to problem-solving, if need be in the framework and as a result of bilateral treaties that would set the rules for the territorial authorities of the countries concerned;
- favourable conditions are created for the civil society to become more actively engaged in transfrontier co-operation and to act as a partner providing feedback on local needs and possibilities;

Local and Regional Authorities in general and those situated at the borders of their respective countries in particular, should also see in transfrontier co-operation an opportunity to perform more effectively their functions in the interest of their citizens. To this end, they too should:

- appraise the exercise of their functions in light of the challenges that transfrontier co-operation poses to them;
- request from central states the transfer of competences and resources needed in order to perform any new tasks that the full integration of the transfrontier factor into their governance would imply;
- make use of legal and financial instruments available to develop projects devoted to transfrontier co-operation between local and regional authorities where appropriate;
- exchange transfrontier co-operation experience through exchange of best practices and staff entrusted with the management of transfrontier co-operation;
- support co-operation with NGOs and the private sector in border regions, and engage actively the citizens in the implementation of transfrontier co-operation projects;

Local and Regional Government Associations should:

- harness whatever resources are available to support the development of local government expertise in the field of transfrontier co-operation;
- compile and disseminate positive experiences of local and regional authorities and other organisations on effective transfrontier co-operation;
- build constructive partnerships with ministries as well as national and international institutions to maximise the political support for effective transfrontier co-operation structures;
- provide support to their members for ensuring the effective implementation of transfrontier co-operation at regional and local levels;

CALL UPON

The Council of Europe to continue and strengthen its work in the field of transfrontier co-operation between territorial communities or authorities and in particular:

- to continue the promotion and monitoring of the ratification, signature and adoption of the Madrid Outline Convention and its two protocols already in force;
- to adopt the draft legislation for the functioning of the Euroregional Co-operation Groupings (Protocol No 3 to the Madrid Outline Convention) drawing on the lessons learnt in the implementation of EU Regulation 1082/2006, so that member states are provided with a concrete model legislation they can easily use in order for the ECG to be quickly operational;
- to initiate the process of updating the Madrid Outline Convention through consolidation of the main body and the three protocols;
- to provide assistance to local and regional authorities that wish to set up “Euroregions” or have established “Euroregions” – such as those in the Adriatic Sea area and in the Black Sea region – to the effect that these Euroregions are fully operational and other states, regions or local authorities across Europe can benefit from the lessons learnt;
- to disseminate widely the conclusions of the Conference;
- to strengthen the activities aimed at improving intercultural dialogue among its members, as intercultural understanding is one of the key factors to successful transfrontier co-operation;
- to initiate the discussion on creating a common ‘knowledge network’ that would enable all actors involved in transfrontier co-operation to share both new and existing documentation, databases, information and experiences, best and worst practices etc;
- to co-operate closely with other international organizations such as the European Union, the Organisation for Economic Co-operation and Development (OECD), and European associations such as the Association of European Border Regions (AEBR) in order to co-ordinate the actions in the field of transfrontier co-operation;

The European Ministers responsible for local and regional government, one of whose tasks at their Conference in Utrecht (16-17 November 2009) is to adopt a new Agenda or Work Programme of the Council of Europe on delivering good local and regional governance 2009-2014,

- to adopt as one of the priority activities of the Council of Europe in the field of local and regional government, transfrontier co-operation between territorial authorities and communities, and to this end, establish, support and fund, as the case may be, the establishment of a platform of actors of transfrontier co-operation (European associations, national agencies etc) that will support local and regional authorities and their associations through the provision of modern training materials, methodologies and capacity assessment tools, facilitating east-east and west-east exchange of best practices, and providing access to international networks of practitioners in the field of transfrontier co-operation;

The Member States of the European Union to implement

- the Structural and (Territorial) Cohesion Policies in a way that facilitate transfrontier co-operation between local and regional authorities and other relevant partners;
- the European Neighbourhood and Partnership Instrument (ENPI) and the Instrument for Pre-Accession Assistance (IPA) paying attention to the needs and role of territorial authorities in the promotion of stability, security, social and economic development along the external borders of the European Union;

The Council of Europe and the European Commission to support the aforementioned key stakeholders in their efforts to develop structures for effective transfrontier co-operation and to this end:

- to co-ordinate closely their actions to develop legal frameworks for transfrontier co-operation, including the development of a shared terminology;
- to co-ordinate, as far as possible, assistance in order to reduce unnecessary duplication and overlap, and lessen the burden on national and local counterparts;
- to promote, support and bring together best practices in transfrontier multi-level governance;

The Congress of Local and Regional Authorities of the Council of Europe and its Working Group on Inter-regional Co-operation (GT-CIR), in addition to its ongoing work on the monitoring of the actions of member States in this field:

- to invite the special rapporteur of the Congress on transfrontier co-operation and the Working Group on Interregional co-operation to oversee the implementation of Recommendation (2005)2 of the Committee of Ministers of the Council of Europe and make all appropriate recommendations to the Congress and through it to the Committee of Ministers and member states;
- to disseminate widely the findings of the rapporteur and, as the case may be, the resolutions and recommendations adopted;
- to monitor the implementation of the Resolution/Recommendation on the state of transfrontier co-operation in Europe to be submitted by the Working Group on Inter-regional Co-operation (GT-CIR) to the next Plenary Session of the Congress;
- to pursue this work by producing a yearly report on European transfrontier co-operation evaluating its status and to distribute it among the Council of Europe member states;

- to facilitate dialogue and co-operation at transfrontier co-operation level, with particular reference to East-West and North-South relations or in areas where relations are tense or conflicts exist, through its work programme;
- to promote the implementation of the European legal instruments for transfrontier co-operation, such as the Madrid Convention and its protocols;
- to make use of its partnership with the Committee of the Regions in order to promote the adoption by the European Union of policies and approaches to transfrontier co-operation that help meet the above-mentioned goals and promote transfrontier multi-level governance, stability, security, and social and economic development at the external borders of the EU;

THANK

the International Cooperation Agency of the Association of Netherlands Municipalities and the Association itself, the Province of Limburg, the Municipality of Maastricht, the Dutch Ministry of the Interior and Kingdom Relations, the Dutch Ministry of Foreign Affairs and the Council of Europe for their role in and contribution to the organisation of this Conference;

INVITE

the Dutch Ministry of the Interior and Kingdom Relations, the Dutch Ministry of Foreign Affairs and the Council of Europe to bring these conclusions to the attention of the bodies and institutions mentioned above and in particular to the attention of the European Ministers responsible for local and regional government meeting in Utrecht, The Netherlands, on November 16-17, 2009, so they can use them in their deliberations and also take action on them;

EXPRESS THE WISH

that events on practical approaches and innovation in the field of transfrontier co-operation, like the present one, will be organised regularly in future.