

REGIONALISM AND THE EUROPEAN CHARTER OF REGIONS

REGIONALIZMUS ÉS AZ EURÓPAI REGIONÁLIS CHARTA

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Abstract

The concept of region is many-sided and diverse (Esterbauer, 1989) The same word is used for a variety of arrangements in a variety of political areas. Region is a sub-unit, the territorial segment of a unit. The territory denoted by the word can only be defined exactly as a function of the whole of which it is part. In reference to the global community of states, a region may comprise several states. In this sense it refers to a smaller area of inter-state relations; in international law operating through regional organisations a region may be interpreted as a division within the community of states (Cf. Charter of the United Nations, 1991). In reference to a state, region is an administrative unit within the state. Within the “Europe of the regions”, regions are territorial units which, on the one hand, exist within a member state, and, on the other hand, extend beyond local areas (Hrbek, 1988).

1. Characters of regions

Regional arrangements defined on the basis of certain common characteristics have to be discriminated from “political-democratic” regions as they have a rather different legal and functional nature (Hrbek, 1988). At the same time, the function and special role played by the region in a specific case are accompanied by an additional meaning characterised by its size and borders. Thus, in broad terms, we can distinguish between district regions, development regions and administrative regions on the one hand, and political-democratic regions on the other hand (Hrbek, 1988).

Mainly for the purposes of community regional policy, regions have long been considered the territorial units of territorial regulation, planning and development. The concept of development region served as a point of reference and framework of territorial utilisation for economic planning and development (Franz-Ludwig Knemeyer, 1992). From the perspective of European arrangements, however, autonomy and independence (which is the subject matter of political regionalism) are much more important aspects (Guy Héraud, 1989). In this function the concept of region has a specific “eigenvalue” which goes beyond simple administrative and regulatory decentralisation.

The concepts of political region and political regionalism are related to the autonomy efforts of regional organisations. Such regions as autonomous territorial bodies have legal entity status. As opposed to administrative, district and development regions, these regions have own powers and capacities to arrange their living space independently and autonomously with regard to the given socio-cultural and regional characteristics (Knemeyer, 1992). Political-democratic regions, in this sense, differ in quality from district and administrative regions (Knemeyer, 1990). The value and importance of district, development and administrative regions and of political-democratic regions

substantially depend on the degree of autonomy and the actual ability to exercise independent powers. Thus, there are different types of political-democratic regions in the Europe of the regions as well (Gulyás, 2004; Gulyás 2005).

Considering that regions were initially interpreted broadly as geographical areas which wanted to achieve a distinguished political position due to their unique ethnical composition, or that, from the perspective of the European Economic Area, regions were regarded as various entities forming the basis of the distribution of funds, we find that amid the chaos of explanations and definitions the most general and practical definition we can use is that of the European Parliament. This definition defines region in a general sense, based on geographic and/or ethnic, linguistic, cultural or religious characteristics and/or a shared history and/or the economic structure or common economic/cultural interests.

These criteria are standardised as a definition by Article 1 of the Community Charter for Regionalisation annexed to the European Parliament's resolution on regional policy and the role of the regions (European Charter of Regions, ECR). The Charter defines the word region as "a territory which constitutes, from a geographical point of view, a clear-cut entity or a similar grouping of territories where there is continuity and whose population possesses certain shared features and wishes to safeguard the resulting specific identity and to develop it with the object of stimulating cultural, social and economic progress." Looking at the definition we cannot help but think that Europe is made up of a bunch of unknown people. Perhaps such a vague definition was the only political way to determine the minimum of shared characteristics while leaving sufficient room for development. The European dilemma of reconciling many different traditions along a single principle becomes clear here. It is difficult to track whether a political compromise can really go that far as expressed in the European Charter of Regions and it cannot be a goal to find the least common denominator in a scientific examination either.

The European Charter of Regions makes it clear that regions are subnational entities confirmed by the units "in different states" [ECR Art 1(1)] or by the units in their "sovereign territory" (ECR Art 2) through a declaration, but it makes no reference to whether these intra-state entities have or may have the quality of an independent state. So, there is no specific definition for subnational regions. This is why the debate in Germany over the regional level could be programmed.

The German states as bodies directly subordinate to the federal government level have a minimum level of power and lay claim to the regional status. In reality, however, it follows from the European Charter of Regions as a whole and the commitment to regional policy that regions are understood as territorial units which should be arranged inside the nation-state level but outside the communal level. Article 1(3) of the ECR mentions provinces as possible national names. According to Article 12(3) of the ECR, powers should be assigned to regions subject to respect for the powers of local authorities and in line with the principles of the European Charter of Local Self-Government. Article 14(2) of the ECR foresees the delegation of regional powers to communal bodies (local authorities). Recital 19 and 29 of the resolution make a distinction between regional and local authorities. Finally, according to the European Charter of Regions, the territorial division [according to ECR Art. 4(2)], the right to exercise the related powers (cf. Recital 31(c) of the resolution), including legislative powers (cf. ECR Art. 7(2)11 and (2)12), and the democratically organised institutions (ECR Art. 6 and 7) can be considered as points of reference for summarising the states of Germany as regions. Consequently, the European Charter of Regions envisages a three-tier hierarchy (Community, state, region)

where German states would correspond to the level of regions (Erichsen, 1991), while in other member states the regional level would be represented by local self-governments or other municipalities.

This outcome, however, is not convincing for the opposing approach. There are no objections against a clear distinction between regional and local areas [cf. Recitals 19(b-c) and 29]. So, this leaves room for communal bodies to monopolise the concept of region in areas outside the local sphere. Recital 18 considers the NUTS II administrative level (regional level) the most suitable level for a regional policy based on administration and planning. This is not the level of German states (as they are assigned to NUTS I level) but that of regional districts.

Having legislative powers or the existence of statehood are non-constitutive from the perspective of the concept of region (Knemeyer 1990). By the way, the states of Germany, which have independent statehood while forming part of the federated state, do not fully fit in with the concept of region of the European Charter of Regions (Adalbert Leininger, 1989). The Charter distinguishes between states and regions and places them next to each other [ECR Art. 12(2), Art. 16(1), Recital 31]. If we assign the German states to the state level in this sense, the monopolisation of the regional level by the federal states looks dubious. Due to their state law status, administrative powers and functional significance in the federated state, the federal states of Germany go beyond the concept of regions within the meaning of the European Charter of Regions. Comparing the federal states with regions in other states which can only fulfil the regional function in a communal arrangement, federal states not qualifying as city states appear particularly unsuitable for fitting into a balanced system of regions covering Europe (Seele, 1991). Furthermore, federal states are not closed and developing units but party artificial arrangements (despite the emerging provincial consciousness) without shared natural elements which make up the whole territory.

The debate draws attention to the fact that not even the European Charter of Regions managed to clarify the concept of region and provide a clear and concise definition. Still, the Charter influences European regionalisation to a certain extent, even if not in an exact way.

Regionalism used to be considered the principle of dividedness, but today it is increasingly viewed as the principle of uniting independent sub-units into a large community.

Western European regional movements were discussed, analysed and classified by Dirk Gerdes in his work titled "Aufstand der Provinz, Regionalismus in Westeuropa" (Frankfurt 1980). Such movements entail both explosive separatism and the possibility of European amalgamation while guaranteeing a certain level of independence. In terms of their political scope and problems, Western European regional movements can be classified as autonomy-oriented, federalist and separatist movements. From this wide scope, "Bavarian" federalism (interpreted by Gerdes from the perspective of social movements having institutional representation) will continue to be interesting for Catalan, Galician and Andalusian regionalists. Similarly, this classification does not only provide great latitude but also shows a resistance against the Europe of the regions within the meaning of the regional conferences starting out from Bavaria.

It is enough to look at only the most recent periods of the 200-year history of European regionalism which promoted European integration while preserving diversity. The aim is not the creation of a centralised type of unity but rather to preserve diversity through partnership.

The Council of Europe and the Conference of Local and Regional Authorities interpreted diversity as a political goal differently than the European Community which has a rather centralistic approach despite the support of certain areas. The goal was to

enforce regional interests against the central powers and thus against the EC. This way, in the past 20 years regionalism has become significant in the form of political regionalism, along with the efforts of regional institutions to reach autonomy. This was evidently started by the Bordeaux Declaration (Esterbauer, 1979) which added a new (political-democratic) dimension to the debate on regionalism. Based on the Conference of Local and Regional Authorities, the Declaration puts the emphasis on regional structures and the necessity for the regional autonomy and decentralisation of public administration, defines the concept of region, and highlights the importance of democratic participation as a big step toward a political union. A new chapter has started in the history of regionalism. Today regionalism is understood as the response to a levelling integration process.

To promote their ability to represent interests and effectively intervene in policy-making, the regions established the Contact Office of European Regional Bodies (BLORE) seated in Strasbourg. Parallel to this, the Congress of Regional and Local Authorities (CPLRE) was also established. Reference is made here to the international congress held in Linz on 5–6 November 1981 by the Special Commission of Communal and Regional Affairs of the Council of Europe (Zehetner, 1982). The Council of the Regions of Europe (CRE) was found in 1985. It was renamed in 1987 at the Assembly of European Regions (AER) (Knemeyer, 1990). As of 1 August 1988, an advisory committee of regional and local bodies was created within the Commission. Finally, pursuant to Article 198(a)ff of the Treaty establishing the European Community, the Maastricht Treaty envisaged an advisory committee comprising the representatives of regional and local authorities (Hoppe/Schulz, 1994).

It can be considered a major success in the efforts toward regionalisation that in its resolution adopted on 22 April 1982 the European Parliament call on regional and local authorities to participate more actively in the socio-economic development of their regions.

Still, it took until 1988 for the European Parliament to formally approve the resolution on community regional policy and the role of the regions and the Community Charter for Regionalisation based on six reports issued by the regional policy and administration committee on the Community's regional policy and the role of the regions.

Although community regional policy had been treated as a tool for development and economic integrity within the community for a long time, the European Charter of Regions, and in particular the European Parliament's resolution on community regional policy understands it as a turning point in the approach to regions. The strengthening of the Community institutions must be accompanied by the decentralization of certain tasks – not only of an administrative nature but also in relation to joint decision-making and joint management – to regional authorities which represent the will of the people (Recital 21).

The resolution, and the Charter attached to it, transforms the concept of region into a building block of the Community by using the concept of economic and development region which therefore will receive a political dimension. As an essential aspect of this transformation, it is a demand coming from the top level (a community organisation) that regions should regionalise themselves within the Community (ECR Art. 2). The Charter envisages this in line with its ideas about the organisational powers within the state, while it recognises regions as legal personalities [ECR Art. 3(3)] and delegates self-administration and (with certain restrictions) legislative powers to them (ECR Art. 11). In addition to the legal personality, self-administration and legislative powers, regions need own instruments to complete their independence, and finally, as expressly stipulated in Article 15 of the Charter, the status and competences of the regions should be guaranteed.

2. Conclusion

Considering the wide scope of the possible organisational forms of the Europe of the regions, ranging from the decentralised administrative units created through the necessity of regional policy and totally ignoring geographical and cultural cooperation to the efforts of achieving the real federation of the community through regionalisation as an instrument, we are left with no other option than to follow the concept which includes political-democratic components drafted in the Charter. Without first creating and reinforcing the democratic basis, which is rightly and increasingly often demanded, there is no need for further debate on creating the European Union.

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