

## Communication from the Parliamentary Assembly of the Council of Europe (1 October 1992)

**Caption:** On 1 October 1992, Catherine Lalumière, French Secretary-General of the Council of Europe, gives a progress report on its new pan-European imperatives and on its new activities.

**Source:** Documents Working Papers, Ordinary Session of the Parliamentary Assembly of the Council of Europe (44e : 30.09.1992- 08.10.1992). Dir. of publ. Parliamentary Assembly. 1993, No 6672-6705; Volume V. Strasbourg: Council of Europe. "Communication from the Secretary general on the Council of Europe's activity in a radically changing Europe (1 October 1992)", p. 1-8.

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**Last updated:** 02/07/2015

## Communication from the Secretary General on the Council of Europe's activity in a radically changing Europe (1 October 1992)

**Doc. 6685**

### **Introduction**

The autumn session of the Parliamentary Assembly is the occasion for an annual report by the Secretary General on the Organisation's activity.

The past year was dominated by the continuation of the opening-up of the Council of Europe to the eastern half of our continent and by the maturing of relations with the CSCE. The summer was also marked by a concern to contribute to a lasting establishment of peace in the former Yugoslavia.

These developments have strengthened the Organisation's pan-European mission and highlighted its contribution to security. The time therefore seems to have come to reassess the Council of Europe's role. That will be the main purpose of the summit of heads of state and government which it was recently decided to convene at the Committee of Ministers' special meeting in Istanbul. The idea of such a summit had been put forward in a recommendation of the Assembly and was taken up by the President of the French Republic in his speech of 4 May to the Assembly. At the invitation of Austria, the summit will be held in Vienna in autumn 1993.

The Organisation's growing activity in a more unstable and less homogeneous world will raise the question of its ability to pursue its efforts in the field of democracy, human rights and the rule of law. This question, involving the Organisation's "critical mass", will need to be considered in the near future, not least from the budgetary point of view.

The present memorandum expounds briefly these main aspects of the Organisation's activity and, without seeking to be exhaustive, refers to various other initiatives and problems. <sup>1</sup>

### **Continuation of the opening-up policy**

Following the accessions of Poland (26 November 1991) and Bulgaria (7 May 1992), the Council of Europe now includes four central and east European states among its members, and these are contributing, from within, to a widening of the prospects for co-operation.

Using a wide variety of methods ranging from mere contacts to diversified forms of genuine, interparliamentary and intergovernmental co-operation, the opening-up process, already widely set in train with all the other central and east European states, has been extended to a substantial number of further states resulting from the dissolution of the USSR in late 1991 and, to a lesser extent, from the break-up of the former Yugoslavia.

The process has benefited from the very broad convergence of views between the Parliamentary Assembly and the Committee of Ministers, which have kept each other informed of the progress of their thinking.

Here is not the place to give a detailed account of relations with each of the new partners; such stock-taking is done on a regular basis. The past twelve months have nevertheless seen certain new developments that are worth mentioning.

With the membership applications from Russia and Ukraine, the movement under way has undoubtedly acquired a new dimension and the Organisation's pan-European mission is now more clearly visible.

As might have been expected, reconciling a desire to establish broader relations with a concern not to lower the Council of Europe's standards will require in several cases additional analysis and particular circumspection. The examination of candidatures has therefore been accompanied by offers of advice and

patient and constructive dialogues, as well as pauses, with a view to improving prospects for observance of the Council's standards by the applicant state. Among the countries furthest advanced in the process of accession, this is particularly the case with the Baltic states. While a positive trend is to be observed in Lithuania, there is still anxiety about the place which Estonia and Latvia — rightly proud as they are of their regained national sovereignty — envisage for their inhabitants of Russian origin.

The progressive establishment of contacts with the republics resulting from the former Soviet Union has sparked off a new debate concerning the "limits of Europe". Although the debate is still going on, a fairly general desire is to be observed on the part of both the Parliamentary Assembly and the Committee of Ministers to co-operate with all the states in that area in order to encourage the setting up of democratic institutions and thus contribute to the area's stability, though without this necessarily implying any prospect of subsequent accession for all, notably the republics of central Asia.

Naturally, the desire to initiate differentiated forms of co-operation with the members of the CIS and Georgia will require an additional effort. Accordingly, the funds earmarked for assistance and co-operation with central and eastern Europe (Vote IX of the budget, particularly the Demosthenes programme), which were raised to some 35 million French francs in 1992, will need to be further supplemented, probably under a separate budgetary heading. The major programmes for training lawyers (Themis) and fostering local democracy (LODE) should, at their inauguration in 1993, embrace whichever of these new partners wishes to participate in them. The resources of the Commission for Democracy through Law (Venice Commission) can also be used in this connection.

### **Relations with the CSCE**

The progressive transformation of the Council of Europe into a structure of pan-European co-operation recognised as essential for the stability of the continent has inevitably influenced its relations with the CSCE.

The participation by the Secretary General in the Moscow meeting on the human dimension (September 1991) as well as in the Helsinki Summit (June 1992) established yet more firmly in practice the now accepted principles of complementarity and co-operation between the two institutions. The Parliamentary Assembly's contribution made by the holding of the first meeting of the CSCE Assembly in Budapest also helped to strengthen this co-operation.

At its special meeting in Istanbul, the Committee of Ministers expressed itself in favour of intensifying co-operation.

In addition to the close relations to be established through the Warsaw Office for Democratic Institutions and Human Rights (ODIHR) and the Presidency of the Committee of Senior Officials, mention should be made of two salient developments. First, at the invitation of the Helsinki Summit, the Council of Europe is to hold in autumn 1993 a seminar on "Education: structures, policies and strategies" open to all countries participating in the CSCE. Secondly, the Secretary General has been invited to make some practical proposals for drawing up enlarged special agreements enabling the CSCE countries which are not members of our Organization to be involved in our activities.

The Council of Europe's participation in the CSCE's activities in regions where security is threatened is also developing, as will be seen later in the section concerning the situation in the former Yugoslavia.

### **Relations with the countries of North America**

As the artisan of democratic security in Europe, the Council of Europe has endeavoured to bring about an updating of its relations with the non-European CSCE states. Since the links with Canada are longstanding and regular, this has mainly concerned the United States.

The visit made to Washington in February 1992 by the Chairman of the Committee of Ministers, Mr Felber,

and the Secretary General marked an important stage in this process. The colloquy held in June on the subject of the new solidarities between Europe and North America permitted a deepening of the dialogue, including that with representatives of the North American parliaments and administrations.

The Council of Europe is being accorded increasing interest by the State Department, where its pan-European dimension and efforts in favour of democracy and human rights now seem more fully appreciated. A move towards concrete forms of co-operation on a mainly pragmatic basis has already started.

### **The situation in the former Yugoslavia**

The murderous conflict in the former Yugoslavia has shaken the Council of Europe, as indeed the whole international community. After suspending all relations with the Federation of Yugoslavia on 8 October 1991, the Organisation stood back, as it were, with a view to subsequently participating in the democratic reconstruction of the area after the cessation of hostilities. At both Parliamentary Assembly and Committee of Ministers level, however, it regularly expressed its support for the initiatives of the European Community, the CSCE and the United Nations and condemned the brutal violations of human rights.

During the summer of 1992, in the face of the escalation of horror in Bosnia and the danger of an extension of the conflict, the human rights organisation acted with greater firmness, as requested by the Parliamentary Assembly at its Budapest session. At its special meeting in Istanbul, the Committee of Ministers condemned the "ethnic cleansing" and declared that it would not recognize any situation created by a policy of *faits accomplis*. It called upon the responsible United Nations authorities "to take all necessary measures with a view to enforcing compliance with the decisions of the Security Council". Expressing its support for the International Conference on the former Yugoslavia in Geneva, it offered its assistance regarding matters within its sphere of responsibility, including the creation of an international criminal court. In the Secretary General's opinion, the urgency of the situation might encourage the setting up of a judicial body at European level, pending (and without prejudice to) a worldwide solution in the United Nations framework. The readiness of the Council of Europe to participate in CSCE visits, particularly to Kosovo, Sanjak and Vojvodina, was also reaffirmed.

Moreover, an appeal was made for the full potential of the Social Development Fund to be used for the purpose of resettling refugees.

These various actions are under way.

The intensification of political dialogue between member countries that was apparent at the meeting augurs well for the Organisation's future role even though it must still be noted that most international organisations, including the Council of Europe, do not have their own powers or legal, political or material means of usefully intervening in situations such as Yugoslavia.

Although the general picture in the former Yugoslavia is still very sombre, this section might be concluded on a brighter note by emphasising the positive prospects opened up in Slovenia, which has rapidly drawn closer to the Council of Europe.

### **Towards a summit of heads of state and government**

The Council of Europe's role, as may be seen, is rapidly developing. Indeed, its development appeared sufficiently manifest for the member states to agree to convene a summit of heads of state and government for the first time.

At the invitation of Austria, the principle of holding such a summit in Vienna in autumn 1993 was adopted at the Committee of Ministers' special meeting in Istanbul.

This will be particularly gratifying to the Parliamentary Assembly, which has long desired and proposed the holding of such a meeting.

Although its topics have not yet been decided on, the summit, which will need to be carefully prepared, will undoubtedly be dominated by the definition of the Council of Europe's role and responsibility in a new, transformed Europe as well as its place in the future "European architecture", as suggested by Austria. It should provide some answers to the challenges facing the Council of Europe as a result of its enlargement. According to individual cases, it should adopt or plan a number of major reforms calculated to adjust the Organisation to its new mission.

### **The challenge of protecting human rights**

The reforms to be submitted to the summit for adoption should include, in the Secretary General's opinion, those needed to preserve the efficiency of the system for protecting human rights.

The machinery established by the Convention for the Protection of Human Rights and Fundamental Freedoms is a victim of its own success. It is in danger of collapsing under the effect of the additional influx of applications against the new member states, which are liable to raise questions of a more complex nature requiring prompt attention.

The Parliamentary Assembly is concerned at this situation and is contributing, by exerting political pressure in the matter and through the initiatives of its Committee on Legal Affairs and Human Rights, to an active search for solutions. These will need to be ambitious and go beyond a mere increase in the resources made available to the Convention organs.

### **The necessary "critical mass"**

In the past years or months, several reform "worksites" have been opened, relating to the above-mentioned system for protecting human rights, the institutional role of the council of Europe, working methods, etc. Work is in progress both in the Assembly and in the Committee of Ministers, and in the light thereof the Secretary General has been asked to draw up an initial report on the implications of enlargement for the 91st Session of the Committee of Ministers, on 5 November.

There is, however, one aspect which has not yet been given sufficient attention. It concerns the Organisation's ability to continue its efforts to defend democracy, human rights and the rule of law in a Europe which has become much more unstable and less homogeneous. It is essential that, in such an environment, the Council of Europe should be provided with an adequate "critical mass" to negotiate with partners of considerable stature and at the same time cope with various urgent situations.

To acquire more muscle (rather than fat) in this way, the Organisation will inevitably have to continue the quantitative and qualitative adjustment of its human resources.

### **The budget**

This brings us to the question of the budget.

It is true that since 1989 the member states have granted a steady rate of growth in the ordinary budget. Thus, the appropriations allocated rose from 435 million French francs in 1989 to 666 million in 1992, an expansion of approximately 53%, of which about 37% represents the real growth in the volume of the Organisation's activities. The increases in appropriations concerned first and foremost the programmes of assistance for the countries of central and eastern Europe, the operational resources of the human rights protection organs, the Assembly, and the intergovernmental programme of activities.

Despite these increases, however, the budget's total volume is still modest in relation to the geographical extension of the Organisation's field of activity as well as the urgency and magnitude of the needs now apparent in Europe in the Council's various areas of responsibility.

Indeed, this growth in the Organisation's budget may be seen to be very relative and moderate if account is taken of the Organisation's enlargement and the increase in its needs during the same period, for example :

- number of member states : + 30%
- number of partial agreements : + 80%
- staff complement : + 14%
- number of pages sent for translation : + 25%.

It should also be noted that, with this sudden enlargement of the Organisation, the premises available to it have become highly inadequate and unsuitable. <sup>2</sup>

In fact, demands are now being placed on the whole Organisation on an unprecedented scale. Apart from the priorities mentioned earlier, it is important to increase without delay the Organisation's general operational resources, its stock of buildings and its communication facilities. For that reason the Secretary General has submitted for 1993 a draft budget showing an increase of some 140 million French francs with a view to meeting essential requirements in a budgetary context she knows to be difficult.

### **By way of a conclusion**

The above report is necessarily too brief and does not do justice to all the initiatives taken during the past twelve months.

Mention should also have been made of the "Albania" operation aimed at helping that country's schools in a highly practical way, or of the Euro-Arab Seminar held in November 1991 on a Swedish proposal as a sequel to the colloquy held a few months earlier by the Assembly on the Islamic contribution to European culture.

It would also have been useful to deal with co-operation with the Community, which, despite the current vicissitudes, is still the bedrock of European construction.

The main thing today, however, was to highlight the considerable transformation which the Council of Europe is undergoing, at the instigation of its organs and with the commitment of the Secretariat, in response to the tremendous process of destructuring and restructuring that has been going on in Europe for the past three years.

1. For further details, refer to the Report on the Activities of the Council of Europe, 1991.

2. The plan for the future Human Rights Building had to be interrupted for an upwards revision. The European Pharmacopoeia had to be provided with a modern building appropriate to its needs — more than two hundred temporary offices have been brought into service, and there will be another one hundred next year. The situation will, however, remain difficult until the new Human Rights Building is brought into service in late 1994. It will then be possible to make some further improvements to the accommodation conditions of the Assembly's parliamentary delegations and political groups. Finally work is being carried out on the entrance hall of the *Palais de l'Europe* following the transfer of the whole press sector to the new Press Centre, thus enabling better use to be made of that area and the quality of the facilities located there to be enhanced (newspaper kiosk, bookshop, bank, travel agency and even a bar, which will reduce congestion in the parliamentary bar on the first floor).