

## Report on the future role of the Council of Europe in the process of European construction (1 March 1989)

**Caption:** On 1 March 1989, the Parliamentary Assembly of the Council of Europe considers a report on the role of the organisation in future developments relating to European integration.

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## Report on the future role of the Council of Europe in the process of European construction (1)

(Rapporteur: Mr LIED)

### I. Draft Recommendation presented by the Political Affairs Committee (2)

The Assembly,

1. Recalling its previous work on the future of European construction, which led notably to the report of the Commission of Eminent European Personalities (Colombo Commission), communicated to both organs of the Council of Europe in June 1986, and to the subsequent work of the Colombo Commission Follow-up Group, which benefited from the contributions of all Assembly committees and of the Secretary General in its efforts to secure early implementation of the recommendations contained in that report, in conformity with Resolution 871 (1987);
2. Welcoming the Secretary General's communication (Doc. 5981) on the subject under discussion, submitted in the spirit of the Colombo Commission, both for its content and as a major factor in accelerating the debate both in the Assembly and in the Committee of Ministers which decided to devote an extraordinary meeting to the subject on 22 March 1989;
3. Considering that the happy coincidence on 5 May 1989 (Europe Day) of the formal accession of Finland as the twenty-third member state and the 40th anniversary of the Council of Europe makes the current debate especially timely,

#### A. Role of the Council of Europe in European construction

4. Stresses the irreplaceable political role of the Council of Europe as co-ordinator of all European parliamentary democracies and as a framework for real political dialogue between these democracies, with the aim of preserving their internal cohesion and harmonising their positions on major international questions;
5. Stresses the extent to which this stronghold of democracy and human rights is indispensable for European co-operation as a whole and particularly for the policies of integration pursued in the framework of the European Community;
6. Considers that the Single Market, a factor of cohesion between the twelve Community member states and a factor for progress in Europe in general, makes more necessary than ever a permanent and wide-ranging dialogue between those countries which are members of the Community and those which are not;
7. Considers that the Council of Europe provides the best political framework for this dialogue aimed at the cohesion of democratic Europe and that, with its achievements and its experience, it also constitutes an excellent framework for cooperation which can usefully serve to avoid the appearance of gaps in certain fields between Community and non-Community countries;
8. Welcomes the fact, in this connection, that the Rhodes Summit (European Council) of the Community (2 and 3 December 1988) not only considered, in the conclusions of the Presidency, that future proposals on social rights should "draw inspiration from the Social Charter of the Council of Europe", but also specified, in connection with the audiovisual area, that "the Community's efforts should be deployed in a manner consistent with the Council of Europe convention";
9. Stresses also the responsibility of specialised ministers, whose periodic conferences are such an important feature of the Council of Europe's activity, to harmonise the work programmes between the different European organisations, which should imply extension, wherever possible, of the benefits of co-operation to the widest circle of European democratic states, not forgetting those which aspire towards democracy;

10. Where the Council's intergovernmental work programme is concerned, fully supports an increased role for the Secretary General in eliminating unnecessary bureaucratic procedures in order, without reducing the fields of competence of the Organisation, to achieve the flexibility indispensable in affecting limited existing resources — which are likely to be increasingly revealed as inadequate — to the new priorities, by presenting proposals which will naturally be subject to scrutiny by the Parliamentary Assembly and, subsequently, by the Committee of Ministers;
11. Proposes furthermore that a management survey team, consisting of a small group of international experts, be invited to examine working methods and structures including archaic-seeming staffing procedures;
12. Stresses also that the evolution towards greater respect for human rights — and even moves in the direction of political pluralism — in certain Central and East European countries, combined with a new readiness on their part for wider European co-operation, reflected also in the terms of the concluding document of the Vienna CSCE review meeting, similarly sets a new challenge for the Council of Europe in the field of human rights, but also of cultural, environmental, legal, public health and scientific co-operation, and considers that the time has come to define and establish specific fields of co-operation with certain Central and East European countries;
13. Considers that the accession of these countries to some conventions is desirable, and that accession of Hungary to the European Cultural Convention would be a significant step, possibly following a transitional period of participation on an *ad hoc* basis in the work in question;
14. Points out that the Council of Europe provides a framework for European co-operation in the safeguarding and development of the diversity of national, regional and local cultural values, and that it is equally open to the processes of greater unity and closer union in Europe;

## **B. Role of the Parliamentary Assembly**

15. Reaffirms its role of giving impetus to the accomplishment of the Council of Europe's vocation, as fixed in Article 1 of the Statute, which implies the recognition and encouragement of its specific contribution to political debate in Europe and the world, and of its pioneering work, in which it enjoys a certain freedom of action from which the Organisation as a whole benefits;
16. Considers that it is more important than ever, at a time when fears are voiced of a "democratic deficit" in Europe, to reassert the relevance of the Parliamentary Assembly constituted of national parliamentarians for the first time, with Finland's accession, from the whole of democratic Europe, who are ideally placed to ensure that political impulses flowing from the preoccupations of the populations they represent are given full expression at European level, and that, conversely, their work in Europe is given full weight at national level;
17. Recognises the need for greater efforts to assure the latter function in order to bring the Council of Europe's work to the attention of wider circles in the member states, an important task to which every member of the Assembly should contribute;
18. Considers that democratic Europe already disposes in the Assembly of an institution which, given its composition of delegations from national parliaments, should play the role of a "European upper chamber", and considers also that this role should be further developed in order to bring European construction closer to national realities;
19. Considers that the Assembly can also make a valuable contribution in improving relations with the countries of Central and Eastern Europe, taking a lead among European organisations in this field, and that the creation of a special status, still to be defined, for these countries will contribute to the improvement of the climate of co-operation in Europe and that the association of the Assembly in the CSCE process would introduce an indispensable democratic dimension;

20. Considers that the Assembly should play a leading role in the follow-up to the Vienna concluding document and monitor the practical implementation of the appropriate aspects of undertakings contained in that document for all thirty-five participating countries;

21. Expresses its wish to establish and maintain co-operative relations with the European Parliament when it is reconstituted, at the level of bureaux, committees and secretariats, in the interests of the common goal of European construction in the widest sense;

22. Recommends that the Committee of Ministers:

i. reaffirm clearly the Council of Europe's vocation as promotor of democracy and human rights both in Europe and in the world, and give support to all initiatives of the Assembly in this field, and in particular to the Strasbourg Conference on Parliamentary Democracy and its decision to establish an Institute for Democracy;

ii. take advantage of the possibility of developing co-operation on an even broader level, as on the basis of the European Cultural Convention, for extending dialogue and co-operation to other European countries;

iii. utilise the results of the Council of Europe's experience in the search, in a spirit of solidarity, for answers to the shared problems with which European countries are confronted, such as AIDS, drugs, threats to the environment and terrorism;

iv. explore the possibilities for the Council of Europe to play an active and leading role in the CSCE process and the follow-up conferences now in preparation, both at governmental and parliamentary level;

v. ensure a greater rationalisation of the work of the various European organisations, by taking account of their respective membership and working methods and by improving practical machinery for concertation, especially between the Council of Europe, the European Community and EFTA;

vi. take due account of the Assembly's special responsibility as parliamentary forum for OECD, with annual debates including a report presented by the Secretary General of that organisation;

vii. stress with the governments of the Twelve their particular responsibility for ensuring that better account is taken in the Community framework of the Council of Europe's work, and entrust the Chairman of the Committee of Ministers with a general mandate to defend the interests of the Organisation;

viii. urge member governments to take a more positive attitude towards the Council of Europe with regard to means, so that it can efficiently perform the tasks with which it is entrusted.

## **II. Explanatory memorandum by Mr LIED**

### **Introduction**

1. The report which follows corresponds broadly with that approved by the Colombo Commission Follow-up Group in Strasbourg on 30 January 1989. This fulfils the wish expressed by the Bureau of the Assembly on 19 January that convergence should be assured between the work of the group (of which I am Chairman and Rapporteur) and the Political Affairs Committee, seized for report on the question of the future of the Council of Europe at the approach of its 40th anniversary.

2. The Colombo Commission Follow-up Group, constituted by the Bureau of the Assembly on 24 November 1987<sup>(3)</sup> in pursuance of Resolution 871 (1987) on the implementation of the report of the Committee of Eminent European Personalities (Colombo report) (General policy of the Council of Europe — Future of European co-operation), held a total of six meetings during 1988, in Strasbourg (on 27 January, 5 May, 3 October and 16 November), in Vienna (on 23 March) and in Athens (on 28 June).

3. The group decided from the outset, at its constituent meeting, that its role was not only to make sure that the report was not forgotten but "to act as a pressure group for the implementation of its proposals as soon as possible". Members of the group were in a position to be active in this context:

- in their national parliaments;
- at meetings of the Joint Committee (and colloquy) with the Committee of Ministers;
- at the meeting of delegations of the Bureaux of the Parliamentary Assembly and of the European Parliament;
- at the colloquies held by the Political Affairs Committee with Chairmen of the Committee of Ministers in Luxembourg and Malta respectively.

4. It was natural that the group should give high priority to maintaining close contact with the Secretary General, and exchanges of views with the latter took place at the meeting in Athens (June) and in Strasbourg (October). The Secretary General's communication on the Council of Europe's future at the approach of its 40th anniversary (Doc. 5981), evoking "the spirit of the Colombo Commission" is particularly timely, not only in its substance but because it has given precision to the notion of urgency in provoking an extraordinary meeting of the Committee of Ministers on 22 March 1989. Naturally, the Secretary General's reflections (dated 6 October 1988), which contained multiple references to "1992", are more up to date than the recommendations of the Colombo Commission, but it should be borne in mind that the eminent European personalities were fully conscious of the mandate (paragraph 1 of the foreword of their report to the Council of Europe) they received from the Assembly (Recommendation 994), namely: "to work out future perspectives for European co-operation beyond the present decade", that is to say the 1990s and beyond. Nor indeed is the Secretary General suggesting that the passage of two and a half years invalidated the work delivered by Chairman Emilio Colombo to both organs of the Council in June 1986.

5. The report that follows draws, in particular, upon information gathered and suggestions received not only from the Secretary General (in Doc. 5981, but also in written and oral communications bearing upon the intergovernmental work programme), but from Committees of the Assembly, notably resulting from the letter addressed to all chairmen on 28 January 1988 "inviting them to furnish all relevant elements with a view to collating full information on all action undertaken so far to implement the recommendations contained in the Colombo report". It will be convenient to follow the chapter headings of the Colombo report.

## **I. Foreword and introductory paragraphs**

6. As was stressed above (paragraph 3), the Colombo Commission's recommendations were expressly formulated to be relevant "beyond the present decade", making them particularly relevant for re-examination in 1989, the 40th anniversary of the Council of Europe. It is worth recalling the Commission's fourfold mandate, as regards substance:

- to "present views and proposals conducive to strengthening co-operation between all the democratic states of Europe in order to avoid a widening gap between them";
- to "present bold and realistic suggestions, encompassing the main areas of the lives of European nationals, that might contribute towards the creation of a fully united Europe";
- to "look into the adequacy of existing European institutions with a view to the realities and requirements of the Europe of tomorrow";
- to "present long-term proposals as well as proposals which lend themselves to immediate follow-up and implementation at a practical level, for the benefit of the European citizen".

7. For the Secretary General (Doc. 5981), however, the Colombo recommendations, which he places in a historical context of "several investigations conducted in recent years", would seem to fall short of constituting an adequate signpost for the 1990s, especially when it comes to defining "more clearly the Council of Europe's role and function in the process of European co-operation amid the Community's dynamism". This report will therefore be concerned with extracting from the Colombo report those

recommendations which have remained most relevant, and in several cases, complementary to those of the Secretary General.

8. The philosophy of the Colombo report is encapsulated in the last of its introductory paragraphs in which it is stated that "the Council of Europe should concentrate on two areas:

- including all the democratic European countries in the progress of European unification, and
- developing European co-operation among the Twenty-one".

9. In this connection, the realism of the Secretary General can only be salutary, since it must provoke reactions, taking the form of positive proposals, by our Assembly as well as from the Committee of Ministers. For the Secretary General, not only is:

- the Council of Europe "being bypassed by these developments" (that is to say the Single Market — not in itself of grave concern since our Organisation has only limited competence in the economic field), but also
- "less interest is being shown in cooperation among the Twenty-one, even by the non-Community countries".

10. This latter assertion was to some extent denied by the Committee of Ministers (Final Communiqué of the 83rd Session of 16 November 1988), using ritualistically familiar and vague language: "Stressing the Council's specific profile and mission, they reaffirmed its role in those fields where its competence was unquestionable and where it enjoyed an objective advantage thanks to its geographical coverage and its proven methods of co-operation."

11. Both organs of the Council of Europe are now compelled to reflect rapidly on the seeming contradiction between the special priority ascribed by the Colombo Commission to the inclusion of the democratic, European countries in the progress of European co-operation, and the fact that three-quarters of the ministerial communiqué already quoted above fall under headings not connected directly with such co-operation among democracies, namely East-West relations — Yugoslavia — United Nations — Latin America — East Timor — North-South Campaign.

Nor is our Assembly in any position to criticise the Committee of Ministers for "infidelity to the spirit of Colombo", since several recent and current projects divert limited resources to pursue activities well beyond the confines of the Twenty-two (soon to be Twenty-three), for example in the "new and emerging democracies" (the Strasbourg Conference), the Middle East as well as the fields of East-West and North-South relations.

12. It is hard to escape the conclusion that the modest concentration of the Council of Europe's activities which has already taken place during the 1980s is a natural reaction, given a certain reluctance especially among the Twelve to recognise more than a marginal role for our own wider grouping. I shall return in my conclusions to what the Secretary General sees as the "most important requirement" for the Council of Europe, namely: "To reassert its identity and redefine its role".

## **II. Political affairs**

### **i. European political dialogue**

13. The Colombo Commission calls for "an intensification of political dialogue", which should take place "more particularly at ministerial level", before indicating four priority themes:

- "harmonisation of the positions and activities of member states on major issues of international politics;
- East-West relations, with particular reference to the CSCE process;
- relations between democratic Europe and the world's other democracies;

— problems which arise in bilateral relations between member states".

14. It should be recognised that such dialogue has indeed taken place at ministerial level, as is demonstrated by the catalogue of issues of international politics dealt with in the latest ministerial communiqué (see paragraph 10 above). The improved attendance at recent sessions of ministers and secretaries of state shows that this possibility is appreciated by the participants.

15. It has often been remarked that the essentially intergovernmental European Political Co-operation (EPC) practised by the Twelve resembles much more the adoption of lowest common denominator positions rather than a "brave new European voice". So it would be unrealistic to expect the European Political Dialogue (EPD) among the Twenty-two (or Twenty-three) to be otherwise.

16. Plenary debates of the Assembly have not in consequence been stimulated by the "presentation of the results of political dialogue between governments" as the Colombo Commission recommended. Despite its drawbacks, mentioned above, off-the-record dialogue between the Chairmen of the Committee of Ministers and the Assembly's Political Affairs Committee has no doubt been beneficial to participants.

17. Strong agreement was expressed at the most recent Enlarged Joint Committee (Colloquy, Strasbourg, 16 November) with the Secretary General's assertion (Doc. 5981) that concertation between the organs should be improved and that "for this purpose, contacts and an exchange of information should be developed between them so as to promote coherence in their actions, particularly *vis-à-vis* third countries". Such concertation must of course be unconstrained and on an equal footing. No one in our Organisation, dedicated to upholding the ideals of parliamentary democracy, implying a wide degree of autonomy for parliaments/assemblies, would today go so far as to call for restoration of the provision in Article 23 of the original Council of Europe Statute, adopted by 10 Ministers in London on 5 May 1949, that the Committee of Ministers should draw up the Assembly's order of business.

18. The Colombo Follow-up Group fully endorses the Secretary General's assertion (Doc. 5981) that "the annual debate on the progress of European co-operation, instituted at the suggestion of the Colombo Commission, should become the pre-eminent framework for putting forward thoughts and proposals concerning European co-operation as a whole. The Parliamentary Assembly is, after all, the only forum where such a dialogue open to all the parliamentary democracies of Europe can be conducted". The Secretary General demonstrates here that he shares the opinion, also expressed within the Follow-up Group, that the "monographic" new-style general policy debates held in the spring of 1987 and the spring of 1988, respectively on "Social cohesion" and "Education and training", were less than fully successful experiments, interesting though they undoubtedly were, also due to ministerial participation.

## ii. A European democratic area

19. This was a chapter in which the Colombo report was most critical of the *status quo*: "Links between the Council of Europe and the other European institutions (excluding the European Community, dealt with below) are inadequate." The principal recommendation is therefore concerned with "establishing closer working relations between all the organisations active in Europe, to avoid duplication of work and also to mobilise all available resources and skills".

20. In a written reply from the Secretary General to our follow-up group (AS/Colombo (39) 1), dated 17 March 1988, it is stated that:

— chairmen of (intergovernmental) steering committees "have been invited to attach greater importance to exchanges of information and rational planning of activities in relation to other European organisations", while the Council of Europe Secretariat "is making a greater effort to ensure reciprocal information".

The Secretary General's latest contribution (Doc. 5981) suggests that he has lost confidence in such procedures:

- "the watchword should be: simplification and debureaucratisation through:
- the abolition of the medium-term plan,
- gradual replacement of the steering committees by more flexible *ad hoc* structures with a variable composition...".

21. Where the Assembly was concerned, the Colombo Commission, recalling the Assembly's role as a discussion forum for organisations like EFTA or OECD, having no parliamentary organ of their own, recommends that a similar function be performed for other organisations, "particularly EUREKA". This recommendation was indeed acted upon, when the Standing Committee, meeting on 30 June 1988 in Athens, heard the Danish Minister (who a fortnight earlier had chaired the 6th EUREKA Ministerial Conference), in the course of a debate leading to the adoption of Resolution 901 (1988), whose last paragraph "calls on the governments of member states of the Council of Europe to intensify and further concert their efforts in the negotiation of international norms and standards which will in the end determine the successful marketing of goods and services derived from EUREKA projects".

22. To conclude this sub-chapter, we must welcome the happy circumstance (to quote Opinion No. 144 which our Assembly adopted on 1 February 1989) "that the accession of Finland to the Council of Europe will, for the first time, make membership of the latter and the European democratic area identical". It would be more than unfortunate if our twenty-third member should gain the impression, even before the accession ceremony on 5 May, that our Organisation is at a loss on how to react to this new situation of historical dimensions, bringing with it new responsibilities for both organs of the Council of Europe.

23. The Secretary General (in Doc. 5981) is quite right to point out, referring to member governments, that "the question is whether the area has an operational, not just a symbolic, significance for the Council of Europe's member states, whether it comes within their analyses of geopolitical strategy and whether they still attach importance to the promotion by the Council of Europe of a system of social organisation based on the values of pluralist democracy and respect for human rights".

### iii. The Council of Europe and the European Community

24. At a time when the European Community, following the success of its most recent summits, is directing its efforts to making a reality of the slogan "Europe without frontiers" ("1992"), Mr Jacques Poos, addressing the Assembly on 26 January 1988, as Chairman of the Committee of Ministers, expressed his opinion on the role of the Council of Europe as follows: "In the light of the results obtained by the Organisation over the last few months, we can look forward with optimism to the 40th anniversary of the Council of Europe, which we would like to celebrate next year. At 40, the Council is in its prime and the Twenty-one represent an important potential in the context of the great European internal market for which we can provide the indispensable foundations of democratic principles, respect for human rights, the rule of law and cultural identity."

25. The Secretary General's analysis of the situation is less optimistic: "All European countries, whether or not they belong to the Community, are going to gear their policies to the Single Market either by applying for membership or by negotiating bilateral agreements. The Council of Europe is being bypassed by these developments, and less interest is being shown in co-operation among the Twenty-one, even by the non-Community countries." He is in full agreement with the Colombo Commission whose report declares that its "whole thinking is guided by the principle that every effort must be made to avoid dividing Europe by neglecting the countries which are not members of the Community".

26. For the Secretary General:

"The Council of Europe has made many attempts to clarify its relations with the Community, the most recent one being the exchange of letters of 16 June 1987 between the President of the European Commission and the Secretary General of the Council of Europe. These efforts have remained largely unilateral because,



while the Community's dynamism is raising queries about the Council of Europe's role, the reverse is not true. The Community is asserting universal competence and, to achieve its objectives, is using both the facilities offered by the Treaty of Rome and the classical means of intergovernmental co-operation.

The traditional distinction between integration Europe (the Community) and co-operation Europe (the Council of Europe) is no longer realistic. There is no scope for a clear division of competences between the two institutions. Furthermore, the implementation of joint projects is giving rise to considerable difficulties, both for institutional reasons and because of an imbalance between the two institutions' resources."

This assessment of the limitations of "joint projects" corresponds with the findings of the Follow-up Group.

27. Are efforts to harmonise work between the two institutions a lost cause ? In the view of the Follow-up Group (and no doubt of the Secretary General himself), it is too early to make such a sweeping assertion. The "conclusions of the presidency", following the Rhodes Summit (2-3 December 1988), did after all make two references to the relevance of the Council of Europe's work: in the social dimension, the Presidency considered that future proposals on social rights should "draw inspiration from the European Social Charter of Council of Europe", and in the audiovisual area, it was specified that "the Community's efforts should be deployed in a manner consistent with the Council of Europe convention".

28. Replies from Assembly committees to the Follow-up Group's enquiry of 28 January 1988 suggest that his assessment is probably broadly correct where relations with European Parliament committees are concerned and that, in any case, a large degree of "unilateralism" is present in this relationship also.

29. Colombo Commission member, Pieter Dankert, Vice-President of the European Parliament, received me in Strasbourg on 16 February 1989 and gave his support to the main proposals contained in this report. In particular he stressed the need for more contacts between the Parliament and the Assembly to clarify specificity of approach in fields where both parliamentary bodies will in the future as at present continue to be active: human rights, cultural (and media) co-operation, co-operation with Eastern Europe, social protection and societal problems.

30. Moreover, the Follow-up Group was able, on 16 November 1988, to hold a useful exchange of views with Professor Jean-Paul Jacqué, President of Robert Schuman University Strasbourg and co-author of a legal analysis prepared following Order No. 426 (1988), a direct result of Colombo Commission proposals, which instructed "the Secretary General to have a study made of all the legal aspects of participation by the European Community as such in the work and activities of the Council of Europe, including the possibility of accession by the European Community to the Statute of the Council of Europe".

31. The four professors of law had (in their analysis dated 7 September 1987) found that "the legal obstacles would be compounded by the political problems, as can easily be imagined: consequently, the prospect of accession by the Community to the Statute of the Council of Europe would seem, if not radically impossible, at least distinctly premature". In response to a request from the Follow-up Group, Professor Jacqué was invited to give further details, which he did both in writing and orally, in a more constructive spirit.

32. For Professor Jacqué (as for the Secretary General), there are more questions than answers. The last paragraph of his memorandum dated 15 November 1988 reads as follows:

"Any difficulty can be resolved by a revision of the Statute. This is accordingly the approach to be adopted if accession is desired. However, the operation of the system will be more complex than before. The advantage will lie in the possibility of the Community participating in its own right, whereas at present it has only observer status. But does it want more than observer status at present, especially if it were supplemented by co-operation between the two assemblies ? In fact, the reply depends on the intended effect of accession. If it is technical, the importance of the changes required might tilt the balance in favour of simply improving the *status quo*. If the sought-after effect is political, it requires a political decision."

iv. Relations with the "other Europe"

33. When the Colombo Commission considered, in June 1986, "that dialogue in the cultural field is of paramount importance in maintaining, developing and deepening the links which transcend the present division of our continent", it could hardly have anticipated the unprecedented intensification, which can be noted today, three years after the accession to power in Moscow of Mr Gorbachev, in the relations between the Council of Europe and several East European states, largely on the initiative of the East. It is, for example, less evident in January 1989 than it may have seemed to members of the Colombo Commission in early 1986 that "today the division of Europe resulting from the second world war considerably restricts the possibilities of pan-European co-operation, but the European states based on parliamentary democracy and respect for human rights constitute a homogeneous whole".

34. The Secretary General is characteristically incisive when he asks the question: "Is there agreement on the idea that, while holding its 'human rights' banner aloft, the Council of Europe can develop practical forms of co-operation with the East European countries on the basis of a realistic and selective approach, thus contributing to the creation of a new climate in Europe?"

35. The Follow-up Group recalls that the Assembly, in its Resolution 909 on East-West relations (General policy of the Council of Europe), adopted on 6 October 1988, invited the Committee of Ministers "to maintain the new momentum of pan-European relations:

- i. by examining favourably (...) any request from a non-member state to accede to a European convention open to external participation;
- ii. by considering the possibility of sending an official of the Council of Europe Secretariat to any CSCE meeting dealing with culture, because of the Council of Europe's vocation to promote Europe's cultural identity".

36. It seems, however, unlikely that the Committee of Ministers has contributed to "new momentum" by only inviting Hungary to accede to two technical conventions when that country (which hosted a particularly successful cultural forum in Budapest in the context of the CSCE process) would particularly have welcomed an invitation to accede, following the Yugoslav example, to the more politically significant European Cultural Convention. Moreover, as the Vienna CSCE meeting drew towards a highly interesting conclusion, both from a human rights and a cultural point of view, there was no sign of a Council of Europe official being seconded to the Austrian capital in response to the Assembly's modest request.

37. The final paragraph of Resolution 909 shows the Assembly's awareness of the necessity of fixing priorities: "Decides to seek the necessary financial provision for intensified co-operation with Eastern Europe in the light of the new requirements and priorities which it will specify as a matter of urgency."

The Assembly will now need to act on its own resolution, giving an example to the ministers before their meeting on 22 March. The contacts during the course of 1988 with every country of Eastern Europe (except Albania) made the year a historic one for the Council of Europe, but the limited staff and funds at present available will clearly need to be increased in our 40th anniversary year if real momentum is to be generated and maintained.

### III. Beyond "political dialogue": principal fields and methods of co-operation

38. The second half both of the Secretary General's contribution (Doc. 5981) and of the Colombo report enumerates fields of activity. The following comparison may be considered helpful.

— The Colombo report (respecting, *grosso modo*, the traditional headings of the intergovernmental work programme):

Human rights, safeguarding human rights, citizens' rights, parliamentary democracy, problems of present-

day society, family problems and equality between the sexes; culture, cultural identity, education and training of the young; research, science and technology; harmonisation of law; regional and local authorities.

— The Secretary General

*Point of departure:* "Often justified criticism of the disparate and intangible nature of activities, lack of impact and results, overlapping, etc."

*Guiding thread for all activities:* Council of Europe as "the irreplaceable framework for promoting a European society based on the requirements of democracy and human rights and for establishing a strong and vivid European identity".

Consequence :

a. "The main task is still the promotion of human rights and democracy... Governments should ensure that the Council of Europe can fully perform this function for which much remains to be done as regards improving the judicial machinery of the European Convention on Human Rights, extending the list of protected rights and spreading the message of human rights in European society.

b. Provision of joint, humanistic solutions to societal problems. There are many sectors in which the Council of Europe has great experience and can do useful work (education, cultural development, democratic participation, sexual equality, problems such as terrorism, violence, drugs, AIDS, racism, poverty, quality of life, etc.). Ought not the Council of Europe to become, as it were, 'the OECD of societal problems and social development' ?

c. Enhancement and impactment of the European cultural identity among the 25 states that are parties to the European Cultural Convention and as a vehicle of wider co-operation with the East European countries."

39. It may be considered reassuring that the more traditional Colombo approach and the more radical interdisciplinary approach of the Secretary General coincide so largely in the fields covered, suggesting that the Council of Europe has not fundamentally misdirected its energies in the fields of activities which have evolved over the first forty years of its existence. It may be noted that there is always instant consensus around the principle that activities should "concentrate on the essentials", but the Follow-up Group is bound to point out that neither Assembly committees (in response to its enquiry) nor indeed the Secretary General have yet made specific proposals in this matter. "Concentration of the work programme" was an item on our group's agenda on 3 October but, in the absence of proposals, led to no discussion.

40. The Follow-up Group would, however, consider, also in the light of the section (see above) on "relations with the other Europe", that enhancement of European cultural identity should not be limited to the present 25 states parties to the European Cultural Convention. Such an attitude would not constitute an adequate response to the latest developments in Eastern Europe.

i. Education, research and youth

41. The Colombo report gives the strongest emphasis to the Council of Europe's vocation in these fields and, on 5 May (Europe Day) 1988, the Secretary General introduced a "new-style" general policy debate on education and training, to which several ministers as well as the Assembly's competent committee contributed. These traditional Council of Europe fields of activity (obviously crucial for Europe's future in the great technological competition with the superpowers and Japan) are however, understandably among those in which the European Community is investing very considerable resources, with consequences well beyond the Twelve, one example being the ERASMUS programme, which is a network based on bilateral co-operation among universities.

42. The Colombo Follow-up Group, by addressing letters to all leaders of national delegations, aimed to stimulate actions in national parliaments aimed at coinciding with our Assembly debate (with ministerial participation). The results at national level included the following reply given by the responsible British minister to a written question by Sir Geoffrey Finsberg: "European Education Ministers, who meet regularly under the auspices of the Council of Europe, recognise the need to rationalise the educational programmes of international organisations. The CDCC (the responsible steering committee) is to discuss this in June, taking account of the 1986 report of the Colombo Commission on European co-operation beyond 1990. In response to this report, the CDCC has been asked to collaborate with other organisations in developing from existing work a coherent youth education and training action programme to promote in education a European dimension and a commitment to human rights and to the principles of pluralist democracy."

43. It would seem essential that there should be clarification, at the special ministerial meeting on 22 March, on the role envisaged by Ministers both of Education and of Foreign Affairs for the Council of Europe, with its forty years of experience, in the scheme of "rationalised" educational programmes of international organisations.

#### ii. Cross-fertilisation with national parliaments

44. The replies received from committees to the Follow-up Group's enquiry have not suggested that members of our Assembly, who bring with them experience and political sensitivity sharpened in their national parliaments, are guilty of any blatant irresponsibility when exercising the Assembly's right to initiate subjects and draw up its own order of business, as the Committee of Ministers "conceded" in 1952, when it did not oppose the necessary revision of the Statute.

45. The Secretary General is assured of a strong backing when he declares (paragraph 12 of Doc. 5981) that "it is also important to enhance the Parliamentary Assembly's function of channel between the national political debate and the process of European co-operation, taking fuller advantage of the dual (national and European) mandates of its members. What are national parliaments expecting of the Council of Europe? It would be desirable if annual debates on the Council of Europe's activities were to be held in all national parliaments, instead of in only some of them as at present".

46. The Assembly's Committee on Parliamentary and Public Relations (which has associated the Colombo Follow-up Group in its work and vice versa) has pursued this goal for years, not always, it is true, with the backing it deserves from leaders of national delegations.

47. The Secretary General should be reassured that national parliamentarians are capable and well trained in applying the criteria of "political relevance" to the selection of subjects. The two other criteria he mentions, in paragraph 15 of Document 5981, are namely that they should be:

"— capable of resulting in a legal instrument (Council of Europe, a convention machine),  
— or capable of advancing thinking about societal problems and resulting in common policies."

These criteria do not seem controversial, although clarity will be needed in the definition of "societal problems", before a consensus in favour of giving them such high priority can be secured in the Parliamentary Assembly.

#### IV. Means of co-operation

48. Where budgetary resources are concerned, the Follow-up Group, while not at all opposed to redeployment in the light of new priorities (see paragraph 46 above), would wish to give its support to the regular efforts of President Jung at colloquies with ministers to call for "appropriate resources", which cannot permanently be countered by reminders of the need to "adapt to changing circumstances", especially when one such "circumstance" is the substantial increase in the Community's already comparatively huge resources decided at the recent summits of the Twelve. It is natural that there should be serious concern at

the fact that Finland's accession will coincide with the adoption by the Committee of Ministers of a budget of intergovernmental activities for 1989 representing a decrease in real terms.

49. Clearly, in order to give a new dynamism to the Organisation, personnel management is a very important aspect. Only a motivated staff will be capable of executing ambitious projects and no effort should be spared to ensure adequate training with a view to achieving maximum efficiency. Moreover, administrative and management procedures should be reviewed with a view to their simplification. There should be recourse to a small management survey team composed of international experts, whose mandate should include a review of archaic-seeming staffing procedures. Finally, Secretariat structures should be more flexible to allow their adaptation to the new priorities decided.

## V. Tentative conclusions and proposals

50. The Follow-up Group recognises that there is no room for complacency, while noting that some progress has been achieved and that efforts to implement several of the recommendations of the Colombo report have been made and are continuing. The greatest single contribution has undoubtedly been that of the Secretary General, in tabling his lively and provocative paper which has been instrumental in provoking the special ministerial meeting due to take place next 22 March. That meeting should provide a unique opportunity, also from the point of view of harmonising the contrasting approaches (which differ less on substance than a superficial reading might suggest) between the more "traditional", yet deliberately forward-looking, approach of the Colombo Commission and the more "radical" approach of the Secretary General. Thus, the latter's contribution to the Council of Europe, after an outstanding five-year mandate, should result in his successor inheriting the benefit of a much-needed clarification.

51. In this connection, two challenges dominate all others, namely relations with the European Community, and relations with Eastern Europe, denoted in short by the terms "1992" and "common European home".

52. Concerning the "common European home" idea, it has to be recognised that reforming winds blow strongly in Eastern and Central Europe. It would be regrettable if the Council of Europe failed to appreciate the momentum of possible changes in Europe. On the other hand, as I stressed in my report to the Assembly (Doc. 5985) on behalf of the Political Affairs Committee, Finland is an old-established pluralistic parliamentary democracy and is interested in joining the Council of Europe today, essentially because of what the Council of Europe is, that is to say what it has become, as the result of forty years of evolution. It should also be assumed that a similar attitude applies to the manifest wish of East Europeans to draw closer to the Council of Europe (under arrangements — short of full membership — which still need to be imagined). The Assembly, for its part, is taking a lead in establishing closer links with certain East European states in the light of the motion for a resolution calling for a special guest status for delegations from the parliaments concerned. Talk of a "pan-European dimension" for our Organisation, for example, should not be understood as a challenge to change our basic nature and statutory vocation. There should therefore be no question either of the Council "lowering the banner of human rights" on the one hand, or adopting an aggressively ideological attitude on matters of practical co-operation, on the other.

53. Naturally, as has been seen, "parliamentary democracy" features prominently in the activities enumerated both by the Colombo Commission and by the Secretary General. But perhaps neither makes it sufficiently explicit that this is no mere "activity" but the very essence of our Organisation in which was created the world's first international parliamentary body. It is in the nature of any truly parliamentary body that it will strive to overcome bureaucratic restrictions on its prerogatives deriving from its legitimacy as a freely-elected emanation of the people. This tendency is reflected in several recent initiatives aimed at amending (though not transforming) the Statute. It can easily be imagined that, when the Statute was originally ratified by national parliaments, the latter did not foresee that ministerial powers would, in the course of time, be delegated to officials to the extent that has been the case. Much concern has been expressed in European circles over a "democratic deficit". It should be pointed out that our own Assembly does not need any invitation if it wishes to assume the role of a sort of "European senate", this being a role which, arguably, it has already performed since its inception.

54. To sum up, your Rapporteur would wish to stress that, in the years to come, the Council of Europe, without reducing its broadly-based field of activities provided for under the Statute, will need to concentrate its work as follows:

— in the field of human rights, in which it established, already in its earliest years, unique machinery under the European Convention on Human Rights, it should continue to develop the initiatives which have earned its worldwide recognition, by achieving progress in the field from which every individual is the potential beneficiary;

— in the field of East-West relations, it should lose no time in establishing concrete co-operation with certain East European countries, in which connection the Committee of Ministers should invite Hungary to accede to the European Cultural Convention, possibly following a transitional period of participation on an *ad hoc* basis in the work concerned;

— it should consider how the features it already possesses of a "European upper house", consisting of national parliamentarians alongside the European Parliament, can be developed, a role which might in the future even include considering some Community legislation, especially if more EFTA countries accede to the European Community;

— it should, in any case, further develop co-operative relations with the European Parliament at Bureaux, committees (chairmen and rapporteurs) and Secretariat level in the interest of ensuring that the limited resources available are applied as effectively as possible to the process of European construction as a whole, ensuring in the process equivalent conditions of employment for the staffs of the organisations concerned, making a reality of repeated demands for a genuinely European civil service;

— Europe must not be perceived as inward-looking and her relations with other regions including North America, Latin America, Africa and the Middle East must not be neglected; but the Council of Europe should, especially in view of its limited resources, never lose sight of the requirement stressed by the Colombo Commission, that first priority should be given to developing co-operation within Europe itself.

(1) See Doc. 5981 and Reference No. 1620 of 30 January 1989.

(2) a. Unanimously adopted by the committee on 27 February 1989.

Members of the committee: MM. *L. Steiner (Chairman), Martinez (Vice-Chairman), Alemyr, Antretter, Mrs Baarveld-Schlaman, MM. Baumel (Alternate: Fourré), De Bondt, Candal, Caro, Collart (Alternate: Noerens), Sir Geoffrey Finsberg, MM. Gabbuggiani, Ghiotti, Hardy, Mrs Helgadottir, MM. Hengel, Hill, Irmer, Kindle, de Kwaadsteniet, Mrs Lalumière (Alternate: Mr Pontillon), MM. Lied, Lyssarides, Mangakis (Alternate: Glinavos), Miville, Natali (Alternate: Pannella), Nørgaard, Papadogonas, Portelli, Power, Reddemann, Sager, Sarti, Schieder, Soares Costa, Taner, Tarschys, Tasçioğlu, Mrs Ugalde.*

*N.B. The names of those who took part in the vote are printed in italics.*

b. See Recommendation 1103 (Standing Committee, 15 March 1989).

(3) Members: Mr Lied (Chairman), Mr Ahrens (Vice-Chairman), Sir Geoffrey Finsberg, Mr Fioret, Mrs Lalumière, MM. Martinez, Martino and Steiner.