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Follow-up to the reform of the Council of Europe

Opinion¹

Committee on Rules of Procedure, Immunities and Institutional Affairs

Rapporteur: Mr Christopher CHOPE, United Kingdom, European Democrat Group

A. Conclusions of the committee

The Committee on Rules of Procedure, Immunities and Institutional Affairs welcomes the draft resolution and the report submitted by the Political Affairs Committee (rapporteur: Mr Jean-Claude Mignon). The committee emphasises the importance of the reforms which have the twin aims of improving the functioning of the Organisation and fulfilling its ambition to play a key role among the international community. The committee does, however, have some suggestions to add to the report.

B. Proposed amendments

Amendment A (to the draft resolution)

In the draft resolution, paragraph 8, third sentence, replace the words “it also believes that” with:

“It supports the idea, expressed by the Chair of the Committee of Ministers’ Working Party on Institutional Reforms, that the Council of Europe’s core business does not and should not exclude “enabling factors” in so far as they contribute to the realisation of the Organisation’s core values of democracy, the rule of law and human rights.”

Amendment B (to the draft resolution)

In the draft resolution, replace paragraph 13.3 with the following:

“The current subsidy provided to the Congress of Local and Regional Authorities for its meetings in Strasbourg is unaffordable in the current economic climate and discussion should take place with the Congress with a view to transferring such costs to the relevant national local and regional authority associations themselves. Failing this, the number of sessions each year should be reduced to one”.

Amendment C (to the draft resolution)

In the draft resolution, paragraph 15, replace “, as a generic structure. It also expresses the wish that a new Youth Parliament might be convened in Strasbourg in that framework” with:

“The Forum might offer a platform to other organisations and institutions such as those involving young people”.

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C. Explanatory memorandum by Mr Choqe, rapporteur for opinion

1. Introduction

1. As is mentioned in the report, in 2009 the Parliamentary Assembly adopted a resolution and a recommendation on the future of the Council of Europe in the light of its sixty years of experience. At the beginning of 2010, the first set of reforms was launched by the Secretary General of the Council of Europe. Several measures have already been implemented. The committee warmly welcomes the decision of the Secretary General to discuss regularly the progress of reforms with the presidents of statutory organs and the heads of major administrative units. The year 2011 will mark a clear identification of Council of Europe priorities. Once they have been identified, the discussion will focus on how to use the resources and the structures of the Organisation to put into effect these priorities. The committee notes that almost all the proposals in [Recommendation 1886](#) (2009) on the future of the Council of Europe in the light of its sixty years of experience are relevant to the next stage of reform.

2. The Committee on Rules of Procedure recalls Assembly [Recommendation 1763](#) (2006) on the institutional balance at the Council of Europe, adopted on the basis of a report by the committee ([Doc. 11017](#)), which contains comprehensive and detailed recommendations which are also still relevant.

3. The committee regrets that the second package of reforms will be issued by the Secretary General in February 2011, after the January part-session, thereby denying the Assembly the opportunity to discuss them at this part-session.

4. Paragraph 9 of the draft resolution is correct to emphasise the importance of the overall approach to the reforms that all organs' and bodies' working methods and procedures should be reviewed. At the meeting of the Committee on Rules of Procedure, held in Paris on 10 January 2011, the members of the committee suggested that consideration be given to the following issues:

- the institutional (and statutory) position of the Parliamentary Assembly, especially in the context of the improvement of the relations between the two statutory organs (Assembly and Committee of Ministers);
- the statutory position of the members of the Parliamentary Assembly;
- the reaffirmation of the current Assembly's competences such as elections of the Secretary General, of the Commissioner for Human Rights and of the judges of the European Court of Human rights;
- the imperative need to allow the Parliamentary Assembly to manage its own budget.

5. These ideas for future Parliamentary Assembly reforms do of course go beyond the scope of the report, but they will be considered in the context of the continuing discussion about the Parliamentary Assembly's working methods.

2. Comments

6. After having examined the proposals set out in the draft resolution presented by the Political Affairs Committee, the Committee on Rules of Procedure wishes to make the following comments.

2.1. Strategic choices

7. The committee believes that the sentiments expressed in paragraph 8 of the draft resolution are important, but recommends that the wording be made clearer. Ambassador Mnatsakanian, Chair of the Committee of Ministers' Working Party on institutional reforms, articulated the issue well when he told the committee that the notion of "core business" did not exclude "enabling factors" in so far as they contributed to the realisation of the Council of Europe's core values of democracy, the rule of law and human rights. The committee therefore proposes amendment A to the draft resolution to emphasise this point.

2.2. Functioning of the Congress of Local and Regional Authorities of the Council of Europe

8. The committee endorses the concerns expressed in the report about the Congress. It welcomes the new priorities and proposals for structural changes adopted by the Congress of Local and Regional Authorities at its 19th session (26-28 October 2010) aimed at increasing the impact (and relevance) of the actions of the Congress. The Assembly strongly supported the setting up of the Congress² and has welcomed, on several occasions, the excellent work it had been carrying out promoting local and regional

democracy. But it should be possible to rationalise the functioning of the Congress to properly reflect the fact that the institutional framework of the Council of Europe is constituted by the two statutory organs (the Committee of Ministers and the Parliamentary Assembly).

9. Therefore, the committee recommends a fundamental review (involving specific figures and examples) of the working methods of the Congress, its field of action and the value for money it provides in the context of the Council of Europe's core objectives. The current annual overall budget provided to the Congress is about €6 million, of which about half a million is provided to facilitate participation of the members of the Congress at two sessions in Strasbourg each year. Is there any reason why such costs of attendance should not be funded by the relevant national local and regional authority associations themselves on a par with what happens with the funding of attendance of members of the Parliamentary Assembly? This is reflected in the proposed Amendment B.

2.3. Forum for the Future of Democracy

10. The committee supports the important idea expressed in the report and previously in Recommendation 1928 (2010) on Democracy in Europe: crisis and perspectives regarding the setting up of an annual Forum for the Future of Democracy by bringing together existing Council of Europe bodies with the aim of increasing their visibility and effectiveness. The committee considers, however, that the incorporation in the Forum of proposed entities, such as a Youth Parliament, should be carefully examined in the light of national experiences to see what, if any, added value there would be (Amendment C).

2. . Resolution 1363 (1998) on Congress of Local and Regional Authorities of Europe: recent activities and proposals for reform and Resolution 1188 (1999) on possible modifications to and updating of the Charter of the Congress of Local and Regional Authorities of Europe.