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Call for a Council of Europe Summit to reaffirm European unity and to defend and promote democratic security in Europe

Report¹

Committee on Political Affairs and Democracy

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Summary

The Committee on Political Affairs and Democracy expresses its concern about the challenges currently threatening the European continent and its unity. Against this background, the committee believes that the Council of Europe is today more necessary than ever.

To preserve and further strengthen the pan-European project in a Europe which has profoundly changed since the last Summit held in Warsaw 12 years ago, the committee calls for a Fourth Summit of Heads of State and Government of Council of Europe member States. The Summit should be well-focused and provide political impetus for a number of specific actions suggested in the report. It should also offer a fresh and timely opportunity to define, at the highest political level, the role to be played by the Council of Europe in the overall European political architecture and address outstanding challenges in its relations with the European Union, in the interest of European citizens.

The report suggests that, as part of the preparatory work for the Summit, the two statutory organs of the Council of Europe, while fully preserving their autonomy, engage in a procedure aimed at harmonising jointly their rules governing participation and representation of member States in their midst. The Parliamentary Assembly should continue its own reflection on its role and mission as a statutory organ of the Council of Europe and a pan-European forum for inter-parliamentary dialogue which aims at having an impact in all Council of Europe member States.

1. Reference to committee: Bureau decision, Reference 4178 of 25 January 2016.



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A. Draft resolution²

1. The Parliamentary Assembly is concerned that, at present, momentous political challenges, both within and outside Europe's borders, are threatening the continent and its unity: the daily risk of terrorist attacks, the rise of Euroscepticism, nationalism, populism and xenophobia, the persistence of frozen and open conflicts, the annexation or occupation of a neighbour's territories, the prolongation of state of emergency measures and the re-emergence of divisions. Wars at the doors of Europe threaten the security of the continent and have caused massive refugee and migratory flows.
2. The efficiency and authority of the unique human rights protection system, based on the European Convention on Human Rights (ETS No. 5), are threatened by various attempts to undermine the authority of the European Court of Human Rights, by the lack of political will on the part of certain States Parties to implement its judgments, despite their legally binding force, or by delays in their implementation.
3. Recent developments within the European Union, including ongoing infringement and rule of law procedures against some of its member States, the lack of solidarity in the handling of the refugee and migratory crisis, as well as the decision by the United Kingdom to leave the European Union, also present challenges for the Council of Europe, as it offers a unique forum of co-operation between European States which are members of the European Union and those which are not.
4. Against this background, the Assembly believes that the Council of Europe and the values it upholds are today more necessary than ever: at the origin of the European construction, bringing together almost all the European States on the basis of common values and principles and thus natural guardian of "unity within diversity", offering a common legal space to 835 million Europeans, guaranteeing protection of their human rights, promoting social rights and democracy and contributing to the development of a European civil society, the Council of Europe is today best placed to help meet the challenges raised by growing nationalism and avoid the building of new walls.
5. Alongside the European Union, whose far-reaching integration project will never cover the whole continent, and the Organization for Security and Co-operation in Europe (OSCE), which also covers non-European States, the Council of Europe, composed of 47 European States, remains the only pan-European organisation capable of promoting and guaranteeing democratic security throughout the continent.
6. In order to preserve and further strengthen this unique pan-European project, currently threatened by divisions and a weakening of member States' commitment, the Assembly calls for a Fourth Summit of Heads of State and Government of Council of Europe member States.
7. In a Europe which has profoundly changed since the last Summit, held in Warsaw in 2005, and at a time when the whole world seems to be changing, a Summit will offer member States a unique opportunity to reaffirm, in the strongest possible terms and at the highest political level, their commitment to the ideal of European unity and the values and principles of democracy, human rights and the rule of law upheld by the Council of Europe. Member States should clearly express their willingness to continue to be part of a single community, sharing common values, a common legal order and a common jurisdiction, and capable of capitalising on internal differences.
8. The Fourth Summit should be well-focused and could, *inter alia*, offer political impetus to:
 - 8.1. enhance the efficiency and authority of the human rights protection system, based on the European Convention on Human Rights, reverse current tendencies undermining the authority of the European Court of Human Rights and improve the record of implementation of its judgments by member States;
 - 8.2. strengthen the treaty system of the European Social Charter, including its collective complaint system, reaffirming the fact that only the enjoyment of socio-economic rights and social inclusion allow people to fully enjoy their political and civil rights;
 - 8.3. encourage member States to adopt effective measures against growing poverty and modern slavery thus reassuring European citizens that the European institutions are not indifferent to their problems and the concrete conditions of their everyday life;
 - 8.4. recognise the valuable contribution of the Council of Europe Commissioner for Human Rights to the development of sustainable human rights-centred policies at national and local level throughout the continent, as well as the role played by the Organisation's standard-setting and monitoring bodies;

2. Draft resolution adopted unanimously by the committee on 6 September 2017.

8.5. enhance the Council of Europe's mission both as guardian and innovator of democracy, including by strengthening the role of the Parliamentary Assembly as a strong pillar of European parliamentarism, bringing together representatives of the citizens from almost all European States, and consolidating the role of the European Commission for Democracy through Law (Venice Commission) as a constitutional law expert body promoting democracy within and outside Europe's borders.

9. The Summit should also aim at consolidating citizens' trust in democratic institutions and democratic values and propose ways to increase citizens' participation and consultation with civil society in search of common solutions to common problems. It could thus bring the Organisation closer to the people it serves and contribute to the emergence of a European civil society.

10. At a time when the European Union is facing numerous challenges and is also reflecting on the future of Europe, the Summit would offer a fresh and timely opportunity to define, at the highest political level, the role to be played by the Council of Europe in the overall European political architecture. In a Europe of concentric circles, the Heads of State and Government from the 47 member States of the Council of Europe, representing the widest circle, should rethink, in an innovative and creative way, how to avoid unnecessary overlapping, ensure coherence of standards and how best to harmonise the various levels of their co-operation, in the interest first and foremost of European citizens.

11. The Assembly notes that an efficient preparation of the Summit requires the development of synergies between all sectors of the Organisation, co-ordinated by its Secretary General, and more significantly between its two statutory organs. Although the primary responsibility lies with the Committee of Ministers, the Assembly, enhanced by recent reforms, should expect to play an important role in the preparation of the Summit, especially as it has been promoting this idea for several years.

12. In this respect, there is currently an inconsistency in the composition of the two statutory organs: following the illegal annexation of Crimea by the Russian Federation and the application, on these grounds, by the Assembly of sanctions to the Russian parliamentary delegation, for three consecutive years one of the Council of Europe member States, the Russian Federation, has participated in the activities and been represented in the bodies of only one of the two statutory organs of the Organisation, namely the Committee of Ministers, but not of the Assembly. The Assembly regrets that, as a reaction to this situation, the Russian Federation announced, on 30 June 2017, its decision to suspend payment of its contribution to the budget of the Council of Europe for 2017 until full and unconditional restoration of the credentials of the delegation of its Federal Assembly in the Parliamentary Assembly of the Council of Europe.

13. The Assembly considers that the overall situation in the Organisation is today counterproductive, particularly as it adversely affects its overall impact as a guardian of human rights and democracy throughout the continent, and therefore it is not in the interest of the citizens of the 47 member States.

14. The Assembly notes that the Statute of the Council of Europe (ETS No. 1), as supplemented by Statutory Resolution (51) 30, provides for synergy between the two statutory organs as regards membership of the Organisation.

15. However, over the years, and in particular after the Organisation's enlargement during the 90s, the Assembly has developed rules governing the participation and representation rights of members of national delegations in its own activities and bodies which do not provide for any kind of synergy or coherence with the Committee of Ministers.

16. Therefore the Assembly, as part of the preparatory work for the Summit, resolves to initiate a procedure aimed at harmonising, jointly with the Committee of Ministers, the rules governing participation and representation of member States in both statutory organs, while fully respecting the latter's autonomy. This coherence should strengthen the sense of being part of a community and the obligations incumbent upon every member State.

17. This common reflection could be carried out jointly by the Assembly and the Committee of Ministers within an ad hoc working group set up by the Joint Committee. For this process to be credible and fruitful, the whole Assembly and every single member State should do their utmost to ensure that all member States of the Organisation will be fully represented in the process on both the parliamentary and intergovernmental sides.

18. In the meantime, and as part of the preparatory work for the Summit, the Assembly resolves to continue its own reflection on its identity, role and mission as a statutory organ of the Council of Europe and a pan-European forum for inter-parliamentary dialogue which aims at having an impact in all Council of Europe member States. This reflection would also enable the Assembly to provide its own vision of the future of the Organisation.

B. Draft recommendation³

1. The Parliamentary Assembly refers to its Resolution ... (2017) on the call for a Council of Europe Summit to reaffirm European unity and to defend and promote democratic security in Europe, in which it expresses its concern about the numerous challenges currently threatening the European continent and its unity. Against this background, and for the reasons given in its resolution, the Assembly believes that the Council of Europe, and the values it upholds, is today more necessary than ever.
2. In order to preserve and further strengthen the pan-European project in a Europe which has profoundly changed since the last Summit held in Warsaw 12 years ago, the Assembly calls on the Committee of Ministers to convene a Fourth Summit of Heads of State and Government of Council of Europe member States. This will offer a unique opportunity for member States to reaffirm, in the strongest possible terms and at the highest political level, their commitment to the ideal of European unity and the common values and principles of democracy, human rights, and the rule of law upheld by the Organisation.
3. The Assembly recommends that the Fourth Summit be well-focused and provide political impetus for a number of specific actions suggested in a non-exhaustive manner in its resolution. It should also offer a fresh and timely opportunity to define, at the highest political level, the role to be played by the Council of Europe in the overall European political architecture and address outstanding challenges in its relations with the European Union, in the interest of European citizens.
4. Although the primary responsibility for the organisation of a Summit lies with the Committee of Ministers, the Assembly underlines that an efficient preparation of the Summit requires the development of synergies between all sectors of the Organisation, co-ordinated by its Secretary General, and more significantly between its two statutory organs. The Assembly therefore asks the Committee of Ministers to:
 - 4.1. closely associate the Assembly in the preparation of the draft agenda and draft declaration of the Fourth Summit;
 - 4.2. consider its proposal, as part of the preparatory work for the Summit and for the reasons and according to the modalities described in its resolution, to engage in a procedure aimed at harmonising jointly the rules governing participation and representation of member States in both statutory organs, while fully respecting the latter's autonomy.

3. Draft recommendation adopted unanimously by the committee on 6 September 2017.

C. Explanatory memorandum by Mr Michele Nicoletti, rapporteur

1. Introduction: origin, methodology and purpose of the report

1. The idea of a Fourth Summit of Heads of State and Government of Council of Europe member States was launched by the Parliamentary Assembly in 2009⁴ and then again in 2011,⁵ but no follow-up was given by the Committee of Ministers. It was taken up by the Secretary General of the Council of Europe in his 2014 report on the State of Democracy, Human Rights and the Rule of Law in Europe and again by the Assembly in Sofia, on 27 November 2015.

2. Adopted only a couple of weeks after the horror of the November 2015 terrorist attacks in Paris, the Sofia Declaration⁶ listed the numerous political challenges Europe is facing today, both within and outside its borders, and underlined that these called for a common response on the basis of shared principles and values, dialogue and solidarity. The Declaration called on the 47 member States of the Council of Europe to avoid building new walls and drawing dividing lines.

3. For this purpose and recognising the key role the Council of Europe can play in defending and promoting democratic security, the Assembly, in its Sofia Declaration, called for a Summit of Heads of State and Government in order for member States to reaffirm, at the highest political level, their commitment to the common values and principles of democracy, human rights and the rule of law upheld by the Organisation.

4. The Assembly entrusted the Committee on Political Affairs and Democracy with the task of preparing a report on this subject, and I was appointed rapporteur in March 2016. I have since embarked upon a wider consultation process in order to establish whether the idea of a Fourth Summit, as such, is appropriate, and to exchange ideas on the possible topics and timing.

5. I wrote to the Chairpersons of all national delegations and political groups in the Assembly on 25 May 2016, as well as to four international non-governmental organisations (NGOs) with which the Assembly has established working relations, namely Amnesty International, the International Federation of Human Rights, the International Commission of Jurists, and Human Rights Watch. I received 31 replies which are reproduced *in extenso* in an information document of the committee.⁷ They are not only helpful to the preparation of my report but also constitute a useful input to the preparation of the future Summit.

6. I have also held several meetings with the Secretary General of the Organisation, Mr Thorbjørn Jagland, and have discussed the idea in Rome with my own country's authorities; in Berlin with the then Minister of Foreign Affairs of Germany, Mr Frank-Walter Steinmeier; in Paris with the then Secretary of State for European Affairs of France, Mr Harlem Désir, and, in Strasbourg, with the Minister of Foreign Affairs of Turkey, Mr Mevlüt Çavuşoğlu. I have also discussed the idea with several Ambassadors from Council of Europe member States and met the Director of the Multilateral Policy Directorate at the Foreign and Commonwealth Office, Mr Paul Williams, in London. On 5 July 2017, I met in Strasbourg Ms Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission, and discussed with her the topic of my report and the overall role of the Council of Europe in the European architecture.

7. On 12 September 2016, I presented the proposal for a Fourth Summit at the colloquium which the French delegation to the Assembly, led by our colleague Mr René Rouquet, organised in Paris, at the French National Assembly, on "Is the idea of the defence of human rights in Europe outdated? The Council of Europe is more necessary than ever before".⁸ Several participants, including representatives of the Assembly and the Secretary General of the Council of Europe, spoke in favour of a Fourth Summit. The colloquium offered extremely interesting food for thought as regards both the need and the possible themes for a Fourth Summit and I consider its proceedings a valuable contribution to the preparatory work of a possible Fourth Summit.

4. [Resolution 1689 \(2009\)](#) and [Recommendation 1886 \(2009\)](#) on the future of the Council of Europe in the light of its 60 years of experience, and Committee of Ministers reply, [Doc. 12342](#).

5. [Resolution 1783 \(2011\)](#) and [Recommendation 1951 \(2011\)](#) on the follow-up to the reform of the Council of Europe, and Committee of Ministers reply, [Doc. 12835](#); [Resolution 1831 \(2011\)](#) on co-operation between the Council of Europe and the emerging democracies in the Arab World.

6. [AS/Per \(2015\) 08](#).

7. [AS/Pol/Inf \(2017\) 16](#).

8. The speeches are published *in extenso* in French in an Information Report published on the website of the French Assemblée nationale: www.assemblee-nationale.fr/14/pdf/rap-info/i4050.pdf.

8. It may be no coincidence that only a few weeks after the Paris colloquium, on 11 October 2016, the then President of France, Mr François Hollande, concluded his address to our Assembly announcing that France would be organising in 2019, during its chairmanship of the Organisation and on the occasion of its 70th anniversary, the Fourth Summit to “chart out the future of the Organisation”.

9. In May 2017, Ms Dzhema Grozdanova, Chairperson of the Bulgarian delegation to the Assembly, tabled a motion for a recommendation on “The Council of Europe in the European political architecture”⁹ which, following referral by the Assembly, I have also taken into consideration in the context of my report.

10. The purpose of my report is to contribute to the reflection about the opportuneness and the agenda of a possible Fourth Summit. I have also made some proposals regarding the preparatory work which the Organisation will have to engage in ahead of the Summit. For the purpose of better reflecting the main message of my report also in its title I suggested slightly rewording it to read as follows: “Call for a Council of Europe Summit to reaffirm European unity and to defend and promote democratic security in Europe” (instead of “Call for a Council of Europe Summit to defend and promote democratic security in Europe”).

11. The decision to convene a Summit of Heads of State and Government, at a specific point in time, will be taken by the Committee of Ministers, and the Secretary General of the Organisation will have an important co-ordinating role to play. Ways must also be found to keep the Assembly closely associated to the process of the preparation of a possible Summit. I hope that this report, including the input I have received from various sources, will constitute a first step in the Assembly’s contribution to this process. In my capacity as rapporteur, I will continue to follow it personally and closely.

2. A brief overview of previous Council of Europe Summits

12. Before discussing any further the idea of a possible Fourth Summit, I think it is useful to briefly recall the three Summits of Heads of State and Government of Council of Europe member States organised since the Organisation’s establishment.¹⁰ Each of them has resulted in concrete advances, including the establishment of new bodies and mechanisms.

13. The first Summit was organised in 1993, in Vienna, a few years after the fall of the Berlin Wall, when the Organisation was confronted with the unique challenge of embracing emerging democracies. It thus, *inter alia*, spelt out the criteria for the accession of the new member States; set the basis for establishing procedures for monitoring respect of accession commitments; led to the founding of the European Commission against Racism and Intolerance (ECRI), and proposed the drafting of a framework convention for the protection of national minorities.

14. In 1997, the Strasbourg Summit endorsed the establishment of the Group of States against Corruption (GRECO) and welcomed the establishment of a single Court of Human Rights and of the Office of the Commissioner for Human Rights.

15. In 2005, the Warsaw Summit defined a roadmap for the Organisation following its unprecedented enlargement and led to a report on the relations between the European Union and the Council of Europe, which Mr Jean Claude Juncker, then Prime Minister of Luxembourg, presented to the Assembly one year later, in 2006.

16. The Warsaw Summit also called for a greater synergy with the Organization for Security and Co-operation in Europe (OSCE); for enhanced effectiveness of the European Convention on Human Rights (ETS No. 5, “the Convention”); the further promotion of human rights through greater support to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Commissioner for Human Rights and ECRI, and for increased participation by NGOs in the work of the Organisation.

17. Among other priorities, the 2005 Summit also enhanced the role of the Council of Europe in the fight against terrorism, launched a new mechanism to combat trafficking in human beings and proposed measures to combat violence against women.

9. Doc. 14316.

10. See www.coe.int/en/web/cm/summits.

3. The current challenges

18. Today, 12 years after the Organisation's last Summit, Europe is facing unprecedented political challenges, both within and outside its borders: the daily threat of terrorist attacks, migratory pressure, the rise of Euroscepticism, nationalism, populism and xenophobia, the persistence of frozen and open conflicts and the re-emergence of divisions between Council of Europe member States. The ongoing wars in Syria and Libya, at the doors of Europe, threaten security and stability on the continent and have caused massive refugee and migratory flows, whereas, at global level, the geopolitical weight of Europe seems to be receding.

19. Numerous terrorist attacks have killed hundreds of innocent people over the last couple of years in several member States – Belgium, Denmark, Finland, France, Germany, Spain, Sweden, Turkey, United Kingdom – and also in the Council of Europe neighbourhood. Terrorism is *per se* a direct attack on the very values of democracy and freedom our Organisation defends. The daily threat of terrorist attacks in our member States has given rise to a number of challenges such as: the need to strike a fair balance between enhanced security arrangements and respect for fundamental rights and freedoms (the latter being in effect an indispensable requirement for an effective long-term fight against terrorism and its causes rather than an antagonistic concept as some tend to argue); the need for enhanced international co-operation and adoption of common strategies focusing not only on repression but also on prevention; the issue of foreign terrorist fighters; the funding of terrorism; and, of course, the protection of victims of terrorism.

20. An attempted coup d'état in Turkey, in July last year, led to hundreds of victims and shocked us all. One year later, the response by the government raises very serious human rights and rule of law challenges, not only for the country itself but also for the Council of Europe, of which Turkey is one of the oldest member States.¹¹

21. The annexation of Crimea by the Russian Federation in 2014 has added to the list of challenges as both Ukraine and Russia are members of the Organisation. The violations of the cease-fire in Donbas continue and regrettably there has been no progress in the implementation of the political aspects of the Minsk process either. Following sanctions decided by our Assembly vis-à-vis the Russian parliamentary delegation in 2014 and in 2015, this delegation decided to stop participating in the work of the Assembly. The Russian Federation did not submit credentials for any parliamentary delegation in 2016 or in 2017. Thus, although a full member of the Organisation, the Russian Federation has not been represented in the bodies nor has it participated in the activities of the Assembly for three consecutive years. At the end of June 2017, it announced its decision to suspend the payment of its contribution to the budget of the Council of Europe for 2017 until the full and unconditional restoration of the credentials of the delegation of its Federal Assembly within our Assembly.

22. Moreover, the efficiency and authority of the unique human rights protection system, based on the European Convention on Human Rights, is threatened by various attempts to undermine the authority of the European Court of Human Rights, the lack of political will to implement its judgments on the part of certain States Parties, despite their binding force on all State authorities, or delays in their implementation. Some 10 000 cases remain today non implemented while the number of leading cases – concerning specific structural problems – awaiting execution for more than five years has recently increased.

23. For its part, the European Union is undergoing a major “existential crisis”, to quote the President of the European Commission: already evident in the handling of the Greek debt crisis, the refugee and migration crisis brought to light unprecedented divisions and lack of solidarity. The European Union has recently launched a formal infringement procedure against three of its member States, the Czech Republic, Hungary and Poland, for refusing to take in their share of refugees under an EU solidarity plan, marking a further escalation in the disagreement over how to handle the migration crisis in the European Union. In the course of July and in the context of a procedure initiated by the European Commission in January 2016, a Rule of Law Recommendation was addressed to Poland expressing grave concerns about the planned reform of the judiciary in the country, whereas an infringement procedure was launched against Hungary for its law on foreign-funded NGOs. The European Commission also sent Hungary a reasoned opinion, the second step in an infringement procedure, as regards the compatibility of its Higher Education Law with EU law.

24. The June 2016 referendum in which people of the United Kingdom voted to leave the European Union weakened even more the European Union and sent shock waves beyond the country and even the European Union.

11. For more details, see [Resolution 2156 \(2017\)](#) on the functioning of democratic institutions in Turkey, adopted in June 2017.

25. These developments within the European Union also raise new challenges regarding the Greater Europe, that of the Council of Europe, and make the need for further reflection on the complementarity of the two institutions and mutual reinforcement, in the interest of 835 million Europeans, more urgent than ever.

26. The rise of populism and the fact that more and more populists come to power or that those in power adopt a more and more populist discourse and attitude should not simply lead us to easy and abstract condemnations of populism but also to a reflection as to why populists increasingly enjoy broad support. The answer seems to lie in the ever growing distance between people and the institutions which are meant to represent them, be it national institutions or international organisations.

27. Increasing unemployment, deepening inequalities due to globalisation, austerity measures which seem to lead nowhere, have made people lose trust in their institutions. As the Secretary General of the Council of Europe put it when addressing us during the January 2017 part-session of the Assembly: "It is true that many national democratic institutions and that Europe's international organisations, including the Council of Europe, must do more to speak to ordinary people's concerns ... The answer is getting our own houses in order, renewing our institutions so that they better represent and serve all our citizens."

4. The Council of Europe more necessary than ever

28. Against such a background, we need today the Council of Europe and the values it upholds "more than ever", as the French President also told us last October when announcing the organisation of a Summit by France in 2019. Why?

29. Because the Council of Europe is the guardian of the ideal of European unity. It is today the oldest European organisation born in the aftermath of the Second World War: on the one hand, it is the fruit of the European unification dream of the earlier generations; on the other, it is the seed of any subsequent unification project at economic, legal, political and cultural levels. It has been ahead of and has opened the way for other European organisations or institutions which embody a project of unity, such as the European Union, not only from an institutional point of view but also from a symbolic one.

30. Not everybody knows it, but the twelve-star European flag, which symbolises European unity worldwide and is also used as the European Union's emblem, was designed at the Council of Europe, upon the Assembly's proposal, and introduced following a vote by the Assembly and a decision by the Committee of Ministers in 1955. The same is true for the European anthem: the *Ode to Joy* from the fourth movement of Beethoven's ninth symphony was proposed as "an anthem for the Europe we are building" by the Assembly in its [Resolution 492 \(1971\)](#) and formally adopted by the Committee of Ministers in 1972. Meeting in Milan in 1985, the (then) European Communities leaders adopted both the Council of Europe's flag and anthem as their own too. This is why the Council of Europe has a specific responsibility to safeguard European unity, especially in times of crisis.

31. Founded with a view to achieving "greater unity among its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage", the Council of Europe is the only European Organisation which brings together almost all the European States (with the notable exception of Belarus). It is thus best placed to provide a forum where the European ideal of "unity within diversity" can be realised. This ideal does not imply a process of homogenisation, in the sense that some States must adopt a model imposed by others, but a process of seeking what unites them all while respecting what is different among them: from western to eastern Europe, from northern to Mediterranean Europe.

32. At the basis of European unity, as safeguarded by the Council of Europe, lies the idea of respect for the human being and for his or her infinite dignity. If this pan-European Organisation is the depositary of more than 200 conventions, drawn up over the 68 years of its existence, the "common heritage" among its members is most significantly embodied in the European Convention on Human Rights and the norms and values it enshrines. What makes this Convention so special, in comparison to any other international convention or treaty, is the unique mechanism of protection of individual rights it provides for, that is the European Court of Human Rights, whose judgments have a binding force. The Convention, a brainchild of our Assembly, is the most obvious proof that the Council of Europe is here to defend, more than anything else, the rights of the people. Through this mechanism, member States have recognised the fact that they cannot dispose of their common heritage as they see fit, but that they accept, together, to place it under the protection of a supra-national court.

33. Next to the European Convention on Human Rights lies the treaty system of the European Social Charter, the other fundamental legal instrument elaborated by the Council of Europe which aims at improving the implementation of social and economic rights at the continental level, in parallel to civil and political rights

granted by the Convention. The unity of these two legal instruments represents the unity and the indivisibility of human rights. Promoting implementation of and enhancing the mechanism of the European Social Charter, which guarantees day-to-day human needs such as work, health, housing, education, social security and protection or welfare services, means ensuring dignity, bringing people together, contributing to their individual and collective well-being, as well as leading to social cohesion, peace and economic development.

34. Thus, the Council of Europe not only promotes political unity among its member States but also offers a common legal space to 835 million Europeans. Of the 221 conventions defining this common legal space today, more than two thirds (some 161) are open for signature and ratification by non-member States and have an important impact worldwide such as those governing extradition, transfer of sentenced persons, the 1985 Data Protection Convention (ETS No. 108) or the 2001 Cybercrime Convention (ETS No. 185). The latter convention (known also as the “Budapest Convention”) is the first international legal instrument governing crimes committed via the internet, including computer-related fraud, child pornography and violations of network security, and has been ratified by many non-European States, such as the United States and Japan. The Cybercrime Convention can also be helpful nowadays to address the so-called “fake news”, another recent phenomenon added to the list of current challenges.

35. The Council of Europe continues to prove its ability to quickly draft conventions or other legal instruments to react to current societal challenges. For instance, on terrorism, the Organisation has recently filled a major gap in international law, criminalising, for the first time, early acts of preparation of terrorism to help its member States address the surge in foreign terrorist fighters through an Additional Protocol to the Convention on the Prevention on Terrorism (CETS No. 217).

36. The Organisation has also just elaborated a Convention on Offences Relating to Cultural Property (CETS No. 221), open to non-member States, which aims at preventing and combating the illicit trafficking and destruction of cultural property in the framework of the Organisation’s action to fight terrorism and organised crime. This convention, which is the only international treaty dealing specifically with the criminalisation of the illicit trafficking of cultural property, was opened for signature in Nicosia on 5 May 2017.

37. To quote an example from another area, it is worth mentioning the Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “Istanbul Convention”), which was drafted (within a period of only one year) with the active support of the Assembly, as an urgent response to the problem of domestic violence.

38. In addition to conventions, the Council of Europe contributes to the elaboration of common policies among its member States through the elaboration of non-binding legal instruments such as recommendations, guidelines or resolutions adopted by its Committee of Ministers on the basis of consensus. These may cover a variety of issues and offer common responses to new societal challenges when the elaboration of a treaty is not necessary. Thus, for instance, in the context of the fight against terrorism and along with the drawing up of legally binding instruments, the Organisation has recently revised its guidelines for the protection of victims of terrorism.

39. It is also worth mentioning the possibility of variable-geometry co-operation proposed by the Council of Europe, not only through its convention-based system and the possibility of reservations, but also through Partial Agreements: these enable some member States to engage in additional co-operation in some specific areas while at the same time allowing non-member States to join in. Some of the most significant Council of Europe bodies, in the sense of membership and impact, are partial agreements such as the European Commission for Democracy through Law (Venice Commission), the Group of States against Corruption (GRECO) or Eurimages.¹²

40. Through its system of conventions and other non-binding legal instruments or partial agreements, the Council of Europe has largely contributed to building a European civil society in which peoples and persons recognise and respect each other as peers in dignity. It is precisely this “peer relationship” which constitutes the cornerstone of freedom and represents the “European” model of living in peace and justice. Monitoring respect for human rights by the Council of Europe Commissioner for Human Rights, the Organisation’s monitoring bodies and the Assembly rapporteurs is an essential element of this “peer relationship”. Similarly, an intense and permanent dialogue with non-governmental organisations, represented in the Council of Europe through the International Conference of NGOs (INGOs), is fundamental for the building of a common “European civil society”.

12. For more details regarding the *acquis* and current challenges of intergovernmental co-operation within the Council of Europe, see the report by Mr Tiny Kox (Netherlands, UEL) for the Committee on Rules of Procedure, Immunities and Institutional Affairs, [Doc. 14406](#), which is to be debated by the Assembly jointly with the present report.

41. The convention system, sitting at the heart of the Organisation's work, as valuable as it may be, still requires effective political democracy to function. Thus, the Council of Europe safeguards and promotes the values and principles of democracy and the rule of law through its various expert or steering committees as well as its constitutional law expert body par excellence, the Venice Commission, whose expertise in democracy is well-known not only in Europe but also in other continents.

42. The Council of Europe also contributes to the development of a citizens' government in member States through: direct participation mechanisms but also mechanisms of representation based on accountability; freedom of expression, free sharing of information and exchange of opinions leading to rational decisions emerging from the confrontation between different positions and the respect of both the minorities and the majorities.

43. A special role in promoting democracy throughout the continent is of course entrusted to our Parliamentary Assembly, the first European forum of elected national members of parliament and the matrix of other European parliamentary institutions which came after it. The Assembly has been at the origin of and taken active part in the elaboration of the key Council of Europe conventions, starting from the European Convention on Human Rights; has played a decisive role in the enlargement process of the Organisation, in the early 90s, and the development of procedures to follow up and facilitate the integration of new member States within the Organisation and has since provided a unique pan-European forum for political dialogue among elected representatives of the citizens from the Greater Europe. As a statutory organ of the Council of Europe, its mission is to promote co-operation among parliamentarians to achieve the goals of the Organisation and unite European democracies around common values and on the basis of their common heritage. Election observation by the Assembly is an essential element of this common democracy building in the various member States or in those with whom the Assembly has established special relations.

44. Democracy is not developed solely through mechanisms of assistance and monitoring but also and more significantly through an intense educational effort. Education is the most efficient way to face the threats to democracy which originate from racism, xenophobia, authoritarianism and violence. A stable democracy which respects human rights is inconceivable without culture and education. Through democratic education, the Council of Europe can also help reduce the impact of populism, one of the ever-rising challenges of our democratic societies, since well informed and educated citizens are less likely to be attracted by populist arguments.

45. At the origin of the European construction, bringing together almost all the European States on the basis of common values and principles and thus natural guardian of "unity within diversity", offering a common legal space to 835 million Europeans, guaranteeing protection of their human rights, promoting social rights and democracy and contributing to the development of a European civil society, the Council of Europe is today best placed to help overcome the challenges raised by nationalism and prevent the building of new walls.

46. Alongside the European Union, whose far-reaching integration project will never cover the whole continent, and the OSCE, which also covers non-European States not necessarily sharing the common European values, the Council of Europe remains the only pan-European Organisation capable of promoting and guaranteeing democratic security¹³ over the continent and this unique role should be preserved and further strengthened.

5. Why a Fourth Summit?

47. If the above-mentioned analysis proves why we need the Council of Europe today more than ever, does it suffice to justify that we also need a new Summit of Heads of State and Government? The answer to this question is closely dependent on what we want to achieve with a new Summit.

48. All previous three Summits of the Organisation, and especially the first one, as we have seen above, benefited from the dynamics of European re-unification following the fall of the Berlin wall. They served the clear purpose of defining a new role for the Council of Europe as the "common house" of a united Greater Europe and provided it with the necessary means and tools to deliver under the new reality.

49. The situation today is different. As mentioned above, many risks and difficulties on various fronts are currently threatening the European continent and its unity. They represent a major challenge which puts to the test the solidity of the pan-European project. Against this background, the fundamental question we need to

13. Also referred to as "soft security" to mark the contrast with "hard security" promoted by the North Atlantic Treaty Organization (NATO).

answer is the following: Are the emerging conflicts and divergences stronger than the unity? Or what shall prevail is the realisation of the need to preserve unity throughout the continent and the political will to form not simply a grouping of States but a real community sharing common values, a common legal order, a common jurisdiction and increasingly integrated institutions?

50. In my opinion, a Fourth Summit should respond positively to this challenge and mark with courage the starting point of the third phase in the life and history of the Organisation: that of stabilisation and internalisation of the Council of Europe in the conscience of European citizens and in national institutions, following the first phase of the foundation (1949-1989) and the second one of enlargement (1989-).

51. The Fourth Summit should therefore be well focused and primarily aimed at re-launching the Council of Europe's core mission as described above: that of a pan-European Organisation, composed of 47 European States, offering a common legal space to 835 million Europeans and thus capable of promoting "unity within diversity" and democratic security throughout the continent

52. In a Europe which has profoundly changed since the last Summit, held in Warsaw in 2005, and when the whole world order seems to be changing, a Summit would offer a unique opportunity for member States to reaffirm, in the strongest possible terms and at the highest political level, their commitment to the common values and principles of democracy, human rights and the rule of law, upheld by the Organisation, as enshrined in the European Convention on Human Rights. Member States should clearly express their willingness to continue to be part of a single community, capable of capitalising on internal differences as an element of richness and variety and capable of handling internal conflicts in a positive and non-destructive way.

53. If its agenda is carefully prepared and well-focused and the proposal is supported throughout at the highest political level by the host country, a Fourth Summit could slow down current negative trends in some member States, increase pressure on hesitating or defiant member States, protect the authority and credibility of the Organisation and create opportunities for future efforts to restore unity and cohesion.

54. I believe that in the difficult times we are going through, it is our responsibility to fight nationalism and divisions, preserve and enhance our "common house" and avoid building new walls. Having inherited the political success of a pan-European organisation, we owe it to the generations to come to do everything within our power not to weaken, through fear or hesitation to act, what our predecessors have built.

55. The consultations I have held with national delegations and representatives of the executive branch of several member States as well as with the Secretary General of the Organisation confirm the choice of reaffirming the Council of Europe's core mission as the main aim of a Fourth Summit.

56. This necessarily means safeguarding the unique mechanism of the protection of individual rights it provides for. Thus, a predominant place in the agenda of a future Summit should be given to the need to defend and protect the authority of the European Court of Human Rights.

57. Defending the authority of the Court and its unique mechanism of protection of the rights of the people requires more than anything else ensuring prompt and full implementation of its judgments, on which the efficiency and authority of the human rights protection system based on the European Convention on Human Rights depend. In fact, what is the value of the Court's judgments for the citizens and every person within the jurisdiction of member States if its judgments remain unfulfilled?

58. As mentioned above, the record regarding the implementation of the Court's judgments, even though this is a legal obligation for the States Parties emanating from the Convention itself (Article 46.1), is becoming increasingly worrying. As the main reason for this situation is the lack of political will to implement judgments on the part of certain States Parties' governments, the Summit could serve as an impetus for improvement of the record of implementation and could reverse current tendencies to undermine the authority of the Court.

59. Although primary responsibility for supervision of the implementation of Court judgments lies with the Committee of Ministers, the Parliamentary Assembly has been contributing to the process since its [Resolution 1226 \(2000\)](#), encouraging in particular proactive involvement on the part of national parliaments. I therefore refer to the relevant reports and the proposals contained therein and in particular to [Resolution 2178 \(2017\)](#) and [Recommendation 2110 \(2017\)](#), adopted by our Assembly in June 2017. A quite detailed analysis of recent efforts to enhance effectiveness of the Convention system is available in the report on "The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond" ([Doc. 13719](#)) which led to [Resolution 2055 \(2015\)](#) and [Recommendation 2070 \(2015\)](#).

60. On the basis of the principles of indivisibility, interdependence and interrelation of fundamental rights, a Fourth Summit could also offer the necessary political impetus to strengthen the treaty system of the European Social Charter, including its collective complaints system, slow down current negative trends toward downgrading social rights guarantees across Council of Europe member States and reaffirm the fact that only the enjoyment of socio-economic rights, and social inclusion allow people to fully enjoy their civil and political rights.

61. This is all the more important at a time when these fundamental rights, corresponding to everyday human needs, are under pressure or even at risk as a consequence of the economic and financial crisis which started as of 2008 and has substantially eroded social structures throughout the continent. The Summit could also help ensure coherence between the Council of Europe and the EU legal systems in the field of social rights. Interaction could be stepped up following the recent adoption by the European Commission of the European Pillar of Social Rights.

62. To sum up, a Fourth Summit could offer an additional opportunity to bring forward, at the highest political level, the goals currently promoted by the “Turin Process”. Launched by the Secretary General of the Council of Europe in October 2014, this is a political process aimed at reinforcing the normative system of the Charter and at improving the implementation of social and economic rights. For its part, the Assembly has always promoted the European Social Charter as the most comprehensive social rights standard in Europe and actively participates in the Turin Process. For a more detailed analysis and proposals in this area, I refer to [Resolution 2180 \(2017\)](#) and [Recommendation 2112 \(2017\)](#) adopted on 30 June 2017 on “The ‘Turin process’: reinforcing social rights in Europe”.

63. More specifically, among the big social challenges which the Fourth Summit could address are those of growing poverty and modern slavery. A strong Council of Europe initiative on this front could encourage member States to adopt more efficient measures for the protection of those who are weaker and more vulnerable. European citizens could also then realise that there are European institutions which are not indifferent to their problems and the concrete conditions of their everyday life

64. As mentioned above, the Council of Europe convention system, aimed at safeguarding the fundamental rights (civil, political, social and cultural) of the people of Europe, requires effective political democracy to function. A Fourth Summit could reaffirm and further enhance the Council of Europe’s role both as guardian and as an innovator for democracy, also through further enhancement of the role of the Venice Commission.

65. With the overall aim of reinforcing democratic security, the Summit should contribute to consolidating citizens’ trust in democratic institutions and democratic values. This is all the more essential as Europe continues to face deep economic and social crises, which in turn provide fertile ground for phenomena such as populism, racism, xenophobia, violent extremism and radicalisation leading to terrorism. In this respect, the Summit should also enhance the role of our Assembly as a strong pillar of European parliamentarism, bringing together the representatives of citizens from almost all the European States.

66. At the same time, the Summit could contribute to consolidating the emergence of a European civil society and propose ways to increase citizens’ participation and consultation with public and civil society in search of common solutions to common problems. It would thus bring the Organisation closer to the people it serves. The role of the Conference of International NGOs could also be upgraded in this context.

67. If the Fourth Summit is meant to reaffirm the mission of the Council of Europe as guardian of the ideal of European unity, it is essential that it addresses its role within the whole European political architecture. It would, in particular, offer a fresh opportunity to look at its relations and co-operation with the European Union recalling that the Council of Europe is a unique forum where European Union member States engage in dialogue and co-operation with non-European Union member States on the basis of common values and principles.¹⁴

68. Following the Brexit referendum in the United Kingdom, a founding member of the Council of Europe will sooner or later withdraw from the European Union. This and other recent developments have generated an internal debate within the European Union regarding its own future with different options put on the table.¹⁵ The European Commission President, Mr Jean-Claude Juncker, will take these ideas forward in his

14. See the motion for a recommendation on “The Council of Europe in the European political architecture”, [Doc. 14316](#), tabled by Ms Dzheha Grozdanova, Chairperson of the Bulgarian delegation to the Assembly, and others.

15. Following the adoption in February 2016 by the European Parliament of three resolutions exploring the future development of the European Union and calling for full use of the Lisbon treaty ([Improving the functioning of the European Union building on the potential of the Lisbon Treaty](#); [Possible evolutions of and adjustments to the current institutional set-up of the European Union](#); [Budgetary capacity for the euro area](#)), the European Commission presented in March 2017 a

State of the Union speech in September 2017 before first conclusions can be drawn at the December 2017 European Council. This will facilitate a decision on a course of action to be rolled out in time for the European Parliament elections in June 2019. It is therefore timelier than ever to enlarge this reflection into an overall debate, at the highest political level, on the future of Europe and upgrade in this context the role to be played by the Council of Europe.

69. The Council of Europe and the European Union have recently celebrated the 10th anniversary of the Memorandum of Understanding which governs their co-operation since 2007. This was the fruit of a reflection by Mr Jean-Claude Juncker, then Prime Minister of Luxembourg. Mr Juncker received the mandate to prepare a report on the relations between the Council of Europe and the European Union by the Organisation's Heads of State and Government at the Warsaw Summit in 2005 and presented his conclusions at the Assembly one year later.

70. Since the signing of the 2007 Memorandum, new challenges have emerged regarding the relations between the two European organisations, especially following the entry into force of the Lisbon Treaty in December 2009. The impact of the Lisbon Treaty on the Council of Europe was extensively analysed by the Assembly already in 2011.¹⁶

71. Back then, the Assembly saw the entry into force of the Lisbon Treaty as a new opportunity for a reinforced partnership between the Council of Europe and the European Union, based on each other's *acquis* and comparative advantages. Such a partnership should, in the Assembly's view, aim to ensure coherence between, on the one hand, the pan-European project promoted by the Council of Europe and, on the other, the integration process initiated by the European Union. EU accession to the European Convention on Human Rights, which the Lisbon Treaty turned into a legal obligation, as well as the EU accession to other Council of Europe conventions, was expected to lead to a common space for human rights protection across the continent in the interest of all people in Europe.

72. Not much has changed since 2011 in terms of outstanding challenges, especially as EU accession to the Convention has been halted following a critical opinion by the Court of Justice of the European Union.¹⁷

73. To mention some other challenges: the increase of the European Union's role in the traditional areas of activity of the Council of Europe (justice, freedom and democratic security) continues to affect the interaction between the European Union and its member States when participating in Council of Europe steering committees and when negotiating new Council of Europe conventions on matters falling within these areas. The risk of duplication between the two organisations is still present and the need to avoid it by developing synergies and ensuring coherence of standards is more urgent than ever against the background of economic hardship.¹⁸

74. A plethora of Assembly texts, older and more recent, offer a good basis for reflection, including concrete proposals, which can be taken up by the Fourth Summit. Let me simply conclude by underlining, once more, a proposal already formulated in 2006 by Mr Juncker in his report on relations between the Council of Europe and the European Union¹⁹:

"It follows logically from the complementary relationship between the Council of Europe and the EU ... and from the increased co-operation between the two bodies, which is necessary for the democratic security of people in our continent, that a further step in the relationship should be envisaged, once the EU has acquired legal personality – EU membership of the Council by 2010 ... This will allow it to speak directly for itself in all the Council bodies, on all issues which affect its interests and which fall within its area of competence – all within the context of a pan-European dynamic which it will help to push ahead in the general interest of the continent."

White Paper on the Future of Europe. The Commission also presented a series of reflection papers on key issues for Europe: 1) [developing the social dimension of Europe](#); 2) [deepening the Economic and Monetary Union](#); 3) [harnessing globalisation](#); 4) [the future of Europe's defence](#); and 5) [the future of EU finances](#). See also the declaration adopted on 25 March 2017 on the occasion of the 60th anniversary of the Treaty of Rome.

16. See [Resolution 1836 \(2011\)](#) and [Recommendation 1982 \(2011\)](#) on the impact of the Lisbon Treaty on the Council of Europe, and Committee of Ministers reply, [Doc. 12892](#).

17. See also the report drawn up by Ms Lundgren in 2015 on "The implementation of the Memorandum of Understanding between the Council of Europe and the European Union", [Doc. 13655](#), which led to the adoption of [Resolution 2029 \(2015\)](#) and [Recommendation 2060 \(2015\)](#).

18. See also [Recommendation 2027 \(2013\)](#) "European Union and Council of Europe human rights agendas: synergies not duplication" and Committee of Ministers reply, [Doc. 13432](#).

19. [Doc. 10897](#), Council of Europe – European Union: "A sole ambition for the European continent", 11 April 2006.

75. I wonder whether the Fourth Summit and the discussions on the reshaping of the European architecture which this should generate could not give fresh topicality to Mr Juncker's proposal and to the perspective of EU accession to the Statute of the Council of Europe (ETS No. 1).

76. In this respect, I also support the proposal made by Ms Grozdanova, Chairperson of the Bulgarian delegation, in her motion for a recommendation on "The Council of Europe in the European political architecture". Ms Grozdanova suggests that, as part of the preparations for a Fourth Summit, the Committee of Ministers could organise, together with the Assembly and the European Parliament, a discussion about the future of Europe and the role of the Council of Europe within the European political architecture.

77. Also at the level of European architecture, it is high time to show imagination and courage in order to respond to today's great challenges. We should reflect, in an innovative and creative way, on the reality in front of us, that of a Europe of concentric circles: from the wider circle of the 47 Council of Europe member States to the European Union, the Schengen area and the Eurozone, avoiding unnecessary overlapping, ensuring coherence of standards, and aiming to harmonise the various levels of international co-operation. As they are the same European States which co-operate among themselves at various levels, it would be paradoxical not to be able to harmonise in the best possible way their co-operation. The Council of Europe represents the widest circle in this dynamic co-operation and this is why it is best placed to stimulate a reflection in this sense. This would also be highly appreciated by the citizens who are often critical of international institutions failing to co-operate significantly with each other.

78. During my consultations with national parliamentary delegations and representatives of the executive of member States, other themes have also been brought to my attention as possible issues to be put on the Summit's agenda, such as: the role of the Council of Europe in the fight against terrorism or in the fight against extremism and radicalisation leading to terrorism, or the challenges raised by the ongoing massive migratory and refugee flows in Europe.

79. Some delegations, and in particular the Chairperson of the French delegation, are of the opinion that the fundamental problems related to terrorism and migration have already been discussed in several Heads of State and Government summits in different fora. That said, some proposals recently made during the migration debate at the June 2017 part-session of the Assembly could be taken up on the Summit's agenda. This could be the case for instance with respect to the Assembly proposal to consider the feasibility of creating, possibly as an enlarged partial agreement in co-operation with the European Union, "a European migration and intercultural development observatory, which would assist Council of Europe member States in the development of strategies, legal frameworks, action plans and specific projects in the field of migration".²⁰

6. On the way towards the Fourth Summit

80. The success of a future Council of Europe Summit will largely depend on the level of participation and the degree of commitment shown by European leaders: unless we manage to bring together the Heads of State and Government themselves and ensure, despite differences and ongoing conflicts, a strong political commitment by all to the ideal of European unity and the shared values and principles upheld and promoted by the Council of Europe, the Summit loses its relevance. Against the current critical background, mobilising the Heads of State and Government will not be an easy task but the challenge is so important for preserving the unity of the continent and avoiding the building of new walls that it is worth the effort.

81. In a way, the decision to convene a Summit, the careful preparation of its agenda and of the final declaration and the ultimate level of participation of member States are all issues closely linked. Previous experience shows that, unless a member State proposes to host a Summit and invests time and energy in co-ordinating and preparing it, the process is too complex for the rotating chairmanship of the Committee of Ministers to deal with.

82. Former French President François Hollande has already extended an invitation to organise the Fourth Summit during the French chairmanship of the Organisation in 2019 and on the occasion of its 70th anniversary.

20. See [Recommendation 2109 \(2017\)](#) on migration as an opportunity for European development and the report prepared by Mr Andrea Rigoni for the Committee on Migration, Refugees and Displaced Persons, [Doc. 14335](#).

83. Following the election of the new French President, Emmanuel Macron, France has not yet pronounced itself as to whether the invitation is maintained. The pro-European profile of the new President, who chose the music of the European anthem to accompany him as he walked in victory through the Louvre esplanade for his first appearance before the French citizens and the whole world, increases the probability that he will be willing to take up the challenge.

84. As also mentioned above, the ultimate decision to hold a Fourth Summit, the focus to be given and its actual organisation fall on the Council of Europe Committee of Ministers with the Secretary General having an important co-ordinating role to play. For its part, the Assembly, bringing together representatives of the citizens of Europe, should be closely associated both in the definition of the agenda and the preparation of the final declaration. The Assembly has been associated, in different ways, in all previous Summits.

85. The preparatory work for a Summit of Heads of State and Government is quite a long process and an important one in itself. An efficient preparation of the Summit requires the development of synergies between all sectors of the Organisation and more significantly between its two statutory organs, the Committee of Ministers and the Parliamentary Assembly.

86. The preparation of a future Summit could also be an occasion for the Assembly to continue an in-depth reflection of its own identity, role and mission as a statutory organ of the Organisation and, in a broader sense, as a European forum for inter-parliamentary dialogue which aims at having an impact in all Council of Europe member States.

87. In this respect, the current year has been particularly challenging for our Assembly especially as we were faced with unprecedented situations which required brave, prompt and innovative action: we set up an independent external investigation body to look into allegations of corruption and fostering of interests made against some members or former members of the Parliamentary Assembly;²¹ we started reviewing our Code of Conduct in order to prevent possible future violations by Assembly members and strengthen the Assembly's transparency, accountability and integrity;²² considering that the principle of accountability includes a duty of transparency and an obligation to account for one's actions, without which the Assembly cannot have any confidence in those it has elected to office, we decided to complete the Assembly's regulatory framework by creating a procedure to bring into play the institutional accountability of holders of elective offices within the Assembly (notably its President and chairpersons of committees) and the possibility to dismiss them during their term of office.²³

88. All the above-mentioned measures aim at improving the internal functioning of our Assembly and strengthening its credibility as a statutory organ of the Organisation which, *inter alia*, elects the judges to the European Court of Human Rights, the Secretary General and the Deputy Secretary General of the Organisation and the Commissioner for Human Rights.

89. Enhanced by the recent reforms, to be completed at the forthcoming October part-session with the revision of its Code of Conduct, the Assembly should expect to play an important role in the preparation of the Summit, especially as it was the first to launch this idea back in 2009 and has repeatedly promoted it ever since.

90. Nevertheless, there is still an inconsistency which affects the ability of the Assembly to participate fully in the preparation of the future Summit, in particular if the latter primarily aims at reaffirming the role of the Council of Europe as guardian of European unity and promoting democratic security throughout the continent: for three consecutive years one of the Council of Europe member States, the Russian Federation, has participated and been represented in the activities and the bodies of only one of the two statutory organs of the Organisation, namely the Committee of Ministers, but not of the Assembly.

21. This decision was triggered by the conviction that, whether they prove to be founded or false, such allegations undermine the Assembly's image and credibility as an institution and, in turn, the reputation of each and every one of its members.

22. A report on the "Follow-up to [Resolution 1903 \(2012\)](#) on Promoting and strengthening transparency, accountability and integrity of Parliamentary Assembly", is being prepared by Mr Ian Liddell-Grainger for the Committee on Rules of Procedure, Immunities and Institutional Affairs and will be debated at the October 2017 part-session.

23. See [Resolution 2169 \(2017\)](#) on recognition and implementation of the principle of accountability in the Parliamentary Assembly. In line with this regulatory framework, a [motion for dismissal](#) of the President of the Parliamentary Assembly of the Council of Europe, Mr Pedro Agramunt, was tabled, on 30 June 2017, by 158 component members of the Assembly belonging to 5 political groups and 36 national delegations. The motion shall be put to a vote of the Assembly at the opening of the October 2017 part-session. The voluntary resignation of the President from his office shall terminate the procedure. Until the final decision on the motion is taken, the President ceases to chair the meetings of the Assembly.

91. As mentioned above, following the annexation of Crimea by the Russian Federation in February 2014 and the conflict in Donbas, the Assembly decided to apply sanctions with respect to the participation and representation rights of the Russian parliamentary delegation. This triggered the latter's decision not to participate at all in the work of the Assembly. Since January 2016, the Russian Federation has not submitted credentials of any parliamentary delegation to the Assembly with the result that today not all member States of the Organisation are represented in our midst.

92. The recent decision of the Russian authorities to suspend the payment of their contribution to the budget of the Council of Europe for 2017 until the full and unconditional restoration of the credentials of the delegation of the Federal Assembly of the Russian Federation within our Assembly is surely not helpful.

93. The overall situation within the Organisation is now counterproductive. Not only because the very fact that a State which is a full member of the Organisation participates in the activities and is represented in the bodies of only one of the two statutory organs constitutes an incoherence, but also because this situation adversely affects the overall impact of the Organisation as a guardian of human rights and democracy throughout the continent and therefore it is not in the interest of the citizens of the 47 member States. This is certainly not a situation which can persist if a Summit is to be organised in the near future and a renewed commitment to the Council of Europe is to be sought by European leaders.

94. This issue of major importance for the preparation of the Summit cannot, in my view, be solved by simply looking at the internal functioning and the rules of our Assembly, as some seem to suggest, but requires a joint reflection between the two statutory organs of the Organisation.

95. The starting point should be the Statute of the Council of Europe. The latter, as supplemented by Statutory Resolution (51) 30, provides for a clear synergy between the two statutory organs as regards membership of the Organisation.

96. However, over the years, and in particular after the Organisation's enlargement during the 90s, the Assembly has developed rules governing the participation and representation rights of members of national delegations in its own activities and bodies respectively which do not provide for any kind of synergy or coherence with the Committee of Ministers (consultation, discussion, etc.).

97. I therefore believe that, in the context of the preparations for the Organisation's Fourth Summit, it is necessary to initiate a procedure aimed at harmonising the rules governing participation and representation of member States in both statutory organs, while of course fully respecting the latter's autonomy.

98. The aim should not be to allow member States to violate the Organisation's Statute without any consequences but to ensure full coherence between the two statutory organs of the Council of Europe. This coherence should strengthen the sense of being part of a community and the obligations incumbent upon every member State.

99. Such a common reflection should be carried out jointly and as a matter of priority by the Assembly and the Committee of Ministers as part of the preparations for the Fourth Summit. It could be co-ordinated by the Joint Committee, "the organ of co-ordination" between the two statutory organs in line with Statutory Resolution (51) 30, and carried out by a smaller and thus more flexible ad hoc working group to be set up by the Joint Committee.

100. If this proposal is accepted, the process should be completed rapidly so as to allow for timely preparations for the next Summit. Therefore, the ad hoc working group should start its work at the beginning of the next ordinary session of the Assembly, in January 2018, and complete it, at the latest, at its autumn part-session of the same year.

101. For this process to be credible and fruitful, both the whole Assembly and every single member State should do their utmost to ensure that all member States of the Organisation will be fully represented in the process on both parliamentary and intergovernmental sides.

102. In the meantime, the Assembly could already now decide to continue its own reflection of its identity, role and mission as a statutory organ of the Council of Europe and, linked with that, provide its own vision of the future of the Organisation.

103. How can the Assembly preserve its role as a pan-European forum for inter-parliamentary dialogue and at the same time continue to safeguard the values and principles of the Organisation? After having played a decisive role in the enlargement process of the Organisation, completed some 20 years ago, and in the subsequent process of accompanying new member States, are its working methods and tools still up to date and capable of having an impact in all member States?

104. In order to continue this reflection on the preparation of the Fourth Summit and the future of the Organisation, I suggest that the Bureau of the Assembly asks the Committee of Rules of Procedure, Immunities and Institutional Affairs and the Committee on Political Affairs and Democracy to undertake a thorough analysis of these matters and make concrete proposals in the framework of relevant reports.

7. Conclusions

105. When called upon to think today of the future of the Council of Europe and the necessity to preserve and further strengthen its role and mission, it seems to me necessary to step back for a moment and remember its origins and the spirit of its foundation.

106. Unity is its cornerstone, human dignity its main goal.

107. The *Message to Europeans*, adopted at the final session of the European Congress in 1948 in The Hague, was pronounced 69 years ago, but it still sounds terrifyingly topical:

“Europe is threatened, Europe is divided, and the greatest danger comes from her divisions ... The hour has come to take action commensurate with the danger ... Between this great peril and this great hope, Europe’s mission is clear. It is to unite her peoples in accordance with their genius of diversity and with the conditions of modern community life, and so open the way towards organised freedom for which the world is seeking ... Human dignity is Europe’s finest achievement, freedom her true strength. Both are at stake in our struggle...”

108. These words, which led to the foundation of our Organisation, could have been spoken today. The threats are not the same nor are the divisions, but they still constitute “the greatest danger”. The same is also true about our responsibility “to take action commensurate with the danger”.

109. We owe it to the generations to come to do our utmost not to weaken, through fear or hesitation to act, what our predecessors have built, but to defend and further strengthen it, first and foremost in the interest of the European people. In the challenging times we are going through and when the whole world seems to be changing, it is our responsibility to fight nationalism, the worst of all the plagues, and prevent the building of new walls.

110. We have inherited a pan-European organisation which was created out of the dream of European unity and for the very purpose of turning this dream into reality. Even though we should be self-critical about our past faults and cautious against the risks for our future, we also have to be proud of our present achievements. If a “Human Rights Charter” and a Court “with adequate sanctions for the implementation of this Charter” were a dream for our founding fathers, they are today the reality of 835 million Europeans and the best proof that our Organisation is first and foremost here not to defend the political or economic interests of any State, but the rights of the people.

111. The same is true about the desire for a “European Assembly where the life forces of all our nations shall be represented”. What was pledged by Europeans in May 1948 became a reality one year later and our Assembly (then called “Consultative”) met in August 1949 in Strasbourg to represent the peoples of Europe. Having largely contributed to the standard-setting achievements of the Organisation and played a leading role in its enlargement process in the 90s which resulted in the reunification of the continent, today it has a primary responsibility to defend and further promote the Organisation’s role in the overall European political architecture. It owes it to itself to also look at its past and design its future.

112. It is in this context and against this background that I submit my pleading in favour of a Fourth Summit of the Heads of State and Government of Council of Europe member States: to preserve and strengthen the unique pan-European project, currently threatened by divisions and growing nationalism, through a renewed commitment by all member States, at the highest political level, to the ideal of European unity and the common values and principles of democracy, human rights and the rule of law which the Organisation upholds.