Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 208 (1999)[1]

"Building Greater Europe without dividing lines" (opinion on the report by the Committee of Wise Persons)

Parliamentary Assembly

1. The Parliamentary Assembly of the Council of Europe (PACE) notes that the first and second summits of heads of state and government of the Council of Europe clearly defined the priorities of the Organisation.

2. The Parliamentary Assembly welcomes the instruction given to the Committee of Ministers to carry out the structural reforms needed to adapt the Organisation to its new tasks and its enlarged membership and to improve its decision-making process.

3. It notes that its President was involved in the activities of the Committee of Wise Persons, set up by the Committee of Ministers, to draw up proposals for these structural reforms, but regrets that the Committee of Wise Persons did not take into consideration sufficiently the contributions made by the Parliamentary Assembly of the Council of Europe (PACE), an embodiment of the sovereignty of the people of the member states.

4. The Committee of Ministers and the Parliamentary Assembly are the two statutory organs of the Organisation. As the two main partners within the Council of Europe, their relationship should be clarified by a statutory resolution.

5. The Parliamentary Assembly supports the conclusions of the report of the Committee of Wise Persons, some of which are based on its own recommendations, but wishes to make several additional proposals for the implementation of the reforms.

6. The Parliamentary Assembly shares the conclusion of the Committee of Wise Persons that the Council of Europe is, as set out in its Statute, both a political and standard-setting organisation, and a framework institution for promoting and defending pluralist democracy, human rights and the rule of law.

7. The balance between the emerging monitoring role of the Council of Europe and its traditional "think tank" function must, however, be maintained, especially in the four areas laid out by the second summit as clear priorities (democracy and human rights; social cohesion; security of citizens; democratic values and cultural diversity). Tackling medium and long-term problems that European societies face and setting standards has been one of the strengths of the Council of Europe and this should not be overlooked.

8. The Parliamentary Assembly considers that, at present, the most important task for the Council of Europe is to consolidate its role as a political pan-European organisation of general competence, to attain democratic stability and an ever closer union between its members through intergovernmental co-operation on essential questions.

9. The Parliamentary Assembly considers that the work of the Council of Europe, and particularly its own work, is decreasingly concerned with member countries' external relations and more and more with their domestic problems, thereby contributing to their integration into a unified continent.

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1. Assembly debate on 26 January 1999 (2nd and 3rd Sittings) (see Doc. 8286, report of the Political Affairs Committee, rapporteur: Mr Schieder; and Doc. 8299, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr López Henares) Text adopted by the Assembly on 26 January 1999 (3rd Sitting).

10. These objectives imply one concrete priority requirement: a reduction in the difference between member countries in their citizens' average life expectancies. The achievement of peace, democratic stability and a reduction in the flow of migrants will depend on the responses to this requirement.

11. It welcomes, in particular, the recognition by the Committee of Wise Persons of its increasingly important political role, notably since the beginning of the enlargement process. This recognition must be reflected in its budgetary and administrative powers.

12. Accordingly, the Organisation's intergovernmental structures and working methods must be reformed in order to increase its flexibility and effectiveness, and to introduce new approaches, such as enhanced field presence.

13. After the enlargement of the Council of Europe, the monitoring of respect of obligations and commitments by its member states has become an overriding priority for the Organisation and an essential element of its credibility.

14. In this context, the monitoring procedures of both the Parliamentary Assembly and the Committee of Ministers must be reinforced on the basis of mutual consultation, and accompanied by measures to be taken in cases of non-compliance. At the same time, there must be an increased co-operation with member states with a view to helping them to fulfil their obligations and commitments.

15. The Parliamentary Assembly considers that the European Union is the natural partner of the Council of Europe, as both share the same values.

16. It also considers that the reform of the Organisation must be accompanied by a general memorandum of understanding with the OSCE and by an intensification of co-operation with the United Nations, Nato and the Western European Union (WEU) in full respect of the Council of Europe's competence.

17. The Parliamentary Assembly is convinced that the existence of a permanent and independent secretariat is, for the Council of Europe, a specificity and a major advantage which must be preserved as a criteria in fulfilling the new role of the Organisation, notably with regard to the monitoring of obligations and commitments by member states.

18. The Parliamentary Assembly recommends that the Committee of Ministers endorse the report of the Committee of Wise Persons and start implementing the proposed reforms as soon as possible. Before its 105th meeting in November 1999, the Committee of Ministers should, in particular:

18.1. as regards its own procedure

a. develop a real political dialogue corresponding to its pan-European dimension;

b. improve its decision-making process in order to make it more suited to rapid action, in particular in crisis situations;

c. give more political responsibility to its Chairman;

d. introduce majority voting as a general rule and apply it systematically;

e. take additional steps to adjust to the enlargement of the Council of Europe and actively involve the new members in the activities of the Council of Europe;

18.2. as regards the Parliamentary Assembly

a. agree with it on the contents of a statutory resolution clarifying the relationship of the two statutory organs, taking into account their respective roles and independence, and formally confirming the change of the name of the Assembly from "consultative" to "parliamentary";

b. consult the Parliamentary Assembly before fixing the ceiling for the Council of Europe's overall budget, and before establishing the main priorities of the Organisation;

c. set up a mechanism for direct discussion with the Parliamentary Assembly as regards its own budget in order to reach agreement on the total appropriations allocated;

d. grant autonomy to the Parliamentary Assembly in the management of budgetary and administrative matters;

e. reflect the specific features of the Office of the Clerk of the Parliamentary Assembly in the regulations of the Organisation;

f. adopt a statutory resolution to introduce a co-decision procedure by the Parliamentary Assembly for the adoption of any draft convention, agreement and protocol;

g. invite the President of the Parliamentary Assembly to address the Committee of Ministers at the beginning of each ministerial meeting;

18.3. as regards the monitoring of obligations and commitments

a. reinforce its monitoring activities and reconsider the necessity of maintaining the absolute confidentiality of its documents;

b. introduce and apply a sliding scale of sanctions in the case of systematic or especially grave violation of obligations and commitments by a member state;

c. improve the follow-up to Parliamentary Assembly recommendations on the respect of obligations and commitments (including measures in the case of non-compliance);

d. strengthen co-operation with the Parliamentary Assembly and inform it regularly on the results of its monitoring procedures;

18.4. as regards institutional reforms

a. simplify and rationalise the activities, structures and working methods of the intergovernmental co-operation according to the priorities defined at the first and second summits;

b. allocate the Organisation's budgetary resources and staff according to the priorities fixed at these summits in order to cope with the consequences of the enlargement, and look for new forms of funding;

c. establish a medium- and long-term presence of Council of Europe representatives in countries which need increased and long-term activities for the development and consolidation of their democratic and social stability;

d. respect the principle of a permanent and independent secretariat as an essential element for the specific role and functioning of the Council of Europe;

e. start work on changing methods of calculating the scale of member states' contributions to the Council of Europe's budget in order to bring their contributions into line with their population, gross domestic product and per capita income;

f. suspend the voting rights of any member state which is one year behind with the payment of its contributions;

18.5. as regards other international institutions

a. make full use of its observer status with the United Nations;

b. conclude a framework agreement with the European Union;

c. conclude a general memorandum of understanding with the OSCE and intensify co-operation with Nato and the Western European Union;

d. closely associate the Parliamentary Assembly with all high-level contacts;

e. ask its chairmanship to present, in other international institutions, Council of Europe positions on issues falling within its fields of competence;

18.6. as regards the Council of Europe's visibility

a. adopt a policy of taking public political positions on current developments, notably through its Chairman;

b. ensure the more active presence of its representatives in the field, by means of visits, fact-finding missions, participation in conferences and meetings, and observation of elections;

c. improve contacts with the media, non-governmental organisations, trade unions, youth organisations and national authorities;

d. associate non-governmental organisations more closely with intergovernmental activities, in accordance with the recommendations in the report of the Committee of Wise Persons;

e. develop more actively the network of Council of Europe documentation centres, both in new and old member states;

f. improve its relations and co-operation with observer states, while asking them to fulfil the same minimum standards in the fields of democracy, human rights and the rule of law as required of states whose parliaments enjoy special guest status with the Parliamentary Assembly of the Council of Europe (PACE);

18.7. as regards the Council of Europe's fiftieth anniversary include in the political declaration under preparation substantial points inviting member states to commit themselves to ratify further Council of Europe instruments, and in particular the European Social Charter, at the earliest possible date

19. The Parliamentary Assembly calls on the Committee of Ministers to show firm political will in implementing the reforms of the Organisation in order to make the Council of Europe fully capable of assuming its leading role in the field of human rights, the rule of law and pluralist democracy in Europe in the twenty-first century