



## Resolution 1689 (2009)<sup>1</sup>

# The future of the Council of Europe in the light of its 60 years of experience

Parliamentary Assembly

1. Sixty years ago, the founding states gave the Council of Europe the task of achieving a greater unity between its members for the purpose of safeguarding and realising the ideals and principles of personal freedom, political freedom and the rule of law, which are their common heritage and on which all true democracies are founded.
2. In present-day Europe, democracy, human rights and the rule of law form an integral part of European citizens' everyday lives. Our Organisation's contribution to ensuring this has been decisive. The Council of Europe remains the main guarantor of the preservation of those values. It is to the Council of Europe, in particular the European Court of Human Rights, that Europeans turn as a last resort when they consider that their rights have been violated.
3. If the Council of Europe is to remain the key institution for the effective promotion and protection of fundamental principles and values for the benefit of all Europeans, its relevance, its functioning and its efficiency must be constantly improved. A critical and frank analysis not only of the Organisation's strategic goals, its strengths and its potential, but also its deficiencies, weaknesses and limitations, is therefore essential.
4. In sixty years, the global and European geopolitical situation has undergone far-reaching changes. The end of the Cold War and the collapse of the former communist regimes allowed the peaceful reunification of Europe on the basis of the ideals and principles championed by the Council of Europe. It is only natural that our Organisation was the first to admit the states of central and eastern Europe which had undertaken to respect those values, and to give them the benefit of its experience.
5. Today, with 47 member states, the Council of Europe is the pan-European organisation that has the widest membership. Its role is threefold: a framework institution for defending and promoting pluralist democracy, human rights and the rule of law; a framework for standard-setting activities and a European legal area; a laboratory for ideas and a wide and inclusive forum for political dialogue and co-operation. The Council of Europe's *acquis* in these fields is unique and represents an essential contribution to the Europe of today. It must be carefully preserved and strengthened.
6. In sixty years, Europe's institutional landscape has changed profoundly. As a pioneer of European unity – which is its statutory aim – the Council of Europe has specialised in the defence of fundamental values and has shared its role in European integration with other organisations. A growing number of Council of Europe member states have decided to engage in closer and more advanced co-operation in other forums, especially within the European Union.
7. However, the political goal of European unity transcends the boundaries of the European Union. In many fields, European co-operation cannot be effective unless it encompasses the continent as a whole.

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1. *Assembly debate* on 1 October 2009 (34th Sitting) (see [Doc. 12017](#), report of the Political Affairs Committee, rapporteur: Mr Mignon). *Text adopted by the Assembly* on 1 October 2009 (34th Sitting). See also [Recommendation 1886](#) (2009).



8. The Council of Europe's Statute, its legal instruments, its experience and its expertise make it an appropriate framework for developing pan-European co-operation on an equal footing. It is therefore vital for the future of the Council of Europe that its role as a pan-European political organisation should be re-affirmed and revitalised and that it should continue to offer those European states which do not join the European Union the opportunity to participate in the building of a united Europe.

9. At the same time, it is necessary to achieve increased complementarity between the work of the Council of Europe and that of the European Union and the Organization for Security and Co-operation in Europe (OSCE) based on their respective competences and fields of excellence, as well as on the co-operation agreements (memoranda of understanding) signed with those organisations. In this context, the Assembly considers that a more far-reaching partnership with the OSCE would be desirable in view of that organisation's competences in the field of security.

10. The Council of Europe's comparative advantages lie in its traditional function as a laboratory for ideas, as well as its strength in tackling the problems of society in the medium and long term and working to develop standards and policies. Combined with the Organisation's role in monitoring the implementation of standards and the honouring of commitments, these qualities have been a guarantee of the Council of Europe's relevance for the member states.

11. If this is to continue to be the case, the Council of Europe must remain firm in the defence of its fundamental values while being open to dialogue and ready to offer its assistance. It must remain watchful of the changes in European society without trying to avoid controversial issues. It must assess their impact on key values and propose appropriate responses. It must ensure that its work is effectively implemented and followed up. Above all, it must strengthen its channels of communication with the different levels of European society.

12. The unquestionable results achieved by the Council of Europe should not conceal the fact that it has come up against some problems and difficulties in carrying out its functions, nor preclude analysis thereof. In this connection, the Assembly is concerned about certain trends which might indicate a decline in the member states' commitment to the Council of Europe: the weak level of participation of the ministers for foreign affairs in the ministerial sessions of the Committee of Ministers; the lack of control over implementation of Assembly resolutions and recommendations; zero growth in real terms in the Organisation's ordinary budget; a reluctance among the member states to sign and ratify the Council of Europe's legal instruments and attempts to minimise or even question the importance of the different independent monitoring mechanisms. These trends must be reversed, so that the commitment of states to the cause of the Council of Europe is confirmed in tangible acts.

13. The Assembly is also concerned about a dangerous trend in the activities of the Council of Europe, including its own activities, to favour an approach through the prism of political expediency to issues that fall within the sphere of fundamental principles and values, to the detriment of those principles and values. This trend is particularly harmful to the credibility of this Organisation, which is supposed to embody Europe's democratic conscience.

14. The Assembly believes that the regular holding of summits of heads of state and government of the Council of Europe makes it possible to give the necessary impetus to the Organisation and maintain a high degree of responsibility on the part of states as regards their commitments towards it.

15. In the budgetary field, the Assembly refers to its [Opinion 272 \(2009\)](#) on the budgets of the Council of Europe for the financial year 2010. The member states' declarations in support of the Council of Europe must be translated into real and increased support for its work in the form of budgetary decisions that enable the Organisation to fully discharge its statutory responsibilities.

16. The Assembly also considers it necessary to draw attention to the fact that, increasingly often, the European Union member states support, as a whole, positions in the Committee of Ministers that have been worked out among themselves and presented by the presidency of the European Union. This situation officialises a new dividing line within the Council of Europe itself and is harmful to its unity and future.

17. The Assembly is in favour of enhancing the role of the conferences of specialised ministers of the Council of Europe and their impact on the Organisation's everyday activities. It believes that consideration should be given to arrangements enabling the different specialised ministries in the member states to be involved in the choice of priorities for intergovernmental activities and contribute to the funding of certain Council of Europe activities.

18. Furthermore, the Assembly considers that the Council of Europe's internal functioning, particularly as regards relations between its statutory organs, should be brought more fully into line with the democratic principles and values it defends. It regrets that, until now, the proposals it made in [Recommendation 1763 \(2006\)](#) on the institutional balance at the Council of Europe have received little follow-up from the Committee of Ministers.

19. The Assembly is convinced that the Council of Europe cannot function properly unless there is genuine, substantive and ongoing dialogue between its two statutory organs. The channels of dialogue and consultation between the Assembly and the Committee of Ministers must be revitalised. In this context, the Assembly welcomes the positive spirit of the recent informal meetings between its Presidential Committee and the Bureau of the Committee of Ministers.

20. Regarding the Council of Europe's future activities, in addition to the points set out in the Declaration of the Committee of Ministers (CM(2009)50) adopted on the occasion of the Organisation's 60th anniversary, certain other fields warrant particular attention, such as crisis prevention, particularly in frozen conflict zones; analysis of the causes, and prevention, of terrorism and political extremism; urban violence; increased citizen participation in political life and the impact of the economic crisis on democracy and human rights.

21. The Assembly considers that greater prominence should be given to the Council of Europe's various activities in the field of democracy, and that on the basis of different mechanisms and structures existing in this field, such as the annual Forum for the Future of Democracy, the Assembly's biennial debates on the state of democracy in Europe, the European Commission for Democracy through Law (Venice Commission), the Summer University for Democracy and the Council of Europe's Schools of Political Studies network, a "Davos of democracy" should be established as a laboratory for ideas, thoughts and expertise which could become a high-profile model of excellence and an international reference in the field of democracy.

22. Furthermore, given the effects of globalisation, the extra-European dimension of all the issues addressed at the Council of Europe should be taken into account. In this respect, full use should be made of the European Centre for Global Interdependence and Solidarity (North-South Centre), which plays a crucial role in building bridges between the Council of Europe and the rest of the world.

23. Regarding the situation of the European Court of Human Rights, the Assembly reaffirms its support for the Court's unique role and its firm position on the need for Protocol No. 14 to the European Convention on Human Rights (CETS No. 194) to come into force, and hopes that, in the meantime, the rapid entry into force of Protocol No. 14***bis*** (CETS No. 204) will permit a partial improvement in the situation. It stresses the obligation for all member states to comply fully with the Court's judgments. In so doing, it refers to its [Opinion 272 \(2009\)](#) on the budgets of the Council of Europe for the financial year 2010, and reiterates its position as set out in paragraphs 6 to 16 of that opinion. It expects strong initiatives to emerge from the conference on the functioning of the Court, scheduled for early 2010, so that a political solution can be found to the current deadlock which jeopardises the survival of the European justice system in the field of human rights protection.

24. The Assembly calls on all the member states to:

24.1. play their role fully and shoulder their responsibilities as individual, fully fledged members of the Council of Europe, regardless of their positions vis-à-vis other organisations;

24.2. demonstrate their commitment to the Council of Europe through more active participation in its activities, increased funding of those activities, greater support for its legal instruments and stricter compliance with their obligations;

24.3. prevent issues falling within the sphere of fundamental principles and values from being politicised, relativised or exploited, to the detriment of those principles and values and of compliance with them;

24.4. regard criticisms that may be levelled at them in the Council of Europe framework not as action against them or as a means of pressure, but rather as an approach aimed at eliminating deficiencies and improving the functioning of democracy and respect for human rights;

24.5. ensure strict compliance with, and full and effective implementation of, the Council of Europe's legal instruments and to guarantee the unhindered operation of the Organisation's independent monitoring mechanisms and full implementation of their recommendations.

25. The Assembly calls on European political leaders at all levels to show political will in order to ensure unwavering support for the Council of Europe in the performance of its statutory functions.

26. The Assembly is aware that its own activities and working methods must constantly be subjected to objective critical analysis. In particular, it is necessary to resist the temptation to exploit and relativise, according to political opportunity, the problems which fall within the sphere of fundamental principles and values, to their detriment, and to show political courage in censuring behaviour that is inconsistent with those principles and values. The individual commitment of members of the Assembly to its cause and participation in its activities are essential. The downward trend in members' participation in the activities of the Assembly, which reflects political disengagement, must absolutely be reversed.

27. The Assembly expresses its firm intention to contribute even more, through all its activities, to ensuring that the Council of Europe remains a key element of the European institutional architecture, a reference institution in its basic spheres of competence, and a driving force for multidimensional pan-European co-operation in other areas of its activities.

28. With regard to its own activities, the Assembly resolves to:

28.1. urge its members to make full use of their national legislative mandates to promote the Council of Europe's values, give full support to its activities, including as regards its budget, and to make the Assembly's work known;

28.2. step up its activities with regard to developing the legal basis of democracy;

28.3. study, in the positive spirit of the recent informal meetings between the Presidential Committee of the Assembly and the Bureau of the Committee of Ministers, ways of boosting dialogue and revitalising the channels of consultation with the Committee of Ministers, as well as improving co-operation between the different Council of Europe bodies on crucial issues relating to democracy, human rights and the rule of law;

28.4. consider establishing mechanisms for co-operation with the Committee of Ministers and, if appropriate, other Council of Europe bodies in order to ensure a more complete execution of Parliamentary Assembly resolutions and recommendations, as well as a co-ordinated response in the field of crisis prevention and conflict resolution;

28.5. invite various specialised ministers in the member states to participate in its debates more often;

28.6. strengthen its co-operation and seek to develop true partnerships with the national parliaments of the member states;

28.7. consider, in co-operation with the national delegations concerned, ways of establishing prior dialogue with the representatives of the states due to hold the chairmanship of the Committee of Ministers, in order to contribute to drawing up the programmes and defining the priorities of future chairmanships;

28.8. examine the desirability of appointing as *ex officio* members of its Bureau the chairs of the parliamentary delegations of the Troika countries (outgoing, current and upcoming chairs of the Committee of Ministers) in order to increase parliamentary influence on the chairmanships of the Committee of Ministers and ensure greater continuity of the Assembly's work;

28.9. ensure greater relevance of its activities and more rigorous selection of the issues to be dealt with, so as not to allow itself to be instrumentalised by national or party interests;

28.10. envisage ways of increasing activities aimed at specific social groups and, in particular, examine the possibility of organising regular meetings of a European youth assembly in Strasbourg;

28.11. examine the desirability of going back to a three-year term of office for its President and its committee chairs in order to ensure greater continuity in its work and to report back to the Parliamentary Assembly on this matter. Any changes made should come into effect after the election of a new president of the Parliamentary Assembly of the Council of Europe in January 2010;

28.12. intensify the co-operation with the European Parliament on the basis of the agreement on the strengthening of co-operation between the two institutions;

28.13. strengthen its relations with external partners and, in particular, promote closer links with the parliaments of Europe's neighbouring countries under the status of "partner for democracy".