

Communication from Marcelino Oreja concerning the future of the Council of Europe (8 December 1988)

Caption: On 8 December 1988, Marcelino Oreja, Secretary-General of the Council of Europe, outlines the new tasks of the Council of Europe on the eve of the 40th anniversary of its foundation.

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Communication from the Secretary General on the Council of Europe's future at the approach of its 40th anniversary⁽¹⁾

Letter from the Secretary General to the President of the Assembly, dated 8 December 1988

Sir,

As you will remember, at the last part-session of the Parliamentary Assembly, I met with the different political groups to discuss with them my anxiety about the future of the Council of Europe.

Following these talks, I sent to them and to you a note on the prospects of the Council of Europe at the approach of its 40th anniversary. This same document was discussed by the Committee of Ministers at their 83rd Session, on 16 November last, and met with their all-round approval. The Committee of Ministers decided to continue its reflection at an extraordinary meeting to be held on 22 March next, under the chairmanship of Mr Hans van den Broek, Minister for Foreign Affairs of the Netherlands, the aim being that the Committee of Ministers adopt a declaration on 5 May 1989.

I am convinced that the Assembly, in the spirit of the Colombo Commission, would not wish to be absent from this effort of reflection undertaken by the Council of Europe at the approach of its 40th anniversary. As time is very short, may I ask you to submit this question to the Bureau at its next meeting and to see what procedure could be adopted to allow the Assembly to decide on its position as soon as possible.

Please accept, Sir, the assurance of my very best wishes.

Signed : Marcelino Oreja

Contribution by the Secretary General to thinking about the Council of Europe's future at the approach of its 40th anniversary

1. The question of the Council of Europe's future is not a new one. Several investigations have been conducted into the subject in recent years, the latest one being the Colombo Commission's and its report of June 1986.

Next year we shall be celebrating the Organisation's 40th anniversary. The best contribution that could be made to this anniversary would be to define more clearly the Council of Europe's role and function in the process of European co-operation amid the European Community's dynamism. The question arising is : Do we have a plan for the Council of Europe beyond 1992 ?

2. 1992 is a crucial date for all European countries, whether or not they belong to the Community. They are all going to gear their policies to the Single Market, either by applying for membership or by negotiating bilateral agreements. The Council of Europe is being bypassed by these developments, and less interest is being shown in co-operation among the 21, even by the non-Community countries.

3. At the same time, there is no clear conception of the Community's own future development at this stage. The Community is being enlarged, but how far ? It is broadening its scope of activity ; in what fields and by what methods ?

The constant evolution of the Community and the emergence of new circles of co-operation (EUREKA) in the Community's orbit are making it difficult to define our Organisation's specific role and its relations with the Community.

4. It is essential to have a plan for the Organisation that arouses the support of governments and the political forces represented within the Assembly, as well as being capable of mobilising the Secretariat, which plays a key part in promoting European co-operation.

5. The Council of Europe has made many attempts to clarify its relations with the Community, the most recent one being the exchange of letters of 16 June 1987 between the President of the European Commission and the Secretary General of the Council of Europe. These efforts have remained largely unilateral because, while the Community's dynamism is raising queries about the Council of Europe's role, the reverse is not true. The Community is asserting universal competence and, to achieve its objectives, is using both the facilities offered by the Treaty of Rome and the classical means of intergovernmental co-operation.

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

Attempts to give the Council of Europe the role of bridge between the Community and non-Community European countries have not produced any conclusive results ; the latter prefer to negotiate bilateral agreements with the Community or use other multilateral frameworks (EFTA).

Last but not least, relations between the two European assemblies (Parliamentary Assembly and European Parliament) and their respective committees are on a very small scale and do not permit adequate harmonisation of their activities.

7. The question arising is whether there is any real chance of the Council of Europe becoming the Community's preferred discussion partner or even its partner in action ? Is the Community's existence the decisive factor for defining the Council of Europe's action ? Should systematic attempts be made to associate or even integrate the Community with our activities and some of our structures ?

It is undoubtedly necessary to aim at convergence of the two institutions' efforts and develop pragmatic forms of co-operation between them wherever possible. But, at the same time, we should be aware of the limits and vagaries of collaboration and not delude ourselves about any possibilities of institutional links.

8. The Council of Europe's future lies in the definition of a specific profile and a distinctive function. It resides in the assertion of the Council's role in fields where its competence is unquestionable and where it enjoys an objective advantage thanks to its greater geographical and geopolitical coverage and its multidisciplinary and humanistic approach to problems and their solutions.

9. More precisely, what might this specific profile and function of the Council of Europe be in the process of European construction ?

What distinguishes the Council of Europe from other European organisations is its highly political, indeed ideological, basis and goal. At the outset, its task was clear, namely :

— to create in Europe an area of peace and co-operation based on the values of pluralist democracy and respect for human rights ;

— to ensure cohesion and solidarity among the countries within that area.

10. This democratic area will achieve its maximum possible size in Western Europe with the forthcoming accession of San Marino and Finland. The question is whether the area has an operational, not just a symbolic, significance for the Council of Europe's member states, whether it comes within their analyses of geopolitical strategy and whether they still attach importance to the promotion by the Council of Europe of a system of social organisation based on the values of pluralist democracy and respect for human rights.

11. On the answer to that question depends the future of political dialogue within the Council of Europe.

Do the 21 feel linked together closely enough in order to want to confer regularly among themselves on international affairs and adopt common approaches whenever possible ?

Are the 21 conscious of belonging to the same family and do they have the will to work out joint solutions to their common problems ?

Is there the resolve to give a practical substance to this political dialogue ? If so, the dialogue should concentrate on:

- relations between the 12 and the non-12 in order to avoid the creation of further divisions in Europe ;
- East-West relations : but is there agreement on the idea that, while holding its "human rights" banner aloft, the Council of Europe can develop practical forms of co-operation with the East European countries on the basis of a realistic and selective approach, thus contributing to the creation of a new climate in Europe ?

12. In this political dialogue, it is essential that the two political organs (Committee of Ministers and Parliamentary Assembly) should act in a concerted manner. For this purpose, contacts and an exchange of information should be developed between them so as to promote coherence in their actions, particularly vis-à-vis third countries. It is also important to enhance the Parliamentary Assembly's function of channel between the national political debate and the process of European co-operation, taking fuller advantage of the dual (national and European) mandates of its members. What are national parliaments expecting of the Council of Europe ? It would be desirable if annual debates on the Council of Europe's activities were to be held in all national parliaments, instead of in only some of them as at present.

The annual debate on the progress of European co-operation, instituted at the suggestion of the Colombo Commission, should become the pre-eminent framework for putting forward thoughts and proposals concerning European cooperation as a whole. The Parliamentary Assembly is, after all, the only forum where such a dialogue open to all the parliamentary democracies of Europe can be conducted.

13. The operational instrument for ensuring cohesion and solidarity between member states is intergovernmental co-operation whose updated objective should be to provide common solutions to common problems.

Intergovernmental co-operation is the subject of criticism that is often justified (disparate and intangible nature of activities, lack of impact and results, overlapping, etc.). It is important to know whether this criticism is symptomatic of deeper doubt among governments about the value of the co-operative framework offered by the Council of Europe in view of the development of other co-operative frameworks of either a narrower or a broader kind.

Clearly, the Council of Europe is still the irreplaceable framework for promoting a European society based on the requirements of democracy and human rights and for establishing a strong and vivid European identity. It is here that the guiding thread of all its action should be sought.

14. What should be done in this general framework ?

a. The main task is still the promotion of human rights and democracy. This is not disputed, but governments should ensure that the Council of Europe can fully perform this function for which much remains to be done as regards improving the judicial machinery of the European Convention on Human Rights, extending the list of protected rights and spreading the message of human rights in European society.

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

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

15. How should it be done ?

"Do less but do it better and more quickly." Concentrate on activities selected according to the following criteria :

- possessing a political dimension,
- capable of resulting in a legal instrument (Council of Europe : a convention machine),
- or capable of advancing thinking about societal problems and resulting in common policies.

16. For this purpose, a reform of the working methods and structures of intergovernmental cooperation is essential, as they are proving cumbersome, slow and inefficient. Medium-term planning is top bureaucratic an exercise, devoid of any real political commitment on the part of governments. Unwieldy and rigid annual programming precludes a rapid response to political impetuses and emergencies. Lastly, in relation to the resources available, the present structures of the steering committees are too costly and have a natural tendency to proliferate and perpetuate themselves.

17. The watchword should be: simplification and debureaucratism through :

- abolition of the medium-term plan,
- gradual replacement of the steering committees by more flexible ad hoc structures with a variable composition for the various identified societal problems,
- greater use of outside experts who are authorities in societal problems,
- more frequent use of the partial agreement system,
- better use of the Organisation's means through greater powers for the Secretary General in the management and allocation of resources,
- a decrease in the Committee of Ministers' bureaucratic tasks so that it can devote itself more fully to political activities,
- better follow-up to conventions and recommendations.

18. It is necessary to modernise the Council of Europe's working tools by providing the Secretariat with the requisite facilities (computers, office technology, data banks, telecommunications network).

19. It is also necessary to open up the Organization to the outside world by reviewing the confidentiality rule and providing it with a dynamic information and public relations policy. It is not enough to do things ; it is also important to publicise them.

20. There is no need to emphasise the meagerness of the budgetary resources and the policy of austerity that has been imposed on the Organisation for all too long. In practice, the Organisation's policy is determined by budgetary choices in which the political authorities play a very limited role.

21. Lastly, it is necessary to restore the Secretariat's confidence. The Council of Europe is fortunate enough to possess a small, tightly-knit staff which is highly talented, conscientious and experienced. This staff ensures the continuity of European co-operation and guarantees the overriding value of European interests over national ones.

At present, however, the Secretariat is asking itself questions about the Organisation's future. It has the feeling that governments are losing interest in the Council of Europe. It also has a sense of misuse of human resources owing to growing bureaucratisation of tasks, inadequate vocational training, obsolete working methods and haphazard career structures. Are the Council's officials second-class European civil servants compared with their European Community colleagues ? The answer to this question should be the progressive establishment of a European civil service where the staffs of the two main European institutions have comparable working conditions and possibilities of action.

22. The most important requirement for the Council of Europe is to reassert its identity and redefine its role.

The Council of Europe is an essentially geopolitical organisation whose membership will, for the first time in its history, comprise all the European pluralist democracies. This identity explains the interest being shown towards the Council of Europe in the other half of Europe and outside Europe.

Are political leaders conscious of this geopolitical identity and determined to make use of it in European and international affairs ?

(1) Referred to the Political Affairs Committee; and to all competent committees, for opinion : Reference No. 1620 (18th Sitting, 30 January 1989).