

Doc. 10956
12 June 2006

External relations of the Council of Europe

Report
Political Affairs Committee
Rapporteur: Mr Adrian Severin, Romania, Socialist Group

Summary

The Council of Europe, founded by countries committed to the values of democracy, the rule of law and respect for human rights, has played a key role in upholding and protecting these values in its member states. It has helped to achieve the democratic transformation of the countries of central and eastern Europe.

However, democratic progress cannot be confined to the geographical frontiers of Europe. Democracy is not an exclusive privilege of Europeans. With its experience in the transition to democracy, the Council of Europe is well placed to contribute to spreading democratic values.

The report suggests that the Council of Europe as a whole, and its various organs and bodies, including the Parliamentary Assembly, should be more actively involved, through external relations, in the promotion of fundamental democratic values beyond its borders, and makes proposals for a coherent external action.

A. Draft Resolution

1. The Council of Europe has been the practical embodiment of the principle that nations sharing the same democratic values and organised around comparable institutions have no reason to wage war against each other and are better able to defend their lifestyle against external threats and challenges.
2. The Council of Europe was founded by countries committed to the values of democracy, the rule of law and respect for human rights and has played a key role in upholding and protecting these values, which today form an essential part of Europe's shared identity, in its member states.
3. This community of shared values has made it possible to reconcile centuries-old animosities in western Europe and has contributed greatly to peace between European nations and their prosperity. Through the force of its example, it has also contributed to the collapse of totalitarian regimes in both East and West Europe.
4. The opening of the Council of Europe to the countries of central and eastern Europe seeking to join the community of European democracies has been an essential feature of these countries' democratic transformation and has enabled democratic values to triumph in every European state, with the exception of Belarus.
5. The limits of the Council of Europe's geographical expansion, as defined by Assembly Recommendation 1247 (1994), have now been reached and its enlargement is nearly complete.
6. However, democratic progress cannot be confined to the geographical frontiers of Europe. Democracy is not an exclusive privilege of Europeans and its benefits should be accessible to all peoples who are attracted by the success of democratic nations. However, it must be emphasised that democracy can only take root if it has been freely chosen by the people.
7. The Parliamentary Assembly believes that, with its experience in the transition to democracy and the establishment of democratic institutions across Europe, the Council of Europe is well placed to contribute to spreading values that its member states consider to be universal beyond its frontiers.
8. Through its external relations, the Council of Europe can make these values better known, understood and accepted and more widely shared, thus increasing the number of nations committed to democracy, the rule of law and respect for human rights. In this way, the Council would contribute to the peace and stability of its member states and its external partners.
9. The European democratic model based on the Council of Europe's fundamental values continues to exercise its power of attraction well beyond Europe. A number of non-European countries, including those enjoying Council of Europe observer status, seek closer relations with our Organisation and a closer involvement in our activities. The Council of Europe should build on this interest to broaden its circle of partners and strengthen relations with its existing ones. At the same time, it should find ways to involve in the implementation of its democracy-building strategies those national and international players which for the time being, do not show interest in co-operation with the Council of Europe or are even skeptical about it.
10. The Council of Europe's main institutional partners, particularly the European Union and the OSCE, are actively involved in promoting their values through outside activities, especially in the areas bordering the Council of Europe. Since these activities involve a number of fields where the Council of Europe has established expertise, it is important for the Organisation to find ways of making its knowledge and skills available to its partners and neighbours. This would create synergy of action between the different European organisations and help to strengthen the Council of Europe's international standing, visibility and effectiveness. In this context, the Assembly refers to its Recommendation 1724 (2005) on the Council of Europe and the European Neighbourhood Policy of the European Union.
11. To give its partners a clearer understanding of the Council of Europe's role, and in order to avoid unproductive rivalries and to establish the most solid bases for co-operation with them, it is necessary to redefine and clarify its particular sphere of action and the division of responsibilities between the main European organisations. However, the Assembly must emphasise that the European democratic area, based on the Council of Europe's values, on its standards and legal instruments, must remain indivisible.

12. Lastly, the European model of democracy is not the only one that exists in the world. Many countries with democratic regimes have a vision of fundamental values that differs from that of the Council of Europe. While recognising that, excepting a few democratic principles which must be universal, there exist a democratic variability, one should also observe that such a variability often constitutes a source of international rivalry and could ultimately undermine the security and the democratic character of international relations and of the international order. With the need for democratic transformation becoming more and more evident in many parts of the world, as well as at transnational and global level, the Council of Europe must continue to increase its presence in the various global democratic alliances and make sure that its core values are shared by as many democracies as possible. At least one should achieve a mutual understanding of, and a mutual respect between, the various democratic models, thus creating the international framework for their peaceful coexistence.

13. The Assembly therefore supports a more active Council of Europe involvement in external activities, with emphasis on:

13.1. developing partnerships and networks of European organisations, based on their comparative advantages;

13.2. developing partnerships and networks with non-European regional organisations, based on their complementarity and within the limits of their compatibility;

13.3. assisting in democratic nation-building;

13.4. intercultural, interethnic and interreligious dialogue and integration;

13.5. gradually laying the foundations of democracy and the rule of law at transnational level.

14. In this context, the Assembly welcomes the steps already taken to promote the Council of Europe's values by its various bodies and institutions, in particular the Committee of Ministers, the European Court of Human Rights (ECHR), the Congress of Local and Regional Authorities of the Council of Europe, the Commissioner for Human Rights, the Venice Commission and the North-South Centre. However, it considers that to achieve maximum effectiveness, these activities should be intensified, be based on appropriate instruments and form part of a coherent and co-ordinated strategy.

15. The Council of Europe's external relations strategy should be aimed at:

15.1. strengthening existing partnerships, particularly with observer states, and seeking to establish new ones with countries sharing the same or similar democratic values;

15.2. promoting European democratic values, as part of a reinforced intercultural dialogue with Council of Europe's neighbours, particularly in the Mediterranean basin, the Middle East and central Asia, and helping certain neighbouring countries, particularly those participating in the EU European Neighbourhood Policy, to move towards democracy through a policy based on co-operation;

15.3. building a network of relations, a permanent and structured dialogue, as well as a specific *modus operandi* with organisations working to promote democratic principles.

16. In connection with relations with non-member states of the Council of Europe, the Assembly:

16.1. attaches great importance to developing relations with countries holding Council of Europe observer status, and considers it essential to exploit all the opportunities this status offers;

16.2. considers it important to strengthen, and where appropriate institutionalise, existing co-operative relations with both well-established and developing democratic regimes in the Republic of Korea, South Africa, Argentina, Chile and Uruguay and to establish such relations with democracies that do not already have links with the Council of Europe, such as Australia, New Zealand, India, Brazil and certain other Latin American countries;

16.3. confirms its proposals in Recommendation 1724 (2005) on the Council of Europe and the European Neighbourhood Policy of the European Union, concerning relations with the countries of the southern Mediterranean and the Middle East;

16.4. also considers it important for the countries of central Asia to make the transition to democracy without collapsing into chaos, emphasises that these states are members of the OSCE and are bound to respect the principles of democracy and human rights, and believes that the Council of Europe has a contribution to make to these countries' progress to democracy, in co-ordination with the OSCE which should be based on responsibility-sharing along the lines laid down in paragraph 21.2 below;

16.5. regrets that Belarus has made no progress so far towards compliance with the fundamental principles of the Council of Europe, which it has applied to join, and proposes that Belarus be invited to sign the European Convention on Human Rights and accept the European Court's jurisdiction before becoming a member of the Council of Europe;

16.6. notes the growing importance of China, considers it appropriate to enter into dialogue with it on the basis of respect for universal values and, to this effect, to examine the possibility of offering China a status as defined in paragraph 17.2 below.

17. The Assembly considers that, with a view to encouraging external partners to collaborate with the Council of Europe, it should:

17.1. review the functioning of observer status with the Council of Europe in order to make it more effective;

17.2. consider the establishment of a new status for non-member states that wish to co-operate with the Council of Europe in order to benefit from its experience in democracy building and possibly from its legal instruments and machinery, but that are not yet in a position to guarantee full compliance with its principles;

17.3. open some of the Council of Europe's "core" instruments to certain non-member states, depending on the status they enjoy.

18. The Council of Europe's human rights instruments, which are only accessible to those within the jurisdiction of member states, constitute one of the Organisation's greatest strengths and should serve as an example. The Assembly encourages the European Court of Human Rights to continue its efforts to promote the European experience of legal protection for human rights.

19. However, it also thinks that consideration should be given, in connection with any reform of the ECHR and of the Court, to making the Convention open, and the Court accessible, to non-member states and those within their jurisdiction. Such access could be primarily granted to the immediate neighbours of the Council of Europe, namely Belarus and countries of the southern Mediterranean, be restricted to disputes of a clearly defined nature and subject to a financial contribution of the state concerned. Furthermore, a possibility of establishing a network of regional/national Courts of Human Rights could be explored, where these would act as first level European courts, with Strasbourg Court acting as a Court of Appeal or a Supreme Court.

20. In addition, partners co-operating with the Council of Europe might also be given access to certain non-judicial machinery, such as the Office of the Commissioner for Human Rights.

21. Turning to relations with other institutions, the Assembly:

21.1. attaches particular importance to relations with the European Union, and refers in this context to its Recommendation 1743 (2006) on the memorandum of understanding between the Council of Europe and the European Union. It welcomes the proposals in the report presented by Mr Jean-Claude Juncker, Prime Minister of Luxembourg, to set these relations on a firm footing, with the prospects of European Union accession to the Council of Europe. It furthermore believes that the Council of Europe, and the European Union which is its "internal neighbour", should develop a common vision of a pan-European confederative body where the two partners would integrate on the basis of shared values and which would be able to defend, develop and promote these values in and out of the Greater Europe. In order to make it possible, it deems it necessary to:

21.1.1. perform a clear delimitation of the competences on the basis of each partner's specialty and expertise, including the recognition of the Council of Europe's specific responsibility for setting European standards in the fields of democracy, the rule of law and respect for human rights, and its leading role in assisting in and guaranteeing their implementation, as well as in organising the global intercultural and inter-religions dialogue;

21.1.2. provide for a merger of the standards and jurisdictions in the field of the European fundamental rights, including EU access to the European Convention on Human Rights;

21.1.3. put in place an appropriate mechanism of subsidiarity when it comes to the promotion of policies meant to consolidate and defend the respect of the democratic principles, the rule of law and human rights;

21.1.4. develop a structured and permanent system of communication, consultation, co-ordination and co-operation in defining and promoting standards and policies in the field of the European fundamental rights;

21.1.5. establish an appropriate mechanism for a joint mobilisation of the means and joint identification of the ways of promoting and defending European fundamental rights;

21.1.6. co-ordinate the Council of Europe's and the EU's external actions to be pursued along the lines of each partner's competences in such a way as to achieve maximum effectiveness through an optimal synergy;

21.1.7. make sure that all these ideas be properly reflected, specified and developed in the future Memorandum of Understanding (MoU) to be agreed between the Council of Europe and the EU which should lay down the political vision of a common future for the two partners. If necessary, a preliminary Protocol should be agreed in order to organise the process of preparing the MoU, to arrange consultations and talks at both political and expert levels, and to set up procedures and modalities leading to the conclusion of the MoU;

21.2. repeats its support for close co-operation with the OSCE based on identification of shared objectives and assessment of comparative advantages in their respective spheres of responsibility, where the Council of Europe is primarily involved in providing assistance for the adoption of the necessary legislation, for building democratic institutions, for public democratic awareness and education, and, more generally, for the democratic nation-building, while the OSCE concentrates on the conflict prevention, crisis management and the post-crisis rehabilitation;

21.3. advocates closer co-operation with the United Nations (UN) and its specialised agencies, which would enable each partner to benefit from the experience and expertise of the other, with priority being given to promoting universal values, achieving the millennium development goals and contributing to democracy-building efforts, and referring to its relevant Resolutions and Recommendations, finds it appropriate to consider establishing an Advisory Board to the UN Secretary General composed of representatives of regional organisations, and a Consultative Council to the UN General Assembly comprising representatives of national parliaments and regional parliamentary assemblies;

21.4. supports the expansion of co-operation with European, transatlantic and Euro-Asian organisations, where such relationships are based on shared values or may contribute to promoting the Council of Europe's basic principles;

21.5. thinks that the Council of Europe member states should try to co-ordinate their positions in various international fora, particularly the UN, on issues of concern to the Organisation, to secure a more effective and coherent defence of the Council of Europe's stance;

21.6. considers that a Council of Europe presence in the major international capitals, such as New York, Geneva and Vienna, would also help to strengthen co-operation with the UN and the OSCE and enable the Council to make its achievements better known and ensure that these organisations took more account of them in their own activities.

22. The Assembly considers that, as the political driving force of the Council of Europe, it should take the lead in fostering a more active policy of opening the Council to new partners, thus advancing the values defended by the Organisation.

23. With regard to its own activities, the Assembly believes that consideration should therefore be given to:

23.1. holding regular debates on the Council of Europe's external relations in general, and on the activities of various Council of Europe bodies involved in this field, in order to review existing relationships and their effectiveness, formulate strategies and identify partners particularly suitable for closer co-operation;

- 23.2. organising debates on specific geographical areas, countries, groups of countries or organisations defined as priority partners, with a view to formulating positions and policy objectives concerning them; key political figures from these countries or organisations should be systematically invited to Assembly debates;
- 23.3. widening the circle of Assembly partners among democratic parliaments, particularly through contacts established by its President;
- 23.4. establishing where possible institutionalised relations, in the form of co-operation agreements, with priority partners, and developing working relations on that basis;
- 23.5. maintaining regular political dialogue with parliamentarians from priority partner countries;
- 23.6. increasing the involvement of representatives from countries and organisations defined as priority partners in the work of the Assembly and its committees (thematic conferences, hearings, round tables, etc.);
- 23.7. continuing efforts to build parliamentary networks at regional and inter-regional level as forums for political interaction;
- 23.8. furthermore promoting its experience as a model for regional parliamentary co-operation;
- 23.9. resuming the “Strasbourg Conferences on Parliamentary Democracy” on a regular basis;
- 23.10. increasing Assembly participation in the observation of elections in non-member states and in major international initiatives concerned with laying down electoral standards.
- 24. The Assembly deems it necessary to review Rule 60 of its Rules of Procedure related to Observer status, so as to enhance the role played by Observers and allow their better involvement in activities of the Assembly and its Committees by, inter alia, granting to members of Observer delegations the right to:
 - 24.1. table and sign motions for recommendations and resolutions;
 - 24.2. table and sign amendments;
 - 24.3. be appointed as observer members of general and ad hoc committees;
 - 24.4. be appointed as Rapporteurs;
 - 24.5. participate in election observation missions;
 - 24.6. become members of political groups.
- 25. The Assembly considers that the paragraphs of its Rules of Procedure concerned with Special Guests (Rule 59) should be amended to extend eligibility for this status to parliaments of non-European states.
- 26. The Assembly resolves to pay more attention than it previously did to international developments, including in the field of the promotion of the Council of Europe values. It will continue to lay down the strategy for its external relations and to assess its effectiveness. It relies on the Bureau for the implementation of this strategy in the framework of its responsibilities as set forth by Rule 12.1 of its Rules of Procedure, and on general committees for promoting external co-operation in the fields of their competence. At the same time, the Assembly believes that it needs a specific committee (or sub-committee) that would, on the basis of clearly defined terms of reference, closely follow international developments and make proposals for coherent and effective external action.

B. Draft Recommendation

1. The Parliamentary Assembly believes that a stronger involvement of the Council of Europe in the promotion, through its external relations, of the values of democracy, the rule of law and respect for human rights outside its borders would contribute to peace and stability of its member states and its external partners. It would also reconsolidate the relevance of the Council of Europe within the present European and global context.
2. The Assembly refers to Res. (2006) on external relations of the Council of Europe, and invites the Committee of Ministers to give appropriate consideration to the ideas and proposals contained therein.
3. Accordingly, it calls on the Committee of Ministers to step up external relations of the Council of Europe, giving priority to:
 - 3.1. strengthening existing partnerships, particularly with observer states, and seeking to establish new ones with countries sharing the same or similar democratic values;
 - 3.2. promoting European democratic values, as part of a reinforced intercultural, interethnic and interreligious dialogue with Council of Europe's neighbours, particularly in the Mediterranean basin, the Middle East and central Asia, and helping certain neighbouring countries, particularly those participating in the European Union (EU) European Neighbourhood Policy, to move towards democracy through a policy based on co-operation;
 - 3.3. building a network of relations, a permanent and structured dialogue, as well as a specific *modus operandi* with organisations working to promote democratic principles.
4. The Assembly invites the Committee of Ministers to:
 - 4.1. review, in consultation with representatives of the states concerned, the co-operation with the states enjoying the observer status, and to amend, if appropriate, Statutory Resolution (93) 26 so as to allow Observers to be more involved in Council of Europe activities;
 - 4.2. consider, in addition to observer status set forth by Statutory Resolution (93) 26, the establishment of a new status for non-member states that show interest in dialogue and co-operation with the Council of Europe but that are not yet in a position to guarantee full compliance with its principles;
 - 4.3. envisage the possibility of opening some of the Council of Europe's "core" instruments, institutions and mechanisms (including, on the one hand, the European Convention on Human Rights and the Court, as well as the European Convention for the Prevention of Torture, and on the other, the machinery of non-judicial protection of human rights such as the Office of the Commissioner for Human Rights) to certain non-member states, depending on the status they enjoy.
5. The Assembly furthermore asks the Committee of Ministers to:
 - 5.1. continue building the strategic partnership with the European Union, with the prospects of the EU and the Council of Europe's integration within a pan-European space of shared democratic values, on the basis of a meaningful and visionary Memorandum of Understanding which, inter alia, should
 - 5.1.1. delimitate the competences of the two organisations;
 - 5.1.2. define the necessary mechanisms of subsidiarity;
 - 5.1.3. allow the EU access to the Council of Europe's conventions, institutions and instruments (including accession to the European Convention on Human Rights and the establishment of a single European jurisdiction in the field of fundamental rights) ;
 - 5.1.4. establish a system of regular communication, consultation, co-ordination and co-operation between the two organisations;
 - 5.2. develop close co-operation with the OSCE based on identification of shared objectives and assessment of comparative advantages within clearly defined spheres of responsibility, where the Council of Europe is primarily involved in providing assistance for law-making, democratic institutions-building, public

democratic awareness and education, and, more generally, for the democratic nation-building, while the OSCE concentrates on conflict prevention, crisis management and post-crisis rehabilitation;

5.3. intensify co-operation with the United Nations and its specialised agencies, so as to fully benefit from each other's experience and expertise, with priority being given to promoting and defending universal values, achieving the millennium development goals and contributing to peace- and democracy-building efforts;

5.4. enhance co-operation with other European, transatlantic and Euro-Asian organisations, where such relationships are based on shared values or may contribute to promoting the Council of Europe's basic principles;

5.5. co-ordinate member states' positions in various international forums, particularly the United Nations (UN) and the OSCE, on issues of concern for the Organisation, so as to secure a more effective and coherent defence of the Council of Europe's stance;

5.6. envisage the possibility of establishing a Council of Europe presence in major international capitals, such as New York, Geneva and Vienna, in order to strengthen co-operation with the UN and the OSCE and enable the Council to make its achievements better known and ensure that these organisations took more account of them in their own activities.

6. The Assembly encourages the observer states to make full use of the opportunities offered by their status with the Council of Europe, and in particular to:

6.1. engage more actively in the political dialogue, both on inter-governmental and parliamentary levels;

6.2. play a more active role in Council of Europe bodies and institutions which are open to their participation;

6.3. sign and ratify Council of Europe conventions open to non-member states;

6.4. contribute to promoting values defended by the Council of Europe and its experience.

7. The Assembly welcomes the setting up of a Group of Rapporteurs on External Relations of the Committee of Ministers (GR-EXT), and looks forward to establishing a regular dialogue between this group and its relevant Committees.

C. Explanatory memorandum By Mr Severin, Rapporteur

I. Introductory statement

1. In conformity with its statutory aim, which is to “achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress” (Article 1 of the Statute), the Council of Europe has traditionally focused most of its activities on “internal” affairs, with external relations playing a clearly secondary role.
2. One major exception to this principle was the policy of enlargement of the Council of Europe, when the European states formerly under the “communist” rule clearly expressed the wish to join the family of democracies.
3. The process of enlargement being almost over, the question may arise whether the external relations are still relevant for the Council of Europe activities, bearing in mind the limited resources available, and if yes, what should their goals be?
4. While fully aware that protecting and furthering democracy, the rule of law and the respect of human rights in its member states must continue to be the primary task for the Organisation and its *raison d’être*, I believe that developing a coherent vision on external relations in light of their contribution to Council of Europe’s statutory goals has now become a necessity.
5. This memorandum is an attempt to formulate such a vision, and to call for a debate on goals, dimensions and forms of such external action which would contribute to fulfilling the Council of Europe statutory goals.
6. At this stage, I don’t think it would be useful to go into great detail on a country by country basis. Instead, it might prove useful to launch, once the general vision has been worked out, a series of more detailed reports with respect to certain regions or even countries, and organisations of particular importance. Several reports are in fact already under way (e.g. Kazakhstan, Central Asia, Lebanon, relations with observer states).

II. Why external relations are important for the Council of Europe?

7. The Council of Europe was built on the assumption that like-minded nations sharing the same values and organised around comparable institutions would never have reasons to wage war between them, and would be better able to defend their lifestyle against external threats and challenges.
8. This concept has turned out to be right. Not only did it allow for the achievement of reconciliation between “hereditary enemies” in Western Europe, but by its attractive example contributed to the collapse of the totalitarian societies in Eastern Europe and led to their drive to join democratic Europe through necessary reforms in their societies and institutions.
9. While the nature of international relations has gone through major changes since the end of the Cold War, and new challenges and threats to democracy have appeared, it is still true that societies built on democratic values and organised in democratic institutions have better chances of facing these threats and challenges, to resist totalitarian and aggressive ideologies.
10. Therefore, by spreading its values outside its borders, and thus multiplying the number of like-minded nations based on the principles of democracy, the rule of law and the respect for human rights, the Council of Europe would contribute to the external security of its member states.
11. The territorial enlargement of the Council of Europe, as defined, *inter alia*, by Assembly Recommendation 1247 (1994), has now been almost completed, with the exception of Belarus, and subject to the future status of Kosovo. It is obvious that traditional Council of Europe instruments and standards designed for its member states cannot be mechanically transposed on external partners. Still, the experience that the Council of Europe has gained in the course of its contribution to democratic changes in the countries of Eastern Europe and the former USSR remains one of the best assets of the Organisation, and could be used for the benefit of democracy-building outside its borders.
12. At the same time, the European democratic model, of which the Council of Europe is the best incarnation, continues to exercise its power of attraction far beyond European territorial limits. A number of

non-European countries, including those with the observer status, seek closer relations with our Organisation and a better involvement in our activities. The Council of Europe should build on this interest to broaden its circle of partners and strengthen relations, by filling them with more substance, with existing partners.

13. Other major international players and Council of Europe partners such as the European Union and the OSCE are actively promoting their sets of values through external action, including in the areas bordering the Council of Europe territory (e.g. EU's European Neighbourhood Policy and the Barcelona process; OSCE's Mediterranean and Asian Partners for Cooperation). Bearing in mind that these activities involve a number of dimensions where the Council of Europe has a well-established expert reputation, it is important for the Organisation to find appropriate forms for offering its expertise to its neighbours. That would help to achieve synergy of action between European organisations and to strengthen international standing, visibility and efficiency of the Council of Europe.

14. Last but not least, the European model of democracy is not the only one which exists in the world. An important number of countries with democratic rule have views on basic values which may differ from those shared by the Council of Europe member states. As the need for democratic transformations becomes more and more perceptible in many parts of the world, it is important that the Council of Europe takes a better place in the global democratic alliance and makes sure that its core values are shared by as many democracies as possible.

III. Brief overview of the existing Council of Europe relations with external partners

15. It would be advisable, prior to making new proposals on external relations of the Organisation, to analyse the existing ones. I will limit myself for the time being to some general points.

16. As to institutional aspects of external relations of the Council of Europe, and in particular those of the Parliamentary Assembly, I refer to the memorandum prepared by the Secretary General of the Parliamentary Assembly for the attention of the Bureau (AS/Bur (2003) 26 rev.).

17. With regard to **relations of the Council of Europe as a whole** with non-member states, the following institutionalised cases should be considered:

18. States having the observer status with the Council of Europe. This status was established by Statutory Resolution (93) 26, which provides that "any State willing to accept the principles of democracy, the rule of law and the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and wishing to co-operate with the Council of Europe may be granted by the Committee of Ministers, after consulting the Parliamentary Assembly, observer status with the Organisation".

19. The following states currently enjoy the observer status: the United States of America (since 1995), Canada (since 1996), Japan (since 1996), Mexico (since 1999) and the Holy See (since 1970).

20. States parties to Council of Europe conventions. A large majority of conventions adopted in the framework of the Council of Europe and forming its *acquis* are open to signature and ratification by non-member states. Some of the best-known Council of Europe bodies, such as the European Commission for Democracy through Law (the Venice Commission) and the European Centre for Global Interdependence and Solidarity (the North-South Centre), have been established as Enlarged Partial or Partial Agreements and have non-member states as full members.

21. Furthermore, the Council of Europe has non-institutionalised relations on a case-to-case basis with a number of non-member states.

22. On the basis of Statutory Resolution (51) 30, the Committee of Ministers may also, on behalf of the Council of Europe, conclude with any intergovernmental organisation, agreements on matters within the competence of the Council. Most advanced relations, both in institutional and operational terms, have been developed with the European Union, the OSCE and the United Nations. The Council of Europe also co-operates with a number of European sub-regional organisations.

23. Various Council of Europe bodies have also been actively developing different forms of co-operation both with non-member states and international organisations.

24. As regards the **Parliamentary Assembly**, apart from working contacts on a case-to-case basis, its current institutional framework foresees two main possibilities for developing relations with external parliamentary partners: concluding working agreements and granting the observer status with the Assembly.

Three Parliaments are now concerned by this second option: the Israeli Knesset and the Parliaments of Canada and Mexico.

25. The Special Guest status, as currently defined by the Assembly's Rules of procedure (Rule 59), remains a possibility for the Parliament of the only European state eligible to become the new member, namely Belarus, when it conforms to the Council of Europe principles.

26. The Assembly has also developed relations and established a number of co-operation agreements with international parliamentary bodies on global, regional and sub-regional levels.

27. In this context, it is probably worth remembering the Strasbourg Conferences on Parliamentary Democracy which used to bring together parliamentarians from many countries and gave an opportunity for larger political dialogue on the main challenges to democracy.

IV. Criteria for further developing external relations

28. The general principles for the Organisation's external relations could be formulated as follows, depending on the degree of democratic development and the geographical situation of the partner:

i. Develop relations with **established democratic states** sharing the same or similar basic values of democracy, the rule of law and the respect of human rights, with a view to creating a global democratic network while advocating in favour of the Council of Europe values;

ii. Build closer relations with some **neighbouring countries** and their organisations by intensifying dialogue and seeking a common understanding of threats and challenges, putting the emphasis on the advantages of democratic governance and offering Council of Europe experience and expertise in democracy-building, but without asking that they accept the whole set of Council of Europe values as a pre-condition for co-operation;

iii. Promote democratic principles in general, with special emphasis on Council of Europe values, in contacts with **other partners**, in particular in the framework of intercultural and inter-religious dialogue.

iv. Develop partnerships with the European Union and offer our competences for the Union's relations with the Council of Europe member states which are not EU members;

v. Develop inter-regional co-operation and networking on the basis of comparative advantages of different international organisations;

V. Country Approach

29. The first target group includes non-member states which are considered to be **established democracies or developing democracies**. As already mentioned, four of them already enjoy the observer status with the Council of Europe: the USA, Canada, Japan and Mexico, some others have more or less regular contacts with the Organisation or at least with some of its institutions (e.g. Republic of Korea, South Africa, Argentina, Chile, Uruguay), whereas some others have no contacts at all (e.g. Australia, New Zealand, India, Brazil and other Latin American states).

30. One should be aware that these democracies have grown up naturally, in given historical circumstances, on the basis of existing national, cultural and religious traditions, and have therefore their own particularities as compared to the European democratic model, some of which are difficult for us Europeans to agree with. I believe though that, while insisting on the values that we consider as essential, it would be wrong to take an uncompromising, dogmatic position of "all or nothing". We should instead focus on what unites democracies, and build a global democratic network on this unity.

31. With respect to the first sub-group, i.e. countries with the observer status, the purpose of our efforts should consist in further strengthening relations so as to allow them to take full advantage of the status they enjoy, or even to considering how to make this status more attractive. To this end, one should analyse to what extent the current status responds to these countries' expectations, whether some Council of Europe instruments or institutions could be opened to observers, and how to encourage them to accede to those that they can already join.

32. In the case of the USA and Japan, for instance, one should continue efforts towards involving these countries in regular dialogue at parliamentary level.

33. As regards the second sub-group, the purpose should be to build on the existing contacts in order to generate more sustainable relations.

34. Finally, with regard to the third sub-group of democracies, one should initiate steps towards establishing contacts which could create an interest for co-operation. The Parliamentary Assembly, as the political engine of the Council of Europe, could play the leading role here in initiating contacts. One could also use the channels of communication of some national delegations having historical and cultural ties to these democracies. Another possibility would be to develop closer contacts with parliamentary representatives of these countries through such fora as the Commonwealth or La Francophonie.

35. While it would be desirable that the development of relations with democracies of the latter two sub-groups lead to their request for an observer status, such perspective seems too unrealistic with regard to most of them given the physical distances separating them from Europe. Therefore, relations could be developed at various international fora where the Council of Europe is present (e.g. at the UN, the IPU, etc.).

36. However, one could imagine that at least some of the “older overseas democracies” (e.g. Australia), or rising global powers (India, Brazil) might be interested.

37. India and Brazil deserve special attention. India is already the biggest, in terms of population, “sustainable” democracy in the world, and is becoming one of the major global players. Both countries seek greater international recognition of their role and are campaigning for seats on the UN Security Council. Bringing them closer to European values would contribute to spreading recognition of these values in two key regions of the world.

38. The group of **neighbouring countries** sharing land or sea borders with Council of Europe member states presents a large variety of situations, but, with the exception of Israel, have one particularity in common: the lack of democratic traditions. However, their geographical proximity to Europe (or at least to some Council of Europe member states), and various links they may have with Europe (history, culture, economy, migration, etc.) make it important for us to aim at building, at the very least, good neighbourly relations with these states, and at best, help them to evolve in the direction of our values.

39. Two main sub-groups of countries deserve special attention from the Council of Europe: those of the Mediterranean basin and Central Asia (including Kazakhstan). The latter will be covered by two specific reports currently in progress within the Political Affairs Committee (Kazakhstan and Central Asia); this should also be the case for the whole Mediterranean area (in addition to on-going activities in relation to the Middle East and Lebanon). That is why I limit myself to some general observations here.

40. As regards the **Mediterranean countries**, it should be recalled that from a cultural, historical, and economical point of view, they form the nearest neighbourhood to Europe. Even though this sub-group itself is far from being homogenous, almost all of these states claim a special relationship with Europe and a good number declare readiness to align themselves with European political traditions, while some have started reforms going in this direction (eg Morocco).

41. It is not by chance that the Mediterranean area has been the target of special attention by the European Union, first in the framework of the Barcelona process and more recently within the European Neighbourhood policy.

42. The latter, apart from the traditional economic, financial and social dimensions, contains such elements as promoting democracy, the rule of law and the respect for human rights, i.e. the areas of competence of our Organisation.

43. This should be considered as a challenge and also as an opportunity for the Council of Europe, whose expertise in this field is widely recognised by the EU as a reference. I believe that the Council of Europe should seriously engage in promoting its values and offering its democratic know-how to Mediterranean countries, by way of partnership and not of competition, thus achieving synergetic effect with the action of the EU and responding to these countries' needs – especially bearing in mind that at least some of them have shown interest in establishing closer relations with the Council of Europe.

44. As the first step in this direction, we should intensify the parliamentary dialogue with some Mediterranean countries, and make an assessment of what their needs and expectations are, and what our response should be.

45. Council of Europe bodies such as the Congress of Local and Regional Authorities, the Venice Commission and the North-South Centre could also be instrumental in establishing and strengthening relations with Mediterranean states in the fields of their competence, thus contributing to furthering the fundamental principles our Organisation stands for.

46. In a very preliminary way, one could imagine that a new status (Associate Partners? Partners for Democracy?) might be envisaged for non-member states which wish to co-operate with the Council of Europe in order to benefit from its experience in democracy building and possibly rely on its legal instruments and machinery, but are not yet in a position to guarantee full compliance with the principles of the Council of Europe. To my mind, at least some Mediterranean countries would be interested in obtaining such a status.

47. Establishing such a new status would mean, on the one hand, defining clear conditions for countries wishing to obtain it. Obviously, such conditions should be more flexible than those applied to observers, and could probably be formulated in terms of general goals to achieve, rather than specific commitments to undertake. On the other hand, it would be necessary to provide would-be partners with such forms of participating in various CoE activities which would make such participation prestigious, meaningful and attractive.

48. In this context, granting new partners access to Council of Europe machinery in the field of the protection of human rights, which is one of the best assets of the Organisation, deserves special thought.

49. Of course, opening to non-member states full access to the Court in its current form is out of question, both on formal grounds (ECHR being explicitly open to Council of Europe member states only) and from the functional point of view (the Court being the victim of its own success). However, some forms of limited opening on consultative/advisory level could be envisaged.

50. Moreover, the possibility of making the Council of Europe instruments of judicial protection of human rights available to non-member states could be kept in mind in the framework of any future reform of these instruments – which, to my mind, will be unavoidable if we are to ensure their long-term efficiency in front of ever an increasing workload.

51. Meanwhile, we could also consider whether some non-judicial mechanisms of the protection of human rights which exist at the Council of Europe, eg. the Commissioner on Human Rights could be made available to partners involved in closer co-operation with our Organisation.

52. Central Asian states and Kazakhstan are another important sub-group in our neighbourhood. The disregard of our values in a number of countries in this area is more open and challenging than in the Mediterranean, and links to European traditions, if any, are much weaker. However, these countries are OSCE participating states and as such are supposed to adhere to democracy and the respect for human rights.

53. The Council of Europe should be interested in seeing a gradual evolution of these countries towards the European model of democracy, and could contribute to it through contacts, dialogue and assistance in law-making and institution-building. Such assistance could be offered in co-ordination with the OSCE work in this field.

54. Two of these states – Kyrgyzstan and Kazakhstan – have shown interest in co-operation with the Council of Europe: Kyrgyzstan is a full member of the Venice Commission, Kazakhstan has formerly applied for membership then for the observer status, and now co-operates with the Assembly on the basis of an agreement. This co-operation should be encouraged and further promoted.

55. **Belarus** is a special case of a non-member state which has applied for membership in the Council of Europe but doesn't comply with its principles. Although its case is also dealt with in a separate report and within a different Sub-Committee, I take the risk to touch upon it here with regard to just one specific issue, being fully aware how controversial it is.

56. It is well known that the current political regime led by President Lukashenko claims that the Belarusian people belongs to Europe and shares its values, and therefore must be admitted to the Council of Europe.

57. One of the strongest points of our Organisation is its capacity to protect human rights of all European citizens against abuses by member states through the machinery of the European Convention of Human Rights and the Strasbourg Court.

58. The citizens of Belarus are perhaps those who need this protection more than many others. Yet they are deprived of this possibility, since Belarus, as a non-member state, cannot become party to the ECHR.

59. I believe that it would be politically appropriate to consider ways of inviting Belarus to become party to the ECHR, and thus accept the jurisdiction of the Court, before it actually becomes member of the Council of Europe.

60. Of course, I have doubts that the Lukashenko regime would agree. Moreover, I foresee the strongest opposition to this proposal from within the Council of Europe, with the best arguments to prove that this is simply not possible. However, I put it to the consideration of colleagues, because "where there's a will, there's a way"!

61. Though **China** seems to be far away from Europe, it is quickly becoming one of the major global players. The Council of Europe can't simply ignore it under the pretext of its distant situation, or the absence of democracy there. It should probably seek possibilities to start dialogue on the basis of mutual respect with the aim of promoting European values.

62. Though **Iraq, Iran, Mongolia and North Korea** also share borders with Council of Europe member states - Turkey, Armenia, Azerbaijan and Russia - and that these countries have their importance, indeed for the international situation at large, it would seem difficult for the time being to see the possibility of an active Council of Europe involvement in contacts between these neighbours. At best, one could imagine parliamentary contacts aimed at promoting European principles of parliamentary democracy and the importance of the respect for human rights (even though such contacts seem useless with North Korea).

63. Relations with countries of **Sub-Saharan Africa** should concentrate on sharing with them the European experience in the fields of parliamentary democracy and the rule of law and contributing to institution-building and could be developed through the existing initiatives taken by the Assembly (e.g. assistance in setting up of the African Parliament), the Venice Commission (co-operation with the Southern African Judges Commission) and the North-South Centre.

64. Finally, with regard to **other countries** of the world, bearing in mind their great variety making it impossible to develop any specific strategy for relations on a country-to-country basis, as well as their rather low relevance for the Council of Europe, the general approach would be to keep an attentive eye on any abuse of human rights, and to use contacts with representatives of such countries for furthering democratic principles in general, with special emphasis on Council of Europe values. Relations should rather be established and developed with regional organisations sharing the values similar to European ones.

VI. Inter-Institutional approach

65. **The need for a renewed basis for relations and a re-defined division of labour with "natural partners" of the Council of Europe – the EU and the OSCE:** Co-operation with both these partners is well under way in a large number of areas, and would need a specific report on each of them. It is important to make sure that such co-operation is based on a clear analysis of comparative advantages of each partner, and leads to synergy and complementarity rather than to competition and to forum-shopping. The Council of Europe should continue to concentrate on the promotion and protection of democracy, the rule of law and respect for human rights; the OSCE should focus on crisis prevention, conflict resolution and post-crisis management; the EU should rely on its partners in activities which fall within their respective competences.

66. It is worth remembering that relations with these two institutions were reflected in the Action Plan adopted at the Warsaw Summit of the Council of Europe in May 2005. Guidelines were also adopted on the relations between the Council of Europe and the European Union, as well as a declaration on co-operation between the Council of Europe and the OSCE. Moreover, with regard to relations with the EU, a memorandum of understanding is now under preparation.

67. **Relations with other European, Euro-Atlantic and Euro-Asian institutions:** Such relations should continue to be developed depending on the extent to which they are based on shared values, or contribute to the promotion of the principles upon which the Council of Europe is founded.

68. **Relations with the UN and its specialised agencies:** Those were also referred to in the Warsaw Summit Action Plan, with the priority of promoting the universal values shared by Council of Europe member states in the human rights field and to achieve the UN Millennium Development goals. It is important that co-operation with the UN family allows both organisations to benefit from their respective comparative advantages and build an efficient network of competency-sharing arrangements. Priority should be given to promoting the parliamentary dimension in the UN and its affiliated bodies, as suggested in the report presented by Mrs de Zulueta, and to participating in UN-sponsored initiatives aimed at democracy-building.

69. It would be strongly advisable that Council of Europe member states seek to co-ordinate their positions in various international fora, especially in the UN, where the issues dealt with by the Organisation are considered, so as to achieve more efficiency in promoting a coherent Council of Europe position.

70. Regular Council of Europe presence in key international capitals (eg. New York, Geneva, Vienna) would also be helpful in order to step up co-operation with the UN and the OSCE and make our achievements better known and taken into account in the activities of these organisations.

71. **Relations with other regional organisations:** Consideration should be given to engaging in inter-cultural and inter-civilisation dialogue with organisations having real influence on international or regional levels, with priority to relations with those based on values similar to the European ones.

72. On the level of the Parliamentary Assembly, recent efforts by Presidents Schieder and van der Linden aiming at establishing an inter-continental network of international parliamentary assemblies (e.g. African Parliament, Association of Asian Parliaments for Peace) should be welcomed and continued.

VII. Limits to Council of Europe external relations

73. An ambitious external relations strategy for the Organisation needs clear acceptance by member states. However, so far they have been reluctant to entrust the Organisation with new tasks, preferring, on the contrary, to limit it to “core activities”, and to keep it at their disposal, like a given tool in a toolbox, for performing a given task on their respective political agendas.

74. It is highly probable that here again, member states, whilst understanding the need to export the European model of democracy, will not be willing to agree that the Council of Europe plays a more active role beyond its borders, and prefer other political instruments at their disposal (e.g. the EU and its Common Foreign and Security Policy, the OSCE, the UN system etc.), thus limiting the Council of Europe to co-operation with them.

75. It is therefore important that external activities of the Council of Europe are considered in conjunction, and if possible in synergy, with other players, and are presented as a necessary complementary element to other mechanisms and instruments.

76. The main comparative advantages of the Council of Europe lie in the three following fields:

- i. Standards-setting;
- ii. Competence in legislation-drafting, institutions-building, public awareness and public education;
- iii. Judicial and non-judicial protection of human rights.

77. These elements would constitute the main contribution that the Council of Europe as a whole could bring in the promotion of democracy outside.

78. Nonetheless, the Parliamentary Assembly, which has been the driving force in a large number of the activities which are to the credit of the Council of Europe, should be able to lead a more flexible external action, for the benefit of the Organisation and in coherence with its policy.

VIII. Preliminary conclusions

79. The external relations of the Council of Europe should bring added value to the achievement of its statutory goals.

80. The evolving European and international context and the appearance of new threats and challenges make it necessary for the Organisation to rethink and strengthen its external relations strategy, in order to make the values it stands for better known and accepted beyond its limits.

81. Such relations should be primarily aimed at:

- i.* Strengthening the existing partnerships, and seeking to establish new ones, with countries sharing the same or similar values;
- ii.* Promoting European values and assisting in the evolution towards democracy through co-operation with some neighbouring countries;
- iii.* Building network relations with organisations working for the promotion of democratic rule.

82. In order to make co-operation with the Council of Europe more attractive for external partners, it could be useful to consider:

- i.* Reviewing the functioning of the currently existing observer status, with a view to making it more efficient;
- ii.* Whether it is appropriate to establish a new status for non-member states wishing to co-operate with the Council of Europe in order to benefit from its experience in democracy building, and possibly rely on its legal instruments and machinery, but not yet in a position to guarantee full compliance with the principles of the Council of Europe;
- iii.* Opening some of the “core” instruments of the Council of Europe currently reserved for member states, to some non-member states, depending on the status they enjoy.

Specific action at Assembly level

83. The Assembly, as the political driving force of the Council of Europe, can be more flexible in its external relations, and should take the lead in fostering a more active policy of opening the Council of Europe to new partners, thus advancing the values defended by the Organisation beyond its limits.

84. In order to fully play its leading role in this field, the Assembly could consider the following:

- i.* Holding regular debates on external relations of the Council of Europe in general, and on activities of various Council of Europe bodies involved in external action, in order to review existing relations, including their efficiency, formulate strategic orientations and define priority partners for further development of external activities;
- ii.* Organising debates on specific geographic areas, countries, groups of countries or organisations defined as priority partners, with a view to formulating positions and policy goals on these partners; systematic invitation of key political figures from these countries or organisations to the Assembly debates;
- iii.* Enlarging the circle of the Assembly’s partners among democratic parliaments through contacts of the President (visits; invitations; meetings at international fora,...);
- iv.* Establishment, where possible, of institutionalised relations (co-operation agreements, etc...) with priority partners, and development of working relations on that basis;
- v.* Maintaining regular political dialogue with parliamentarians from priority partner countries;
- vi.* Larger involvement of representatives from countries and organisations defined as priority partners in the work of the Assembly and its Committees (thematic conferences, hearings,...);
- vii.* Revision of Rule 59 of Rules of procedure on Special Guests with a view to taking out the limitation of the special guest status to parliaments of European states only, which would allow external partners engaged in democratic reforms the possibility of obtaining this status;
- viii.* Continuing efforts aiming at building parliamentary networks at regional and inter-regional levels as fora for political interaction;
- ix.* Renewing the regular organisation of “Strasbourg Conferences on Parliamentary Democracy”;
- x.* More active participation of the Assembly in the observation of elections in non-member states and in major international initiatives in relation with the definition of electoral standards.

Reporting Committee: Political Affairs Committee.

Reference to Committee: Ref. 3056, 18.03.05

Draft Resolution and draft Recommendation unanimously adopted by the Committee on 2 June 2006

Members of the Committee : Mr Abdülkadir **Ateş** (Chairman), Mr Konstantin Kosachev (Vice-Chairman) (alternate: Mr Victor **Kolesnikov**), Mr Zsolt Németh (Vice-Chairman), Mr Giorgi Bokeria (Vice-Chairman), Mrs. Birgir Ármannsson, Mr Giuseppe Arzilli, Mr Claudio Azzolini (alternate: Fiorello **Provera**), Mr Miroslav **Beneš**, Mr Radu-Mircea Berceanu, Mr Gerardo Bianco, Mr Alexandër Biberaj, Mr Luc Van den Brande, Mrs Beáta Brestenká, Mrs Anna **Čurdová**, Mr Noel Davern, Mr Dumitru Diacov, Mr Michel Dreyfus-Schmidt, Mr Adri Duivesteijn (alternate: Mr Frans **Timmermans**), Mrs Josette Durrieu, Mr Mikko **Elo**, Mr Joan Albert Farré Santuré, Mr Per-Kristian Foss, Mr Jean-Charles Gardetto, Mr Charles Goerens, Mr Daniel **Goulet**, Mr Andreas **Gross**, Mr Jean-Pol Henry, Mr Joachim Hörster, Mr Renzo Innocenti, Mr Ivan Ivanovski, Mr Tadeusz **Iwiński**, Mr Elmir Jahić, Mr Ljubiša Jovašević, Mr Ivan Kalezić, Mr Oleksandr Karpov, Mr Oskars Kastēns, Mr Yuriy Kostenko, Mrs Darja Lavtižar-Bebler, Mr Göran **Lindblad**, Mr Younal Loutfi, Mr Mikhail Margelov (alternate: Mr Ilyas **Umakhanov**), Mr Tomasz **Markowski**, Mr Dick Marty, Mr Frano Matušić, Mr Murat **Mercan**, Mr Jean-Claude Mignon, Mr Marko **Mihkelson**, Mrs Nadezhda Mikhailova, Mr **Mirzazade**, Mr João Bosco Mota Amaral, Mrs Natalia **Narochnitskaya**, Mrs Carina Ohlsson, Mr Boris Oliynyk, Mr Theodoros Pangalos, Mrs Elsa Papadimitriou (alternate: Mr Panagiotis **Skandalakis**), Mrs Porteiro Garcia (alternate: Mr Julio **Padilla**), Mr Christos Pourgourides, Mr Gordon Prentice, Mr Gabino **Puche**, Mr Lluís Maria **de Puig**, Mr Jeffrey Pullicino Orlando, Lord **Russell-Johnston**, Mr Peter **Schieder**, Mr Ingo Schmitt, Mr Adrian **Severin**, Mrs Hanne Severinsen, Mr Samad Seyidov, Mr Leonid Slutsky, Mr Michael Spindelegger, Mr Rainer Steenblock, Mr Zoltán Szabó, Baroness **Taylor of Bolton**, Mr Mehmet **Tekelioğlu**, Mr Tigran Torosyan, Mr José Vera Jardim, Mrs Biruté Vesaitė, Mr Varujan Vosganian, Mr David Wilshire, Mr Bart **van Winsen**, Mr Wolfgang Wodarg, Mrs Renate Wohlwend, Mr Marco Zacchera, Mr Krzysztof Zaremba (alternate: Mr Karol **Karski**).

Ex-officio: MM. Mátyás Eörsi, Mats Einarsson,

N.B. : The names of the members who took part in the meeting are printed in **bold**

Head of the Secretariat : Mr Perin

Secretaries to the Committee: Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner