# A Brief History of the Council of Europe

 **T**he Europe that awoke in the days following the Liberation was in a sorry state, torn apart by five years of war. States were determined to build up their shattered economies, recover their influence and, above all, ensure that such a tragedy could never happen again. Winston Churchill was the first to point to the solution, in his speech of 19 September 1946 in Zurich. According to him, what was needed was "a remedy which, as if by miracle, would transform the whole scene and in a few years make all Europe as free and happy as Switzerland is today. We must build a kind of United States of Europe".

Movements of various persuasions, but all dedicated to European unity, were springing up everywhere at the time. All these organisations were to combine to form the International Committee of the Movements for European Unity. Its first act was to organise the Hague Congress, on 7 May 1948, remembered as "The Congress of Europe".

### A thousand delegates at The Hague

**M**ore than a thousand delegates from some twenty countries, together with a large number of observers, among them political and religious figures, academics, writers and journalists, attended the Congress. Its purpose was to demonstrate the breadth of the movements in favour of European unification, and to determine the objectives which must be met in order to achieve such a union.

A series of resolutions was adopted at the end of the Congress, calling, amongst other things, for the creation of an economic and political union to guarantee security, economic independence and social progress, the establishment of a consultative assembly elected by national parliaments, the drafting of a European charter of human rights and the setting up of a court to enforce its decisions. All the themes around which Europe was to be built were already sketched out in this initial project. The Congress also revealed the divergences which were soon to divide unconditional supporters of a European federation (France and Belgium) from those who favoured simple inter-governmental co-operation, such as Great Britain, Ireland and the Scandinavian countries.

### Compromise

**O**n the international scene, the sharp East-West tensions marked by the Prague coup and the Berlin blockade were to impart a sense of urgency to the need to take action and devote serious thought to a genuine inter-state association. Two months after the Congress of Europe, Georges Bidault, the French Minister for Foreign Affairs, issued an invitation to his Brussels Treaty partners, the United Kingdom and the Benelux countries, and to all those who wished to give substance to The Hague proposals. Robert Schuman, who replaced him a few days later, confirmed the invitation. France, supported by Belgium, in the person of its Prime Minister Paul Henri Spaak, called for the creation of a European Assembly, with wide-ranging powers, composed of members of parliament from the various states and deciding by a majority vote. This plan, assigning a fundamental role to the Assembly seemed quite revolutionary in an international order hitherto the exclusive preserve of governments. But Great Britain, which favoured a form of intergovernmental co-operation in which the Assembly would have a purely consultative function, rejected this approach.

It only softened its stance after lengthy negotiations. Finally, on 27 and 28 January 1949 the five ministers for foreign affairs of the Brussels Treaty countries, meeting in the Belgian capital, reached a compromise: a Council of Europe consisting of a ministerial committee, to meet in private; and a consultative body, to meet in public. In order to satisfy the supporters of co-operation the Assembly was purely consultative in nature, with decision-making powers vested in the Committee of Ministers. In order to meet the demands of those partisans of a Europe-wide federation, members of the Assembly were independent of their governments, with full voting freedom. The United Kingdom demanded that they be appointed by their governments. This important aspect of the compromise was soon to be reviewed and, from 1951 onwards, parliaments alone were to choose their representatives.

### "Greater" and "Smaller" Europe

**O**n 5 May 1949, in St James's Palace, London, the treaty constituting the Statute of the Council of Europe was signed by ten countries: Belgium, France, Luxembourg, the Netherlands and the United Kingdom, accompanied by Ireland, Italy, Denmark, Norway and Sweden. The Council of Europe was now able to start work. Its first sessions were held in Strasbourg, which was to become its permanent seat. In the initial flush of enthusiasm, the first major convention was drawn up: the European Convention on Human Rights, signed in Rome on 4 November 1950 and coming into force on 3 September 1953.

The new organisation satisfied a very wide range of public opinion, which saw in it an instrument through which the various political tendencies, and the essential aspirations of the peoples of Europe, could be expressed. This was indeed the purpose for which it was founded, as clearly stated in Chapter I of its Statute: "The aim of the Council of Europe 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."

In order to achieve its objectives, certain means were made available to the Council and were listed in the Statute, which specified that: "This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms." In accordance with the compromise reached, the Statute made no mention of drawing up a constitution, or of pooling national sovereignty, in order to achieve the "economic and political union" called for by The Hague delegates.

Consequently, the need was soon felt to set up separate bodies to address the urgent questions arising on the political and economic fronts. Shortly after the accession of the Federal Republic of Germany, Robert Schuman approached all the Council of Europe countries with a proposal for a European Coal and Steel Community, to be provided with very different political and budgetary means.

The six countries most attached to the ideal of integration - Belgium, France, Italy, Luxembourg, the Netherlands and the Federal Republic of Germany - joined, and on 9 May 1951 signed the very first Community treaty. Strengthened by the experience and commitment which had brought the "Greater Europe" into existence, the "Smaller Europe" was now making its own "leap into the unknown" of European construction.

### Early developments

**I**n the years between 1949 and 1970, eight new countries joined the founder members: in order of accession Greece, Iceland, Turkey, Germany, Austria, Cyprus, Switzerland and Malta. In this period, the organisation gradually developed its structure and its major institutions. Thus, the first public hearing of the European Court of Human Rights took place in 1960. These years also saw the introduction of the first specialized ministerial conferences; by the early 1970s they had been extended to cover a wide range of areas. The first, in 1959, brought together European ministers responsible for social and family affairs. On 18 October 1961, the European Social Charter was signed in Rome: a text which the Council sees as the counterpart of the European Convention on Human Rights in the social domain.

The Charter came into force on 26 February 1965. It sets out 19 rights, including the right to strike and the right to social protection, but does not have such effective machinery as the Human Rights Convention. Nevertheless, it is gradually developing into a common body of social rights that apply right across Europe.

The same era saw the institution of the Council for Cultural Co-operation in 1961, which non-Council of Europe member states were allowed to join from the outset. One example was Finland, which only joined the Council itself 28 years later. Similarly, the European Pharmacopoeia was founded in 1964 and the European Youth Centre in 1967.

### Crises strengthen democracy

**T**he Council of Europe's first major political crisis came in 1967 when the Greek colonels overthrew the legally elected government and installed an authoritarian regime which openly contravened the democratic principles defended by the organisation. On 12 December 1969, just a few hours before a decision would have been taken to exclude Greece, the colonels' regime anticipated matters by denouncing the European Convention on Human Rights and withdrawing from the Council of Europe. It did not return until five years later, on 28 November 1974 after the fall of the dictatorship and the restoration of democracy. In the meantime, the Cypriot crisis, which broke out in the summer of 1974 and culminated in the partitioning of the island after Turkish military intervention, represented a fairly negative experience for the Council of Europe, whose discreet efforts to broker a solution, alongside those of the United Nations' Secretary General, were not crowned with success.

A new crisis arose in 1981 when the Parliamentary Assembly withdrew the Turkish parliamentary delegation's right to their seats in response to the military coup d'état a few weeks earlier. The Turkish delegation only resumed its place in 1984 after the holding of free elections.

Greece's return marked the disappearance of the last authoritarian regime in western Europe. Portugal had made its Council of Europe debut on 22 September 1976, two years after its peaceful revolution of April 1974, bringing an end to 48 years of Salazarist dictatorship, while the death of General Franco in 1975 eventually led to Spain's accession on 24 November 1977.

The Council of Europe's permanent role on the European political and institutional scene was sealed on 28 January 1977 with its move from its provisional premises to the Palais de l'Europe, designed by the French architect Bernard.

Liechtenstein's accession on 23 November 1978, San Marino's on 16 November 1988 and Finland's on 5 May 1989 more or less completed the absorption of west European states while the Council of Europe was already laying the foundations for a rapprochement with the countries of central and eastern Europe.

A further, critical stage in the Council of Europe's life started in 1985 with the first movements to introduce democracy to central and eastern Europe. In January of that year Hans-Dietrich Genscher, Chairman of the Committee of Ministers, invited his colleagues to take part in an extraordinary session devoted entirely to East-West relations. This process of reflection, that took account of the trend emerging in Eastern Europe - in Romania and Poland, and in the Soviet Union, where Mikhail Gorbachov had just come to power - gave rise to the notion of a European cultural identity, which became the subject of a resolution in April 1985. Convinced that unity in diversity was the basis of the wealth of Europe's heritage, the Council of Europe noted that their common tradition and European identity did not stop at the boundaries between the various political systems; it stressed, in the light of the CSCE Final Act, the advantage of consolidating cultural co-operation as a means of promoting a lasting understanding between peoples and between governments. The Eastern European countries grasped this outstretched hand with enthusiasm.

Rapprochement had at last become not only possible but necessary. The Council of Europe was naturally delighted by the process of democratisation set in motion in the East, together with the economic and social reforms introduced in the name of perestroika. It was the Council's role and purpose to support this trend, to help make it irreversible, and to fulfil the expectations of the countries calling upon it for assistance. Not of course by renouncing its principles but, on the contrary, by making them a precondition for any form of co-operation.

### An antechamber

**T**his became the Council of Europe's guiding principle, as reflected in the Committee of Ministers' change of course set out in its declaration of 5 May 1989. The new direction represented both an achievement and a first step, and was the outcome of a number of exchanges (the Secretary General's visit to Hungary, then Poland; the visits by the President of the Parliamentary Assembly to Budapest and Warsaw, and the visits to Strasbourg of delegations and experts from the USSR and other East European countries). This new departure gave momentum to a process that was to continue to accelerate, exceeding even the most optimistic expectations.

Eastern European countries were now knocking impatiently at the door of the Council of Europe, that guardian of human rights; the organisation became a kind of antechamber for negotiating the transition from dictatorship and democracy, as had previously been the case with Portugal and Spain.

It is no coincidence that the first address by a Soviet leader to an assembly of Western European parliamentarians should have taken place at the Council of Europe. Mikhail Gorbachov chose this particular chamber - on 6 July 1989 - to put forward a new disarmament proposal (unilateral reduction of short-range nuclear missiles), to promote the idea of a Common European Home (non-use of force, renunciation of the Brezhnev doctrine and maintenance of socialism), and to discuss human rights (albeit without referring to the European Convention!).

The Council of Europe started to open its gates very carefully. In 1989, the Parliamentary Assembly established the very selective special guest status for the national assemblies of countries willing to apply the Helsinki final act and the United Nations Covenant on Human Rights. The status was immediately granted to the assemblies of Hungary, Poland, USSR and Yugoslavia and opened the way to the full accession of the former Soviet bloc countries.

Four months after Mikhail Gorbachov's address the Berlin wall fall on 9 September 1989. This provided the opportunity for the Council of Europe's Secretary General to state, on 23 November, that the Council was the only organisation capable of encompassing all the countries of Europe, once they had adopted democratic rules. This marked the start of the organisation's new political role.

### From the fall of the Berlin wall to the Vienna summit

**R**eferring to his country's accession to the Council of Europe on 6 November 1990, the Hungarian Minister for Foreign Affairs said that the event marked the first step in the re-establishment of the unity of the continent.

Special programmes were rapidly introduced to meet the most pressing needs and allow the new European partners, both before and after their accession, to draw on a shared fund of knowledge and experience to enable them to complete their democratic transition. These programmes were dubbed Demosthenes, Themis and Lode and focused on the key areas of reform: how to design new constitutions, bring domestic legislation into line with the European Convention on Human Rights, reorganise the civil service, establish an independent judiciary and an independent media, encourage local democracy. In other words, how to become a full member of the European democratic and legal community.

On 4 May 1992, François Mitterrand addressed the Parliamentary Assembly in a session largely devoted to integrating the countries of central and eastern Europe in the building of a new Europe. Why, he asked, should all the heads of state and government of the Council of Europe's member countries not meet every two years, alternating with meetings of the CSCE? The proposal was adopted at least in part and Austria, which chaired the Committee of Ministers between May and November 1993, offered to organise and host the summit.

The summit was held in Vienna on 8 and 9 October 1993 and confirmed and extended the policy of opening up and enlargement. It also identified three priorities, starting with the reforme of the European Convention on Human Rights machinery to make it more expeditious and effective. This is the subject of the Convention's Protocol no 11. The Vienna summit also laid great emphasis on the protection of national minorities, which was to lead to the adoption of a framework convention less than two years later, and combating intolerance.

Thus with its new-found role of offering a home to all the countries of Europe willing to opt for democracy, thereby establishing a continent-wide democratic security area, the Council of Europe has used the years since Vienna to develop and refine the undertakings which any applicant country for membership must be willing to accept.

### The Council of Europe in an enlarged Europe

**T**he arrival of the Russian Federation in February 1996 meant that the institution had finally become fully pan-European. Henceforth, more than 700 million citizens would be concerned in building the new Europe. The Council's activities are now having to adapt to an environment that is not only wider and more diverse but also more complex and less stable. This is changing the nature of its co-operation programmes.

Support and monitoring activities are being strengthened. More attention is being paid to what happens on the ground, for example via confidence measures or campaigns to combat intolerance. New priorities are emerging such as migration, corruption, the right to be granted nationality, social exclusion and minorities. The dual machinery for protecting human rights will be replaced on 1 Novembre 1998 by a single Court, housed in the Human Rights Building designed by the British architect Richard Rogers and inaugurated in June 1995.

At the same time several other European or North Atlantic institutions have been increasing their co-operation with the countries of central and eastern Europe, offering the prospect of closer integration. The work under the auspices of the intergovernmental conference of the European Union and NATO summit held in Madrid, show that European co-operation will continue to develop.

As it approaches its fiftieth anniversary, the Council of Europe, with its 41 members, will also be required to clarify how it sees its future role as a focus for democratic security and the proponent of a European model of society. A second summit was held for this purpose on 10 and 11 October 1997. The Strasbourg Summit, held at the Council of Europe headquarters and hosted by the French Presidency, gave the 40 Heads of State and Government an opportunity to assess the positive contribution which the Council had made to stability in Europe by admitting new countries, running programmes to help them make the transition to democracy and monitoring all its members' compliance with their obligations. The Summit adopted a Final Declaration and an Action Plan, fixing the Organisation's priorities in the years ahead, and gave reform of its structures the green light.

## How the Council of Europe works

The Council of Europe comprises:

* a decision making body: the Committee of Ministers
* a deliberative body: the Parliamentary Assembly
* a voice for local democracy: the Congress of Local and Regional Authorities of Europe

Each of these three bodies, whose function is briefly described below, has its own Internet site.

In exceptional circumstances, political impetus for the organisation may come from a summit of its member countries' heads of state and government. This occurred with the Vienna summit in 1993 and the Strasbourg Summit in 1997.

The various bodies are assisted by an International Secretariat of some 1500 officials from all the member countries. They are headed by a Secretary General whose is elected by the Parliamentary Assembly for a five year term.

### The Committee of Ministers

The Committee of Ministers is the decision-making body of the Council of Europe. It directly represents the governments of the member States.

It is composed of the Minister for foreign affairs of each member State. The Minister may be represented by an alternate who is either a member of government or a senior diplomat.

The chairmanship of the Committee changes with each six-month session, in the English alphabetical order of the member States.

The Committee meets twice a year at ministerial level, once in April or May and again in November. The day-to-day work of the Committee is conducted by the Ministers' Deputies. Each minister appoints a Deputy, who usually also acts as the Permanent Representative of the member State.

The Ministers' Deputies meet in plenary two to three times a month. Their decisions have the same authority as the Committee of Ministers.

The conduct of meetings of the Ministers and their Deputies is governed by the Statute and rules of procedure.

The Deputies are assisted by a Bureau, Rapporteur Groups and ad hoc groups.

The Committee of Ministers performs a triple role:

- firstly as the emanation of the governments which enables them to express on equal terms their national approaches to the problems confronting Europe's societies;

- secondly as the collective forum where European responses to these challenges are worked out;

- thirdly as guardian, alongside the Parliamentary Assembly, of the values for which the Council of Europe exists; as such, it is vested with a monitoring function in respect of the commitments accepted by the member States.

The work and activities of the Committee of Ministers include :

\*    political dialogue

\*    interacting with the Parliamentary Assembly

\*    interacting with the Congress of Local and Regional Authorities of Europe (CLRAE)

\*   follow-up to respect of commitments by member States

\*    admission of new member States

\*    concluding conventions and agreements

\*    adopting recommendations to member States

\*    adopting the budget

\*    adopting and monitoring the Intergovernmental Programme of Activities

\*    implementing cooperation and assistance programmes for central and eastern Europe

\*    supervising the execution of judgments of the European Convention on Human Rights by the member States

\*    contributing to Conferences of Specialised Ministers

The Committee of Ministers is made up of the ministers for foreign affairs of the 41 member states. It meets twice a year in ordinary sessions and may hold special or informal meetings. Its Chair changes every six months according to the member countries' alphabetical order.

The Ministers' Deputies meet at least once a month. They draw up the Council of Europe's activities programme and adopt its budget, which today amounts to some 1 300 million French francs. It also decides what follow-up should be given to proposals of the Parliamentary Assembly, the Congress of Local and Regional Authorities and the specialist ministerial conferences that the Council of Europe regularly organises.

### The Parliamentary Assembly

The Parliamentary Assembly is the parliamentary organ of the Council of Europe consisting of a number of individual representatives from each member State, with a President elected each year from among them for a maximum period of three sessions. The present President is Lord Russell-Johnston, a British Liberal Democrat (LDR) member of the House of Lords.

Whilst in the Committee of Ministers each member state has one vote, in the Parliamentary Assembly the number of representatives and consequently of votes is determined by the size of the country. The biggest number is eighteen, the smallest two. As there are an equal number of representatives and substitutes, the total number of members of the Assembly is therefore 582, plus 15 special guests and 15 Observers.

They are appointed to the Parliamentary Assembly in a manner which is left to be decided by each member state as long as they are elected within their national or federal Parliament, or appointed from amongst the members of that parliament. The balance of political parties within each national delegation must ensure a fair representation of the political parties or groups in their national parliaments.

**Political groups**

In order to develop a non-national European outlook, the formation of political groups in the Parliamentary Assembly has been promoted and from 1964 onwards they were granted certain rights within the Rules of Procedure. At present the Assembly counts five political groups: the Socialist Group (SOC); the Group of the European People's Party (EPP/CD); the European Democratic Group (EDG); the Liberal, Democratic and Reformers Group (LDR) and the Group of the Unified European Left (UEL). Political Groups have to commit themselves to respect the promotion of the values of the Council of Europe, notably political pluralism, human rights and the rule of law. To form a Group, at least twenty members of at least six different delegations have to decide to do so. Members of the Assembly are entirely free to choose the Group they wish to join. Before deciding they can attend meetings of one or several groups and should not be bound by their national party label but choose the group which best suits their political affinities. The President of the Assembly and the Leaders of the Groups form the Ad hoc Committee of Chairpersons of Political Groups.

**The Bureau**

The President, eighteen Vice-Presidents and the Chairpersons of the political groups or their representatives make up the Bureau of the Assembly. The big countries have a permanent seat in the Bureau; the smaller countries take turns. The duties of the Bureau are manifold: preparation of the Assembly's agenda, reference of documents to committees, arrangement of day-to-day business, relations with other international bodies, authorisations for meetings by Assembly committees, etc.

**The Standing Committee**

The Standing Committee consists of the Bureau, the Chairpersons of national delegations and the Chairpersons of the general committees. It is generally convened at least twice a year and its major task is to act on behalf of the Assembly when the latter is not in session. Each year one of the Standing Committee meetings, together with a number of other committees, takes place normally in one of the member states.

**The Joint Committee**

The Joint Committee is the forum set up to co-ordinate the activities of, and maintain good relations between, the Committee of Ministers and the Assembly.

It is composed of a representative of each member Government and a corresponding number of representatives of the Assembly (the members of the Bureau and one representative of each parliamentary delegation of member States not represented on the Bureau).

**The Secretariat of the Assembly**

The secretariat of the Assembly is headed by Mr Bruno Haller, Secretary General of the Assembly who is elected by it for a period of five years.

Its staff is divided into the Private Office of the President, the Secretariat of the Bureau and the Joint Committee, the Table Office and Inter-parliamentary Relations, the Administration and Finance Department and the Political and Legal Affairs Department including a number of operational Divisions to cover the work of the committees.

The Council of Europe's Parliamentary Assembly is made up of 286 representatives and the same number of substitutes from the parliaments of the member states. Each delegation's composition reflects that of its parliament of origin.

The Parliamentary Assembly hold four plenary sessions a year. Its debates on a wide range of social issues and its recommendations to the Committee of Ministers have been at the root of many of the Council of Europe's achievements.

The Parliamentary Assembly has instituted a special guest status, which has enabled it to play host to representatives of the parliaments of non-member states in central and eastern Europe, paving the way to these countries' eventual accession.

The Assembly plays a key role in the accession process for new members and in monitoring compliance with undertakings entered into.

### The Congress of Local and Regional Authorities of Europe

The Congress of Local and Regional Authorities of Europe, like the Parliamentary Assembly, has 286 representatives and 286 substitutes. It is composed of two chambers, one representing local authorities and the other regions. Its function is to strengthen democratic institutions at the local level, and in particular to assist the new democracies.