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EXTERNAL RELATIONS OF THE COUNCIL OF EUROPE IN 2009

Report by the Secretary General to the Committee of Ministers

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Introduction

1. In accordance with the decision taken at the 994th meeting of the Ministers' Deputies, the Secretary General presents a report on external relations of the Council of Europe in 2009. It is based on contributions received from Major Administrative Entities.
2. The aim of this document is to serve as a basis for possible further reflections in the Committee of Ministers. This report, together with a comprehensive Overview of External Relations of the Council of Europe in 2009 (doc. DER/Inf (2010) 1), is also intended to be a tool for an overview of these relations, enhancing the transparency of Council of Europe actions and further developing the flow of information between the member States and the Secretariat.

This report, as well as the Overview, is available on the External Relations website: <http://www.coe.int/t/DER>

3. In 2009, external relations of the Council of Europe covered :
 - other international organisations and institutions¹
 - non-member States².
4. The Council of Europe's policy towards other international organisations and institutions as well as non-member States during 2009 continued to be guided by the decisions of the Third Summit of Heads of State and Government held in Warsaw in May 2005. The Declaration and the Action Plan confirmed the role of the Council of Europe on the European scene by defining its core objectives. The Heads of State and Government declared their determination "to ensure complementarity of the Council of Europe and other organisations involved in building a democratic and secure Europe" with a clear focus on relations with the European Union, the OSCE and the United Nations. **In practice, the strategic orientations fixed by the Third Summit continued to be implemented in 2009.** The Council of Europe's major institutional partners for co-operation are the European Union, the OSCE, and the UN family whilst other, mainly regional organisations and non-member States play an increasing role.
5. In 2009, a number of new opportunities opened for the Council of Europe to increase its relevance and visibility on the international scene.

¹ Relations with International Non-Governmental Organisations are mainly handled by the Conference of International Non-Governmental Organisations and thus fall beyond the scope of this Report.

² States having no possibility of applying for membership of the Council of Europe - see Recommendation 1247(1994) of the Parliamentary Assembly of the Council of Europe and the Reply of the Committee of Ministers to this Recommendation adopted at the 529th meeting of the Ministers' Deputies, 20-21 February 1995.

2009 – New opportunities for raising the Council of Europe’s relevance on the international scene

6. Two major developments marked the last year in the field of external relations:
 - the election of a new Secretary General with a clear political agenda having direct impact on external relations;
 - the entry into force of the Lisbon Treaty of the European Union, with important consequences for EU relations with the CoE, including with regard to the accession of the EU to the ECHR.
7. These changes in the intra-institutional and international environment created new opportunities and challenges to raise the Council of Europe’s relevance on the international scene. By promoting existing partnerships and co-operation, identifying new partners and new fields of co-operation, external relations have continued to facilitate the implementation of the organisation’s statutory goals.
8. In September 2009, the Parliamentary Assembly elected the new Secretary General, Thorbjørn Jagland with a clear mandate and mission statement: i.e. to undertake reforms that would also make the organisation more visible and relevant on the international scene and an appreciated partner in its relations with other international organisations, notably to EU and the OSCE. A higher political profile and increased efficiency would make the role of the Council of Europe indispensable in the field of soft/deep security - safeguarding and promoting human rights, democracy and the rule of law. Partnerships with other international organisations should reflect this added value of the Council of Europe and complementarity should be sought in this context. Promoting external relations means capitalising on this unique capacity on the international scene and facilitating high-level contacts with key partners at a very early stage.
9. The European Union has been a strategic partner over the past years and the entry into force of the Lisbon Treaty confirmed this tendency in both political and technical terms. Changes brought about by the Lisbon Treaty require the CoE to redefine its relations with the EU and review the present pattern of co-operation with a view to adjusting it to the requisites of a new partnership. Under these new circumstances, the relevant provision of the Memorandum of Understanding between the Council of Europe and the European Union is all the more important: “The Council of Europe will remain the benchmark for human rights, the rule of law and democracy in Europe”. The post-Lisbon institutional set-up in the EU necessitates diversification of CoE contacts in order to cover all key institutional players: the European Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the Council of the European Union and the European Parliament. The extension of community competences to traditional Council of Europe fields of activities calls for more complementarity; on the one hand it requires strengthening of the coordination and co-operation with the EU and, on the other hand, it necessitates internal adjustments to meet the new challenges.

10. Accession of the EU to the European Convention of Human Rights, required by the Treaty of Lisbon, is the most far reaching and concrete expression of this new relationship. The messages and consequences of such an act go far beyond its legal content: it represents a unique opportunity to create a continent-wide area of human rights in which 47 governments and the institutions of the EU would be bound by the same set of human rights standards and scrutinised by the same Court. It would also involve the EU in the Council of Europe institutional system (Court, Committee of Ministers, Parliamentary Assembly), on the basis of the shared values. A rapid accession would serve the interests of everyone in Europe; this issue will, no doubt, remain at the top of the common political agenda of the two institutions.
11. As the most tangible expression of common values between the Council of Europe and the EU, the Joint Programmes continued to be a major instrument of co-operation. Currently, the total volume of these Programmes amounts to €80 M almost 80% of which is financed by different EU sources. In 2009, the EU launched the Eastern Partnership Initiative which offers new opportunities for co-operation and partnership in the six countries concerned. The launching of the reform of the Council of Europe field presence should enable these structures to be more effective partners of the decentralised EU delegations. This should help strengthen field cooperation and make it more flexible.
12. These topics dominated the agendas of the unprecedented series of high-level meetings with relevant EU leaders (President of the European Commission, High Representative of the Union for Foreign Affairs and Security Policy, members of the European Commission) and will remain the focus for 2010.
13. Intensified contacts and the more substantial agendas in the last quarter of 2009 laid the basis for a more strategic approach to the CoE's external relations with all its partners.
14. In 2009 the **Parliamentary Assembly** adopted a dozen texts and frequently discussed issues concerning the development of external relations. They covered a wide spectrum of subjects ranging from the situation in individual non-member countries such as Kazakhstan and Iran, relations with OECD and EBRD to institutional matters such as the introduction of a new status for parliaments of non member states ("partners for democracy", see Resolution 1680 (2009)). A report on Euro- Mediterranean: call for a Council of Europe strategy is ready for debate by the Assembly.
15. Following general changes of the Assembly's Rules of Procedure which entered into force in January 2008, Assembly observers and special guests obtained some additional procedural rights. Further proposals, including also the procedural consequences of the introduction of partner for democracy status, were adopted by the Standing Committee on 20 November 2009 (see Resolutions 1698 and 1699). Elements for good practice concerning relations with observer and special guest delegations as well as partner parliaments of non-member states are appended to Doc. 12072 (2009).

16. Fostering external relations as well as consolidating and extending partnerships and co-operation networks were identified as priorities for action of the **Congress of Local and Regional Authorities** for 2009-2010. In line with these priorities, the Congress pursued its efforts throughout 2009 to maintain and strengthen relations with its external partners – national associations of local and regional authorities, the EU Committee of the Regions (CoR), European organisations and networks of regions and municipalities, as well as international organisations and local and regional authorities in non-member states.
17. In the implementation of his broad mandate the **Commissioner for Human Rights of the Council of Europe Thomas Hammarberg** continued throughout 2009 to consult and cooperate with his main international partners. This cooperation took the form of bilateral meetings, informal contacts, exchanges of information as well as joint statements and initiatives.

Relations with the European Union

18. Since the signature of the Memorandum of Understanding between the Council of Europe and the European Union in May 2007, political and technical relations between the two institutions have developed in this framework. Developments in 2009, in particular, the entry into force of the Lisbon Treaty, confirmed the tendency of the previous years: the European Union is the most important, indeed a vital international partner for the Council of Europe. A comprehensive report will be submitted to the Committee of Ministers covering all aspects of relations with the European Union (CM (2010)52 for the 120th Ministerial Session).
19. Promoting coherence between legal standards in the field of human rights and the rule of law remains of primary importance. Appropriate modalities have been elaborated to this end and have produced tangible results, such as cross-references to each other's legislation, the appropriate use of the findings of the CoE's monitoring procedures, references to CoE instruments in relation to third countries beyond the borders of Europe. More structured consultations have been taking shape aiming at information sharing at an early stage on legislative initiatives. Most importantly, informal bilateral consultations were launched on the modalities of an early accession of the EU to the European Convention of Human Rights. A successful example of co-operation concerning a draft EU legislation and policy instrument was the contribution to the "Stockholm Programme" of the EU, where many Council of Europe proposals were reflected in the final text. Close co-operation should continue in the context of the implementation of the Stockholm programme, through, *inter alia*, an appropriate contribution of the Council of Europe's monitoring bodies.
20. There has also been an intensification of structured and more regular contacts at expert level in order to coordinate responses to challenges to democratic stability in Europe, especially with regard to the countries participating in the European Neighbourhood Policy and the Enlargement Process. A new framework of co-operation in the countries concerned is the Eastern Partnership, where the Council of Europe Secretariat participated in the meetings of Platforms 1 (Democracy, Good Governance and Stability) and 4 (Contact between people). This positive trend should be further advanced in the interest of the promotion of the values shared by both organisations. At the level of field representations, co-operation also continued and will be strengthened as a result of the ongoing review process aiming at

reinforcement of field representations by increased competencies and responsibilities transferred from the headquarters.

21. Joint Programmes between the Council of Europe and the European Commission remain an efficient co-operation tool to enhance democratic stability in Europe building on the comparative advantages of each organisation.
22. Initiatives, such as the regular presentation of relevant Council of Europe activities to EU institutions foreseen in 2010, will further enhance the organisation's relevance by raising the visibility of the partnership.
23. **The Parliamentary Assembly** continued its close co-operation with the EU, the European Parliament and several international organisations including international parliamentary assemblies.
24. On 12 November 2009, **the Congress of Local and Regional Authorities** signed a revised co-operation agreement with the EU Committee of the Regions, to formalise the co-operation framework and procedure based on the evaluation of the previous agreement, signed in 2005. Under the new agreement, the priorities of co-operation between the two institutions will be defined at the annual meeting of their Presidents assisted by the Secretaries-General. The Congress/CoR Contact Group met twice in 2009.
25. In 2009 the **European Court of Human Rights** developed further its relations with the institutions of the European Union, in particular in view of the entry into force of the Lisbon Treaty and its provision for the EU's accession to the European Convention on Human Rights. The Court's President and Registrar met with the competent member of the Commission, Jacques Barrot, and attended a meeting of EU Justice Ministers on the day that the Lisbon Treaty took effect. The Court also developed its relations with the Court of Justice of the European Union, hosting a delegation of its members for the annual judicial dialogue between the two European Courts³.
26. The Court also reached agreement with the EU Fundamental Rights Agency on a joint project in the field of non-discrimination. The project will produce a case-law handbook analysing the relevant ECHR and EU judgments, along with other e-learning tools.
27. Co-operation between the **Commissioner for Human Rights** and the European Union has encompassed both a permanent dialogue and exchanges of information on a series of human rights issues as well as technical cooperation. This interaction has taken place with a wide range of EU institutions, including members of the EU Commission, representatives of the EU Council and the European Parliament, the European Ombudsman and the EU Agency for Fundamental Rights.

³ Declaration No. 2 appended to the Final Act adopted by the Intergovernmental Conference that adopted the Lisbon Treaty takes note of this regular dialogue and envisages its reinforcement following accession.

Relations with the OSCE

28. Relations with the OSCE have been guided by the long term commitment to enhancing co-operation in order to ensure complementarity and avoid unnecessary duplication of activities, while respecting the autonomy, different membership and distinctive tasks of each organisation. Both organisations being active in the field of soft security, coordination efforts were focused around these issues in thematic and institutional terms. The standard setting, monitoring and assistance capacities of the Council of Europe constituted a solid basis for co-operation. In this context the activities carried out by relevant Council of Europe bodies, notably the Venice Commission, together with OSCE/ODIHR in drafting joint opinions on legislation in electoral matters and adopting common guidelines in the fields of freedom of religion and assembly could be mentioned as best practices.
29. High level contacts between the leadership of the two organisations were complemented by the activities of the Co-ordination Group and the ongoing co-operation between institutions and specialised bodies. In order to enhance the effectiveness of the Group's work, agendas of the meeting have started to focus alternatively on two of the four priority areas. The work of the Coordination Group will continue to be evaluated against the background of the results achieved. A broad spectrum of co-operation activities have been carried out "in the field", similarly to previous years. These contacts between the Special Representatives of the Secretary General and the OSCE field missions proved to be very useful channels of coordination and information. Regular "staff to staff" meetings with the OSCE on thematic issues and geographical areas of common interest proved to be useful tools for increasing the impact of their respective actions through information sharing and policy planning.
30. While formalised inter-institutional relations will certainly continue to play a role in co-operation, more informal and ad hoc contacts should also be intensified, ensuring better reactivity to specific events in the common geographical area. In future, the complementary character of co-operation will continue to be underlined on the basis of the comprehensive nature of the security, best embodied by the OSCE itself.
31. Cooperation between the **Commissioner for Human Rights** and the OSCE focused on the situation of Roma and the protection of human rights defenders. Close contacts were maintained with OSCE/ODIHR, the OSCE High Commissioner on National Minorities and OSCE field offices in the context of joint events and the Commissioner's country monitoring visits.
32. The Commissioner organised a Round Table on Human Rights Activism in September in Kyiv in cooperation with the Council of Europe Conference of International Non-Governmental Organisations. The event brought together representatives of the United Nations, OSCE/ODIHR and European Union as well as non-governmental human rights organisations.

Relations with the United Nations

33. The UN is a major partner for the Council of Europe and an ideal platform for global outreach. The universality of values shared by the member states of the Council of Europe constitutes the basis for co-operation. In 2009, the Council of Europe continued to explore all possibilities stemming from its status of an “Intergovernmental organisation having received a standing invitation to participate as an observer in the sessions and the work of the United Nations General Assembly”.
34. Due to its global nature both in thematic and geographical terms, the UN constitutes an “across the board” partner for the Council of Europe. Relations clearly focused on human rights in a broad sense. Co-operation in this field has been guided by the need for more interaction between regional and global human rights mechanisms and the recognition of a greater role for the former and their standards in the UN context. In 2009 the Council of Europe continued to show its potential to act as an informal consensus building forum, going beyond regional blocks, for common positions on the important human rights issues under consideration at the UN. In preparation for a workshop on Regional Human Rights Mechanisms to take place in 2010, the Council of Europe hosted a regional consultation for Europe entitled: “Enhancing co-operation between regional and international mechanisms for the promotion and protection of human rights”. Representatives of the EU Fundamental Rights Agency, OSCE/ODIHR and civil society participated actively in the process. The Council of Europe also contributed, in close coordination and consultation with the Office of the UN High Commissioner for Human Rights, to the Universal Periodic Review conducted by the UN Human Rights Council. The launching of a joint CoE-UN Study on Trafficking in Organs, Tissues and Cells (OCT) and Trafficking in Human Beings for the Purpose of the Removal of Organs was another example of global potential of CoE–UN cooperation.
35. The growing relations with the mainly Geneva based UN bodies and specialised agencies raised the need of a more permanent presence of the Council of Europe. Further to the preparations launched in 2009, the Special Representative of the Secretary General to the United Nations Office and other international organisations in Geneva took up his functions in early 2010.
36. Emphasis on human rights does not mean, however, that other issues were sidelined: the Council of Europe contribution to the UN Report on the support to the efforts of Governments to promote and consolidate new or restored democracies, the active membership in the Group of Friends of the Alliance of Civilisations or the agreement with the UNDP on cooperation in the field of local and regional democracy are all proofs to the contrary.
37. Delegations of the **Congress of Local and Regional Authorities** took an active part in the 5th World Water Forum in Istanbul in March and in the Conference on climate change in Copenhagen in December 2009, both organised by the United Nations. The contributions to these events were adopted by the Congress during, respectively, its March and October sessions.

38. **The European Court of Human Rights** received delegations of judges and staff from several regional courts in Africa for study visits, in particular the African Court on Human and Peoples' Rights and the African Commission on Human and Peoples' Rights. Relations with other international courts were developed. Arrangements were made with the International Criminal Court for reciprocal study visits by Registry officials. A delegation of NATO legal advisers was also hosted.
39. The **Commissioner for Human Rights** entertains very close working relationship with the UN system, in particular with the Office of the High Commissioner for Human Rights, UNHCR and UNICEF. These working relationships are triggered and based on mutual interests, exchanges of information and experiences as well as the wish to reinforce each other's respective activities to promote respect for human rights and avoid overlap or duplication.

Tripartite meetings

40. Council of Europe - United Nations – OSCE High-Level Tripartite meetings take place in the "Tripartite-plus" format with the participation of about 20 international organisations, funds, programmes, specialised agencies and departments. In June 2009 the meeting was organised by the UN Office at Geneva under the theme "Preventing conflicts through the strengthening of democratic institutions: enhancing democratic governance and institutions to reconcile interests and promote non-violent resolution of conflicts". Participants concurred that strengthening of democratic institutions would contribute to reducing tensions and would promote stability in all regions by providing effective and equitable means for the peaceful accommodation of conflicting interests.
41. The Council of Europe continued its efforts to increase the efficiency of these meetings towards more concrete outcomes and recommendations.

Relations with other international/regional organisations

42. In its relations with other international/regional organisations the Council of Europe emphasised the need for specific, project based co-operation constituting a tangible added value for the Council of Europe. All present and future partnerships should stand the test of "complementarity and added value". Before concluding any formal agreement, the mutual capacity for co-operation is tested through some pilot projects which, if the added value is confirmed, can serve as examples for the future.
43. In this spirit the year 2009 was marked by the deepening of existing relations with the Organisation of American States and the International Organisation of the Francophonie.
44. Presidents or Prime Ministers of non-member states and Presidents or Secretaries General of International Organisations and Assemblies regularly address the **Parliamentary Assembly**. The President of the Parliamentary Assembly and Assembly members, including rapporteurs, make official visits to non-member states and international organisations or take part in meetings or other major events organised by them.

45. In March, the **Congress of Local and Regional Authorities** debated ways of enlarging Euro-Mediterranean co-operation, both with its European partners and with territorial authorities on the southern rim of the Mediterranean. Particular attention was paid to the creation of a new political platform, the Euro-Mediterranean Regional and Local Assembly (ARLEM), in which the Congress will have observer status. A Congress delegation also participated in the ARLEM preparatory conference in December 2009 in Brussels.
46. In May, a Protocol of Intent was signed to elaborate a co-operation agreement with the Inter-Parliamentary Assembly of the Commonwealth of Independent States (CIS). In addition, the Congress continued preparing co-operation agreements with the Conference of European Regional Legislative Assemblies (CALRE), the Conference of European Regions with Legislative Power (REGLEG) and the Association of European Border Regions (AEBR).

Relations with observer states and other non-member states

47. In 2009 the mutual active engagement with the observer states (Canada, Holy See, Japan, Mexico and the USA) has been maintained on the basis of shared values. However, more regular political contacts could reinforce the existing practical co-operation. The 2009 official visits of the Secretary General to the USA and of the President of the Parliamentary Assembly to Japan were good examples in this respect. Such an approach is to be followed on the basis of complementarity and added value. A particular form of involvement of observer states in the activities of the Council of Europe is the voluntary contributions made by these countries to well-defined projects. This mutually beneficial practice is to be relaunched.
48. Relations with other non-member States continued to be centred around specific standard-setting activities in the areas of new challenges of the 21st century, where the Council of Europe's *acquis* represents a comparative advantage in fields such as terrorism, trafficking in human beings, money laundering, cybercrime and bioethics. It is to be noted that in 2009 the Council of Europe had contacts with 79 non-member states. This number represents not only a 40% increase in comparison to 2008, but illustrates the growing global relevance of the organisation as well.
49. 2009 witnessed an increase in interest of several countries in developing more sustainable and "across the board" relations with the Council of Europe. Relations with Morocco and the Republic of Korea could be mentioned as examples in this respect. Although in different frameworks, they expressed specific interest for a multifaceted co-operation with the Council of Europe with a view of its possible institutionalisation at a later stage.
50. The **European Court of Human Rights** regularly welcomes official delegations, lawyers and study visitors from all around the world. In 2009, visitors from more than twenty non-European countries came to the Court for meetings with judges and Registry staff. The President of the Court was a guest speaker at the Qatar Law Forum in May, a major legal event which brought together senior national and international judicial figures before a large audience from all over the world.