

**BULGARIAN-ROMANIAN
INTERUNIVERSITY
EUROPE CENTER (BRIE)
University of Rouse**

in cooperation with

Zentrum für Europäische Integrationsforschung
Center for European Integration Studies
Rheinische Friedrich-Wilhelms-Universität Bonn

Walter Schwimmer

The Role of the Council of Europe in Building One Europe



BRIE-Paper

1
2004

Walter Schwimmer. Austrian Politician (ÖVP). Since 1999 General Secretary of the Council of Europe. 1977 Head of the Political Office of the "Österreichische Arbeiter- und Angestelltenbund" (ÖAAB). Vice-Chairman of the ÖVP in the National Assembly (1986-1994). Chairman of the "Europäische Volkspartei" (EVP) in the Council of Europe (1996-1999).

This publication is a part of the "HERTIE Lectures of BRIE"

Walter Schwimmer

The Role of the Council of Europe in Building One Europe

Today, Bulgaria and Romania are heavily engaged in their preparations for a EU-membership. This development is of historical significance, even if the fulfillment of the requirements for a final and complete European integration is going to take additional efforts and legal as well as economic reforms in the three upcoming years. You will agree with me that nobody in the region would have dreamed of such a European perspective just fifteen years ago. To set up a Centre for European Studies here at the border, accessible to students from both countries, is a further symbol of the common commitment to the European cause.

Coming from the council's headquarters in Strasbourg at the border of France and Germany, I would like to say from my own experience: Europe starts at the border. Transborder cooperation followed by cooperation throughout the region are preconditions for the success of any further and wider European cooperation and integration. Mutual understanding and common interests, as well as the search for solutions to common challenges and problems, are crucial parts of the process of European construction. Cooperation across borders creates communication lines instead of barriers.

So while crossing the bridge over the Danube this morning, it immediately reminded me of another European river: the Rhine, and the bridge between Germany and Strasbourg in France. It is a border with much more traffic, as I realized this morning, but no queuing cars, no border guards and no customs officers.

This reminded me of my first trip abroad as an Austrian. Back then, I was twelve years old. It was 1954 and it was not a very long journey, it was just a boat trip on the lake of Konstanz from an Austrian town to a German town, Lindau, in the inner lake of Konstanz on an island. But as a consequence of the Second World War, Austria was still occupied by four allied armies. The Austrian town was in the French zone and, therefore, this 12-years-old Austrian boy needed a permission from the French army to go from Austria to Germany for half an hour. Today, when I am going from Vienna to Strasbourg to my office by crossing Germany, I do not need to show a passport, I do not need to see customs officers or border guards.

So you can see that some time ago it was just a dream but it has become reality. For the moment, this is reality just for one part of Europe. But I am still dreaming, dreaming that it will become true for the whole of Europe. Consequently, it should also become reality here along the Danube.

At this place both, Bulgaria and Romania, are among the "senior" new Council of Europe member states, which joined the family of European democracies after the collapse of the totalitarian communist regime. In doing so, the two countries committed themselves to a set of values, principles and obligations laid down in the Council's Statute of 1949. Indeed, the Council of Europe's post-war political mission as well as the organization's standing for pluralist democracy, respect for human rights and, above all, the rule of law, became a recipe for a process of European cooperation within the Council of Europe and integration within the European Union. After a long period, a too long period of political division of Europe after the fall of the Berlin Wall, this Statute became the guideline for the whole of Europe when codified in November of 1990, in the Paris Charter for a New Europe of the formerly called CSCE, now OSCE.

Since the Copenhagen Summit of 1993, the European Union made the common values an indispensable part of the set of political criteria required for new member states when applying for an admission into the EU. So to answer a frequently asked question in advance: during the last fifty years both, the Council of Europe and the European Union, two different organi-

The Role of the Council of Europe in Building One Europe

zations, have acted as two distinct institutions with a common vision of one Europe.

After the political changes of 1989-1990, the Council of Europe became the first European cooperation structure to open its door to the countries of Central and Eastern Europe on their way "back to Europe" or taking their first step "towards Europe". In this period, the Council of Europe faced this very famous question: is the glass half full or half empty? Concerning countries that had already implemented some but not all the necessary reforms, we had this questions: are they ready now for a membership at the Council of Europe or do we have to wait? But we decided in favor of a policy of "inclusion" rather than "exclusion". We trusted that accession would create positive dynamics in the efforts of our new member states to speed up internal democratic and legal reforms. And we also were confident that they would create good neighborhood relations with those who were their equal partners within the Council of Europe and with whom they had shared the mutual ambition to fully join the European integration structures.

We also have to admit that, among other things, this decade of political and economic transition in South-East Europe was also marked by many setbacks. This includes the effect of corruption and organized crime undermining the democratic, social and economic reform, but at the same time we have to recognize and welcome considerable changes towards more political stability and towards increasing integration into European and transatlantic cooperation structures.

Even changes of governments through democratic elections have become just a normal political feature. These are signs of clear progress on the way to consolidating democratic institution building and to strengthening democratic stability. So, in general, I am glad to say that a common European roadmap prevailed over nationalistic temptations and helped to overcome neighborly tensions, in particular on matters related to national minorities. For example, yesterday in Romania, I could say that ten years ago when Romania was admitted to the Council of Europe, one of the major questions was the national Hungarian minority in Romania and the tensions

with Hungary. But last weekend in Rome at the summit of the European Union, the Hungarian Prime Minister, Medgyessy, and the Romanian Prime Minister, Nastase, together proposed to include the Council's Standards for national minorities in the coming constitutional treaty of the European Union. This is also a significant aspect of the process we have achieved.

The common European roadmap resulted in an enlargement of the Council of Europe from 23 members in 1989 to already 45 in 2003. So this includes the "widest possible Europe" in political terms of 800 million citizens from Reykjavik, Iceland to Vladivostok at the pacific shore. Only two countries are left outside, this is Belarus and Monaco – each of them, of course, out of quite different reasons. And we can see that the roadmap will also result in a EU enlargement from 15 to 25 states in 2004 and 27 states in 2007.

I will, of course, comment on the possible consequences of the two enlargement processes for the political European landscape, but before doing so, I would like to briefly underline something else. I want to emphasize the importance of increased regional cooperation for security, stability and consequently accelerated European integration. Now we can say thank you to the Council of Europe – commonly agreed standards and norms became milestones on the way towards stability and security. The higher the level of acceptance and of adhesion to shared principles and norms that are respected by all, the easier it becomes to promote regional and local ownership of these principles. It further enhances partnerships between international, regional and domestic actors.

Over the last five decades, we have experienced that membership and belonging to a group of equals can greatly contribute to the process of easing difficult relationships between neighbors or within a region. The Council of Europe always considered transborder and sub-regional cooperation as an integral part of European cooperation as well as integration. Since the early sixties, the Council has initiated transborder projects. We started, of course I would say, on the Rhine as the historical European "frontline". And after 1989, these models were followed in other European areas with also difficult historical heritage, such as the initiative of the Carpathian Euro-region.

The Role of the Council of Europe in Building One Europe

A major political signal was, of course, the setting-up of the Stability Pact for South East Europe in 1999 in order to promote regional ownership by developing the will and the means for regional solutions to common challenges. I have just learned that you will hear much more about that next week when my old friend, Erhard Busek, will come here and be with you.

So with all these efforts, South East Europe, alongside with countries that soon will belong to the Europe of 25 and more, could, thanks to the good practice of increased regional ownership through close cooperation, considerably reduce the risk of new dividing lines in our continent. When crossing the border this morning between Romania and Bulgaria, I had a discussion with the commander at the Romanian Border Station and this just confirmed my opinion that trans-frontier and regional cooperation across the future Schengen-borders will help geographical and traditional neighbors and partners not to be separated any more.

I am also very glad that the EU-Thessaloniki summit of last June gave a clear political signal for a common European perspective of further integration into Europe for the whole of South East Europe. This perspective is linked to the commitment for a common integration strategy for a region that is now called the Western Balkans as a whole, although I know that Western Balkans is not a correct geographical term. Both, Bulgaria and Romania, have offered their experience of an already advanced accession procedure to their neighbors in the region who have embarked on the Western Balkan strategy towards European integration.

Since Serbia and Montenegro joined the Council of Europe in April of this year, all countries of the region are now members of the organization. That means that all are linked by the common commitment to the implementation of European standards. These are the benchmarks of the implementation of the European Union's strategy in the Balkans. The substantial contribution the Council of Europe can give to the implementation of this strategy was also underlined when the EU and the Council of Europe met at the highest political level in June of this year. Joint programmes between the Council of Europe and the European Commission on Albania, Bosnia and Herzegovina, Serbia and Montenegro and Moldova are concrete examples

ples for the close partnership of the two institutions in the common endeavor to strengthen democratic stability.

Coming back to the question, which I have touched already: historically seen, the Council of Europe and the European Union have always been institutions and instruments with the same vision of the “European Project”. They have never been competitors but complementary in promoting and developing European construction. There are, of course, many differences between the two organizations. I am used to say that the European Union is the little but rich sister of the Council of Europe.

Following the enlargement process of the EU, the circles of states respectively composing the EU and the Council of Europe will increasingly converge. The converging membership and the EU’s wider European activities call for even closer coordination than in the past and in particular with regard to standard-setting activities and assistance in the fields of institution building. Additionally, of course, in the fields of human rights and judiciary as well as the monitoring of commitments in these fields. Any unnecessary duplication of procedures and overlapping legal texts create not only the risk of diverging standards, but also a waste of limited resources, to which European taxpayers have every right to object.

A decisive step forward in this direction has been made when the Convention on the Future of Europe endorsed, in its recommendations to the upcoming intergovernmental conference, the longstanding proposal of the European Union's accession to the European Convention on Human Rights. I am convinced that this would reinforce the legal mechanism to protect human rights in the whole of Europe. And also, most important, it would eliminate the risk of diverging interpretations. These are the same fundamental rights that should be interpreted in the same way. And it is also important that the accession of the Union to the European Convention on Human Rights will provide a direct means of redress against the European Union if it fails to comply with the standards of the European Convention on Human Rights. This is not a theoretical question. The same way as human rights can be violated by the authorities of 45 member-states, they can also be violated by institutions which act at a European level.

The Role of the Council of Europe in Building One Europe

In this context, I would also say that it should not be forgotten that many treaties concluded within the Council of Europe have contributed to the creation of an area of freedom, security and justice. They have already been recognized by the European Union, because these treaties and conventions have become part of the European Union's *acquis*, on the basis of which closer cooperation within the Union has been developed. Furthermore, cooperation between the European Union and the Council of Europe has been considerably developed over the years, in particular through the participation of the European Commission in all intergovernmental structures of the Council of Europe, including ministerial sessions. Tomorrow, when the Council of Europe will hold a European Conference of the Ministers of Justice in Sofia, the Commissioner for Justice and Home Affairs, Vittorino, will also participate.

In April 2001, I signed the Joint Declaration on Cooperation and Partnership with Commissioner Chris Patten. Through this declaration, the two institutions confirmed their determination to deepen the existing relations and common activities. The moment the European Union will receive its own legal personality and will consider its new constitutional architecture, an enlargement will offer a unique opportunity. This will be the opportunity to establish a coherent architecture of interlocking European institutions. That would be an appropriate moment for a reinforcement and renewal of the existing partnership between the European Union and the Council of Europe. Now we have to move towards a new associate partnership.

As you know, the European Union is neither a state nor an intergovernmental organization in the traditional sense. So on one hand, the Union cannot become a normal member of the Council of Europe like the 45 member states. On the other hand, the Union, and after the Constitutional Treaty even more, already has a lot more competences in comparison to a state. So without the European Union, intergovernmental cooperation within the Council of Europe cannot be complete. Therefore, an imaginative approach is required to integrate the European Union into the Council of Europe's structures. By tailor-made solutions we have to take into account the inter-

ests of both: the Union and all Council of Europe member states, and I underline all Council of Europe member states.

The European Union's accession to the European Convention on Human Rights and the scope of associate partnership will cause the European Union's full participation in the control mechanisms of the European Convention on Human Rights, and, correspondingly, to its competences in all activities and organs of the Council of Europe. They will include the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe. Such an associate partnership would also allow a new and imaginative way to abide the European Union's own principle of subsidiarity. That would mean delegating not only downwards to the national, regional or local level, but also upwards to the multilateral, pan-European body, when this may be more expedient and relevant to the continent as a whole. I think that there can be no doubt that several questions and problems of the continent can be solved only at a pan-European level. Migration does neither start nor end at the Schengen borders, for example. Organized crime is a problem all over the place. Corruption is a disease from which many countries suffer. Trafficking human beings is another example. In all these areas we need common solutions. Solutions will be found.

There are, of course, still some technical and legal questions concerning the cooperation and the associate partnership between the Union and the Council of Europe. But I am convinced that the solutions to these questions can be found, provided that the political will to find them is present. I have submitted reflections to this end to the Committee of Ministers and the Parliamentary Assembly just last week for consideration. In a close partnership with the European Union, the Council of Europe must continue to develop, promote and defend the standards of a truly democratic society. It must uphold its role as the preferred meeting place, where representatives from the whole of Europe at parliamentary, governmental, local or regional level come together to discuss questions of common concern on an equal footing representing a Europe without new dividing lines.

The Role of the Council of Europe in Building One Europe

The Council of Europe and the European Union are the children of the same vision of a Europe united in peace, liberty and justice. Today they must stay united and committed to the political concept of the “One Europe” as the philosophy and "backbone" of any wider Europe policy. It is my conviction that the existence of the political will for “One Europe” must become evident for all the 800 million people throughout the whole continent. Europe must be felt by the Europeans. It has to become a reality for their daily life, in particular when it comes to common aspirations and needs such as to easily communicate and to easily meet, to cooperate without insurmountable border barriers, and as I said before, to find solutions to common challenges such as the terrorist threat, organized crime, human trafficking and corruption.

Here lies our common responsibility, whether in Brussels or in Strasbourg. In order to achieve this common goal but also to complete democratic transition and to make common standards and to feel this enforcement effectively, we also need public support. And here we have to address you, we need you, we need a new leadership generation.

There is no doubt for me: what makes the difference between success and failure of a democracy is that in a healthy democracy, all the actors accept that their main interest is to make the whole system work. And since South East Europe is a region of concern for the whole of Europe, it is, in particular, a region where we have to build on a new generation of leaders. Last year, I proposed to set up a network of Schools of Political Studies in South East Europe. It should be an original structure to train a new generation of decision-makers committed to principles and values such as democracy and the rule of law, European ideals and tolerance.

The Bulgarian school of politics in Sofia, which is already in its second year of successful existence, has been joined, or will be joined, this year by Schools in Sarajevo, Skopje, Belgrade, Pristina and Chisinau. As a related and like-minded institution at a higher level, I therefore also very much welcome your institution, the Bulgarian Romanian Interuniversity Europe Center with its clearly regional vocation. Your institution, as well as the growing network of individual schools, under the umbrella of the Council

of Europe, promotes dialogue and civic responsibilities within countries and throughout the region. They will strengthen cooperation and develop good neighborly relations. They will become protagonists of the “One Europe Concept”, which is the best possible guarantee for security, stability and prosperity throughout the whole continent.

The **Bulgarian-Romanian Interuniversity Europe Center (BRIE)** encompasses two programs, European Studies in Rousse (Bulgaria) and Business Informatics in Giurgiu (Romania). This unique project at the Danube bridge between the two countries is the farthest-reaching example of cross-border cooperation in education and research in South Eastern Europe. At the end of 2000, the project was initiated by the German Rector`s Conference with assistance from the Center for European Integration Studies (ZEI). The German Federal Ministry for Education and Research and the Hertie Foundation promote the BRIE project as a part of the Stability Pact for South Eastern Europe.

BRIE-Paper already published:

- 1 (2004) Walter Schwimmer
The Role of the Council of Europe in Building One Europe
- 2 (2004) Erhard Busek
4th Anniversary of the Stability Pact for South Eastern Europe
- 3 (2004) Emil Mintchev (ed.)
The European Perspectives of South Eastern Europe.
Documentation of the 6th Conference of the Network
of European Studies in South Eastern Europe