

# THE COUNCIL OF EUROPE'S ROLE IN THE MEDITERRANEAN<sup>1</sup>

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The Council of Europe is the oldest European institution created in 1949 with the aim of:

*“achieving 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”* (art. 1a of the Statute of the Council of Europe).

To become a member of the Council a country must accept the principles of the rule of law and the protection of human rights and meet the requirements of genuine pluralistic parliamentary democracy. Within the Council of Europe the respect of the rights of minorities has also become an important aspect of human rights' protection.

According to the Council's Statute, individual freedom, political liberty and the rule of law, to which the member States are committed, are the basis of “all genuine democracy”. This means that pluralist elections must be held at reasonable intervals, by secret ballot and universal suffrage, to parliaments which enjoy a high degree of sovereignty and comprise political party representatives who are free to organise and express themselves.

Human Rights and Fundamental Freedoms are enshrined in the Council of Europe's two major instruments, the European Convention on Human Rights of 1950 and its 11 protocols as well as the European Social Charter of 1961, and its revision of 1996. These two instruments establish a list of rights which must be guaranteed to everyone within the jurisdiction of the member States. However, while the Convention on Human Rights must be signed and ratified

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by all member States, this obligation does not apply to the European Social Charter. Currently, the Charter is signed and ratified by 20 member States, including all member States of the European Union. Both instruments are accompanied by collective supervision and guarantee procedures at European level.

These instruments have been supplemented by the European Convention for the prevention of torture and inhuman or degrading treatment or punishment which was opened for signature in 1987.

Other agreements have been reached in the field of human rights which have a significant impact on the policies of the member States. I may single out the Framework Convention on the protection of minorities which was opened for signature on 1 February 1995. It is the first ever legally binding multilateral instrument devoted to the protection of national minorities.

The basic instruments and principles concerning human rights, pluralist democracy and the rule of law must guide the actions of governments and other authorities as well as the judiciary and legislature. They also guide the Council of Europe in its relations with non-member States.

In the context of promoting democratic security, the Council of Europe actions against racism, xenophobia, antisemitism and intolerance also deserve attention. The European Commission against Racism and Intolerance pursues the aim to reinforce safeguards against all forms of discrimination based on race, national or ethnic origin or religion in the legal fields. A wide-ranging European Youth Campaign against Racism, Xenophobia, Antisemitism and Intolerance was conducted in 1995 and follow-up activities are foreseen.

Since the accession of Croatia on 6 November 1996, our Organisation counts 40 member States, whilst the legislative Assemblies of five applicant States enjoy special guest status with the Parliamentary Assembly.<sup>2</sup> It is expected that in the coming years the Council will group all the European countries, thus becoming a truly pan-European organisation. Moreover, the United States and Canada have obtained observer status with the Council of Europe and Japan has applied for it.<sup>3</sup>

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<sup>2</sup> Belarus, Bosnia and Herzegovina, Armenia, Georgia and Azerbaijan.

<sup>3</sup> See Resolution (93) 26 of the Committee of Ministers which provides, *inter alia*, for the possibility of granting such status to "any State willing to accept the principles of democracy, the rule of law and the enjoyment of all persons within its jurisdiction of human rights and fundamental freedoms, and wishing to co-operate with the Council of Europe".

In the light of these developments and, given the Council's new role in securing democracy and human rights in central and eastern Europe, one may wonder why the Council of Europe could not play a similar role with regard to the Mediterranean area. Cooperation in the Mediterranean has, indeed, been a long-standing feature of the Council of Europe's activities. However, this cooperation has until now benefited mainly the Mediterranean member States.

We would have to go a long time back in history to trace the beginning of our activities on behalf of the Mediterranean countries. Let me cite as an example, the creation in 1962 – on the initiative of the Council of Europe and the OECD – of the International Centre for Advanced Mediterranean Agronomic Studies, the main purpose of which is to provide complementary training of technical and scientific staff in agriculture and development.

As far as the Parliamentary Assembly is concerned, it has focused much attention on environmental issues, proposing several actions designed to combat the degrading environmental situation. This has led, among other things, in 1975, to the *Treaty of Barcelona on the protection of the Mediterranean sea*, a UN initiative signed by almost all Mediterranean member States of the Council of Europe, to an information campaign of the “*Centre for Documentation and Information on the Environment and Nature*” between 1988 and 1991, and to the launching in 1991 of the “*Blue Europe*” programme on the elaboration of a pan-european policy on the management of water resources.<sup>4</sup>

The Parliamentary Assembly has organised four major Mediterranean conferences in cooperation with the Congress of Local and Regional Authorities of Europe. The first such Conference was held in Marseille in 1985 and adopted the Declaration of Marseille, focusing on the elaboration of several proposals for the resolution of environmental problems and the institutionalisation of the dialogue between the two shores of the Mediterranean.<sup>5</sup> The second, held in Malaga in 1987, led to a final declaration covering the questions of tourism, transport and communication in the Mediterranean basin and the means to reinforce interregional cooperation.<sup>6</sup> In 1993 the third Conference of Mediterranean regions

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<sup>4</sup> Document 6909 and Recommendation 1224 (1993), on “the protection and management of freshwater resources in Europe”, of the Parliamentary Assembly.

<sup>5</sup> Doc. 5463 and Recommendation 1015 (1985) on “protection of the Mediterranean environment” of the Parliamentary Assembly.

<sup>6</sup> Resolution 200 (1989) on “the 2nd Conference of Mediterranean Regions” of the Congress of Local and Regional Authorities of Europe.

was held in Taormina and the main subjects dealt with were the promotion of dialogue between the two Mediterranean shores, the cooperation in the field of democracy and human rights in order to guarantee the "Democratic security in the Mediterranean", as well as in the field of environment and immigration.<sup>7</sup> Finally, the fourth Conference was held in Cyprus in 1995 and focused on "sustainable development in the Mediterranean Basin: environment, demography and migrations", underlining for the member States of the Council of Europe, the importance of including North-South cooperation in their Mediterranean policy and of promoting by regional and local authorities and NGOs, of intercultural dialogue, tolerance and the integration of immigrants in their societies.<sup>8</sup> The fifth Conference is planned to be held in Languedoc-Roussillon, in 1997.

On the Intergovernmental side the Council of Europe and the Greek Ministry of Regional Planning organised a Seminar in Athens on 25 and 27 April 1996 on the subject of "The Challenges facing European Society with the Approach of the Year 2000: Strategies for the sustainable development of European States in the Mediterranean Basin" in preparation of the Conference of European Ministers responsible for regional planning to be held in 1997 in Cyprus.

The Council of Europe has also paid much attention to political, economic and immigration issues in the Mediterranean.

One major point of concern has been the conflict over Cyprus. Whereas a solution to this problem must be found under the aegis of the Secretary General of the United Nations, the Council of Europe has closely followed the situation, devoted much energy and time to reconcile efforts and to making constructive proposals for a solution.<sup>9</sup> The Assembly's Rapporteur, Lord Finsberg, recently visited Cyprus in preparation of new proposals, in support of the UN's Secretary General's proposals on a bi-communal structure, to be presented to the Parliamentary Assembly in January 1997.<sup>10</sup>

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7 Doc. 7153 and Recommendation 1249 (1994) on "co-operation in the Mediterranean basin" of the Parliamentary Assembly.

8 Recommendation 21 (1996) on "the 4th Conference on Mediterranean Regions" of the Congress of Local and Regional Authorities.

9 Recommendation 1259 (1995) and Resolution 1054 (1995) on "the situation in Cyprus - recent political developments" of the Parliamentary Assembly.

10 A preliminary draft outline report, Doc. AS/Pol (1996) 4, was made public on 4 September 1996.

The second major problem is the instability in the Middle-East over the Palestinian question. The Assembly has made great efforts to promote the peace process through visits and goodwill missions and by fostering contacts between the Israelis and the Palestinians.<sup>11</sup> This led, in 1993, to the adoption of Recommendation 1221 and Resolution 1013 on “the Peace Process in the Middle-East”.

As a result of this initiative, both Mr Yitzhak Rabin and Mr Yasser Arafat addressed our Assembly in 26 January and 13 April 1994 respectively. In 1995, the Assembly set up five *Task Forces* on economic reconstruction and development, youth and education, local democracy, democratic institution-building, and human rights, the judiciary and the penitentiary in order to prepare a major Assembly debate on the “situation in the Middle East: the Israeli-Palestinian peace process”.<sup>12</sup> In the meantime, the five Task Forces have held their first meetings with the participation of Israeli, Palestinian and European delegations.<sup>13</sup>

The third major challenge to Europe consists of creating a better cooperation with the countries of the Southern littoral of the Mediterranean. In this connection I would like to draw attention to the Assembly’s work in favour of a better intercultural and interreligious understanding, which led, inter alia, to the adoption of Resolution 885 (1987) and Recommendations 1162 (1991) and 1202 (1993).<sup>14</sup>

Another good example of such cooperation is the Mediterranean conference on population, migration and development which was held on 15–17 October 1996 in Palma de Mallorca. It brought together

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<sup>11</sup> In 1956, the Parliamentary Assembly granted observer status to the Parliament of Israel. Moreover, Israel has recently been granted observer status to the Steering Committee of Cultural Cooperation and the Steering Committee for the Development of Sports and participates, together with other non-member States, in various intergovernmental activities.

<sup>12</sup> This Debate was scheduled to be held in the Parliamentary Assembly on 26 September 1996. However, in the light of the serious incidents that took place at that time in Gaza and the West Bank, the Assembly decided to refer the matter back to the Political Affairs Committee. On 7 November this Committee presented a report (doc. 7700) to the Standing Committee which, acting on behalf of the Parliamentary Assembly, adopted Resolution 1103 (1996), on “the situation in the Middle East: the Israeli-Palestinian peace process”.

<sup>13</sup> See Documents 7363, 7641, 7656, 7658 and 7660 of the Parliamentary Assembly.

<sup>14</sup> Resolution 885 (1987) on the “Jewish contribution to European culture”, Recommendation 1162 (1991) on “the contribution of the Islamic civilisation by European culture” and Recommendation 1202 (1993) on “religious tolerance”.

some 230 social scientists, members of Parliaments and representatives of local and regional authorities of both sides of the Mediterranean to discuss the demographic imbalances in this area, the root causes of migration and its future developments and the challenges and opportunities of the "Barcelona process" initiated at the Euro-Mediterranean conference of November 1995. The conference called, inter alia, for closer institutional links, better mutual understanding and permanent dialogue between the two shores of the Mediterranean, at governmental, local and regional levels as well as between civil societies at large.

In Vienna, at the Summit meeting of Heads of State and Governments of the Council of Europe member States, it was declared that *"the deepening of cooperation in order to take account of the new European situation should in no way divert us from our responsibilities regarding North-South interdependence and stability"*.

In this spirit, Europe has a responsibility towards the countries of the Southern littoral of the Mediterranean which are not eligible to join the Council of Europe or the European Union. The Committee of Ministers is fully aware both that the future of these nearby countries has a vital bearing on Europe's democratic security and stability and that it is essential to promote their political, economic, social and cultural development, in order to contribute to a greater respect for human rights. For these reasons, the Committee of Ministers decided, among other things, to set up a working party of Ambassadors in order to follow up the Parliamentary Assembly's Recommendation 1249 (1994) on "Cooperation in the Mediterranean basin". This group, which is chaired by Mr Buttigieg Scicluna, the Ambassador of Malta, has identified a number of areas where the development of the Council of Europe's relations with the Mediterranean countries seem potentially useful. The main areas are: the establishment of democratic institutions, the promotion of the rule of law and human rights, including minority rights and equality between women and men, migration, the fight against drug-trafficking and drug-use, action against racism and intolerance, as well as the environment and the common cultural heritage.

This contribution also identified a number of Council of Europe conventions and partial agreements open to accession by non-member countries and likely to be of interest for the purposes of Mediterranean cooperation. These concern culture, the environment and wildlife, and the legal field. Moreover it was proposed that Mediterranean non-member States could benefit from the participation in three partial agreements of the Council of Europe:

the “*Open Partial Agreement on the prevention of, protection against, and organisation of relief in major natural and technological disasters*”, the partial agreement on “*the European Centre for Global Interdependence and Solidarity*” – or more poignantly referred to as “the North-south Centre” of the Council of Europe<sup>15</sup> – and the partial agreement on “*the European Commission for Democracy through Law*”.

The “North-South Centre” could indeed become one of the focal points for Mediterranean cooperation. For this purpose, the Centre is setting up a *Transmed Programme* which includes a youth programme, cooperation between the media, an information system on Internet for the Mediterranean called *Medgate*, confidence-building measures in the Middle-East, cultural exchanges, and cooperation with organisations of local and regional authorities. In fact, the initiative for the Transmed activities was taken at the “International Symposium on Trans-Mediterranean Interdependence and Partnership”, organised by the North-South Centre in Rome in 1994.

The partial Agreement on the European Commission for Democracy through Law is open to Mediterranean non-member States of the Council of Europe. Non-European countries can have observer status. This Commission, also known as the Venice Commission, was established in 1990 pursuant to a Partial Agreement of the Council of Europe. It is a consultative body composed of independent experts in the fields of law and political science whose main tasks are the following:

- to help new central and eastern Europe democracies to set up new political and legal infrastructures;
- to reinforce existing democratic structures;
- to promote and strengthen principles and institutions which represent the bases of true democracy.

For the future I can see three major lines of action:

Firstly, the Parliamentary Assembly will continue to play an essential role in promoting cooperation and political dialogue in the

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<sup>15</sup> Cf Resolution (93) 51, confirming the continuation of the European Centre for Global Interdependence and Solidarity, adopted on 21 October 1993 by the Committee of Ministers. Information can be obtained from the North-South Centre, Avenida da Liberdade, 229-4.º, P-1250 Lisbon, Tel: (351.1).352.49.54, Fax: (351.1).352.49.66.

Mediterranean area. This concerns in particular the Eastern part of the Mediterranean and the Middle East. The Assembly will not accept the non-respect by any member State of the fundamental principles and values of the Council of Europe in respect of human rights, democracy and the rule of law. It will also seek to foster a dialogue with the non-member States on the Southern shore. In this respect, I refer to the recent participation of the President of the People's Assembly of Egypt in the Assembly when he underlined that:

“Europe as a shrine of democracy has on its shoulders double responsibility, one is internal, and the other is external toward its southern neighbours”.<sup>16</sup>

Secondly, the Council of Europe could contribute to the implementation of the Declaration, adopted by the Euro-Mediterranean Conference held in November 1995 in Barcelona, in specific fields of its competence such as culture, education, human rights, immigration, and the fight against intolerance, xenophobia and racism.

Thirdly, increased cooperation among the Mediterranean countries could be fostered within the North-South Centre.

Last but not least, Mediterranean non-member States could accede to Council of Europe Conventions. Out of the 163 Conventions opened for signature and ratification to date, many are open to non-member States, covering such fields as legal cooperation, health, education, culture, heritage, sport, and environment. The Mediterranean countries on the Southern shore have only sparingly made use of this possibility for cooperation within the framework of the Council of Europe.

It is clear that such existing or new forms of cooperation are contingent on the political will on all sides and on whether or not stability and peace can be maintained in the tumultuous parts of the Mediterranean.

In all events, the Council of Europe's contribution will have to be modest in financial terms but may be very significant in political terms. One cannot underestimate the vital role of the Council of Europe in maintaining and strengthening human rights, democracy and the rule of law in its member States and its effects on the

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<sup>16</sup> Parliamentary Assembly, 3rd part of 1995 session, 21st sitting, 28 June 1995 (official report).



Council's immediate neighbours. The need for improved forms of Euro-Mediterranean cooperation exist. The Council of Europe's efforts can only act as a catalyst. They will have an effect only if made in conjunction with the political will and development efforts of all the Mediterranean partners.

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