

### ***'The Council of Europe: Time for Reform'***

(Source: Matthias Bieri, The Council of Europe: Time for Reform, CSS Analysis in Security Policy No. 133, May 2013)

To mark the 50<sup>th</sup> anniversary of Switzerland's membership in the Council of Europe, analysts from the renowned Center for Security Studies (CSS) at the ETH Zurich undertook an analysis of the Council of Europe's reform efforts since 2010 and examined the benefit of Bern's membership in the Organisation.

The author stressed that more efficiency, more political relevance and more visibility have been the major aims of the reform process of the Council of Europe which began in 2010. The Council has tried to accomplish these aims largely by concentrating on its core business and better coordinating with other international organisations, especially the European Union. Major reform efforts became necessary after the Council's major transformation through the accession of the former Eastern bloc countries and a subsequent watering down of its standards. The European Court of Human Rights particularly needed reform since it had become a "victim of its own success" due to a rapidly increasing number of cases.

In a short overview of the Council's structure, it is emphasised that the fast enlargement of the Organisation over the last two decades (from 23 member states in 1989 to 47 in 2013) was a major challenge which put its institutional structure under stress. However, more critical aspects seem to be the lack of political will in the Committee of Ministers as the central decision-making body and the expected first real expenditure cut in the fiscal year 2014-2015. Whilst the Court is still regarded as the most visible entity and the European Convention on Human Rights as the Organisation's biggest achievement, the Court today still faces an excessively high number of cases and its credibility suffers from some states failing to implement its decisions. The problem of non-compliance also extends to monitoring - the Council's second major instrument - due to the lack of political power to enforce the implementation of recommendations.

The overall evaluation of the reform efforts since 2010 is however seen as positive, although the main challenge for the Organisation remains its efficiency in enforcing compliance by member states. For that purpose, the author recommends that the Council should try to maximise the credibility and political importance of its statements through a consolidation of existing instruments. This means first of all pushing for the ratification of existing agreements by more member states. Though its relationship with the European Union has improved lately, it is advised that the Council insists on its own prerogative in matters of human rights and that it underlines the attractiveness of its federalist model (in contrast to the EU). Finally, the author comes back to the political profile of the Organisation, which in his view can only be enhanced through the election of a political heavy-weight as the next Secretary General in 2014.

In the last section, Switzerland's role in the Council of Europe is critically assessed. It is highlighted that as a non-EU member Switzerland values the Council as a forum to discuss European matters on an equal footing and that Bern would sometimes like to discuss more matters in this framework. Switzerland also has a reputation of being a strong supporter of the Council's reform efforts (see the Interlaken Conference on the ECtHR reform). However, Bern is also frequently the target of criticism by the Council, e.g. on popular referenda or xenophobic tendencies, which gives rise to antagonism towards the Organisation in general.

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