

“Smart Power – Ways of Enhancing the Council of Europe’s Impact”

Advisory Report by the Think-Tank Task Force

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Executive Summary

Is the Council of Europe relevant for the European project and for European societies? It is clear that the Council of Europe, like many other international organisations, is continuously searching for its place in a very dynamic and challenging international order. Though it rests, with its convention system and the high profile European Court of Human Rights, on a firm basis, it also faces serious challenges arising from its own identity and role perception, its large and heterogeneous membership, its lack of enforcement capabilities, and from new political divisions and a conservative agenda-setting. If one takes into account the complicated relationship with the EU or the fact that the Council of Europe seems to be off the strategic agenda of many member states, the picture becomes even more worrying. Yet, we would suggest that many of these challenges can be overcome, especially if the Organisation is able to show a firm commitment to its ongoing reform process and to reinforcing its strategic vision. The following key suggestions, drawn from the report, could provide a vantage point for such an approach:

- A) A “smart power” identity firmly based on the core values enshrined in the convention system should be developed. The Council of Europe could aim to exert leadership by example, persuasion and creative thinking and see its lack of hard power resources as an advantage rather than a source of weakness. A clear incentive system, such as a Council of Europe certificate for the fulfillment of the Copenhagen criteria, would also strengthen such an identity. The Council should use its wider membership as an asset and try more assertively take on a special role in European politics by engaging Russia, Turkey and other non-EU states. From a global perspective, the Organisation should aim to embody the European Identity in a much more straightforward way.
- B) The Council of Europe should become more political and pro-active by using the majority vote mechanism in the Committee of Ministers more frequently and by upgrading the Council’s role as a moderator and dialogue facilitator between states and societies. Such an approach would dispel perceptions of the Organisation as passive and bureaucratised. An outreach strategy towards new social movements and a more field-based image would also help to improve perceptions. The overriding goal for the Organisation should be to become Europe’s main “Democracy and Human Rights Watchdog”.
- C) In order to become more effective and credible in the eyes of its citizens, the Council of Europe should develop smart sanctions against non-compliers such as a “name and shame” scheme or public “black lists”. A new “demand and support” culture could ensure the success of the Organisation’s work in democracy promotion. Furthermore, the Council of Europe’s main instruments of standard setting and monitoring could profit from an enhanced political follow-up through the Parliamentary Assembly of the Council of Europe (PACE), from more publicity via rankings and from the development of a digital instrument of strategic leadership. New instruments could take the form of politically binding agreements to ensure participation and a commitment to rules. Finally, a new balance between Eastern and Western members should be developed to avoid paralysis.
- D) The Council of Europe’s agenda-setting role, a key aspect of its future relevance, should be reshaped by introducing new attractive policies and instruments such as a “Charter of Political Trust” which would aim to re-generate trust in Europe’s politicians and parties. A further tool could be the definition of a new human rights concept (Human Rights 2.0) with a focus on post-growth societies,

immigration and digitalization. Additionally, the “World Forum for Democracy” could be used as a permanent structure for thinking about democratic innovation inside the Secretariat. An “NGO Support Charter” could be elaborated and the Organisation could aim to become a frontrunner in youth politics by developing relevant benchmarks and widening the Schools of Political Studies network.

- E) Internally, the major administrative entities could follow a more integrated policy cycle and a decentralized approach could give, for example, Congress and the INGO Conference a bigger role in agenda setting. The PACE should be given the right to monitor all Committee of Ministers activities and an Assembly vote of no-confidence on the chairmanship could be introduced. Ideally, the Secretariat should be reformed to make the Organisation younger, more creative and strategy-oriented. Working with the member states, the Council of Europe could build up a strong network of high-level rapporteurs and ‘ambassadors’ who would enhance visibility. The major organs should also invest more resources in operational activities and ensure a direct transfer of all financial resources from the member states to the Organisation.
- F) The Council of Europe could make itself more attractive to member states through frequent high-level consultations of state leaders with the Secretary General and by more participation of senior management at external events and conferences. An attractive agenda setting in intergovernmental committees and a more field-based image by investing in the external office structure could also reinforce the Organisation’s relevance in member states. Regarding the relationship with the EU, the Council of Europe could foster stronger bonds by reinforcing its neighborhood policy and by fostering stronger institutional links with the EU. In order to become a frontrunner in civil society cooperation the Council of Europe should complete the reform of the INGO Conference and invest in sustainable monitoring and implementation partnerships.

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1. Introduction: Major Challenges in an Ever More Dynamic Environment

The Council of Europe, an international organisation with 47 member states, is Europe's most important institution in the field of democracy, human rights and the rule of law. Its work is based on an extensive convention system with the European Convention on Human Rights at its very core. The European Court of Human Rights is the continent's last resort court in questions of human rights. The Council, based in Strasbourg and at the historic French-German border region of Alsace, is also a symbol of Europe's early post-war efforts to cooperate more closely on the basis of common values. Since the end of the Cold War the Organisation aims to build a Pan-European legal space integrating non-EU states such as Russia, Ukraine and the countries of the Balkans and the Southern Caucasus.

The ambitious mandate of the Council of Europe, transcending the international-domestic divide, and its wider European membership pose profound challenges and will do so in the years to come. This is all the more true since democracy and human rights do not seem to be as high on the agenda of many member states in a time of severe economic, social and political crisis in Europe. Especially worrying is the development of democracy and human rights in some of the Organisation's new post-Soviet member states, whose governments are questioning the core values of the Organisation. Here, the danger of a new value divide between Europe's West and East is threatening and alarming tendencies such as non-compliance with the Council of Europe's standards and relative ignorance by member states towards the Organisation are becoming more pronounced. For the Council, this combination of high ambitions and expectations on the one hand, but also difficult political circumstances on the other, is endangering its effectiveness and relevance.

Recent developments, especially in Ukraine, but also in Moldova and Georgia, demonstrate that a lasting new East-West value divide is not a pre-determined outcome. In November 2013, when people in Ukraine protested in their hundreds of thousands for a European future for the country, it became clear to a wider European public that societies are moving forward dynamically and that the European project and European values are not losing their attraction. Thus if the Council of Europe can provide a convincing analysis of current events and a courageous description of its own role, it would be able to make a real difference to European politics by institutionally connecting the continent's East and West on the basis of common values – a purpose no other international organisation is yet living up to.

The report is structured along seven major questions, which will be essential for the Council's long term future. Although they are answered in an equal amount of chapters in order to ensure clarity and readability, the report covers three overall subjects: The first two chapters (2 and 3) reflect in a more general way about the Organisation's purpose, method and self-image, thereby establishing an orientation or main argument for the more detailed parts of the document. Chapters 4 and 5 form the core of the paper and are designed to formulate new ideas, instruments and policy approaches by openly taking on critical aspects of the Council of Europe's current work such as credibility, efficiency and agenda-setting. Chapters 6 and 7 concentrate on the internal and external dimensions of the Organisation, they address internal structural and communication problems as well as underdeveloped external partnerships, and suggest ways to make the Council a frontrunner among international

organisations. Finally, a short chapter at the end attempts to integrate the recommendations and formulate a long-term vision.

The Major Questions

It is generally recognised that in an ever more competitive and multipolar world, international organizations are, like any other actor, forced to reconsider their mandate, membership and resources in order to stay relevant and legitimate. At the Council of Europe, reform efforts in this direction began in the early 2000s and were summarised in the Juncker-report of 2006. Since that time however, and notwithstanding the efforts of the current Secretary General Thorbjørn Jagland (since 2009), reform of the Council of Europe remains an ongoing process and many main recommendations of this report have not been implemented. The following questions are relevant for finding a more innovative future strategy for the Council of Europe:

1. Concerning its mandate, the Council's aim is a Pan-European legal space and it concentrates primarily on the protection of human rights, democracy and the rule of law. Is this attractive enough for the member states in order to rely on the Organisation when it comes to the defense and support for basic values? What are the unique comparative advantages of the Council of Europe? Notwithstanding the broad mandate, is there a certain issue area in current European politics where the Organisation should step in and play a more distinctive role?
2. Over decades, the Council of Europe has built up a certain self-image, which largely rests upon the conventions system and the long-term nature of its approach and instruments in protecting human rights and democracy. Thus, the Council is mostly regarded as a legal entity with the Court as its core institution. To what degree is this image outdated and even harmful to the Council's impact and visibility? Should the Organisation try to refocus its identity and how can a more attractive image be constructed?
3. Effectiveness is a critical issue for all international organisations, especially for those with a large membership but limited resources. In the Council of Europe's case, due to its value-based mandate, effectiveness is also strongly connected to credibility. If Strasbourg is not able to have an impact on critical human rights issues in Western Europe, how can it be expected to convince semi-democratic Eastern European governments to comply with its standards? Therefore, what can the Council of Europe do in order to enhance its effectiveness, to enforce the implementation of its recommendations and the Court's rulings by member states?
4. As part of its reform efforts, the Council of Europe has streamlined its activities and concentrated on the "triad" of democracy, human rights and the rule of law. This portfolio may still be too broad and the Organisation needs to define its priorities and find the right balance between traditional focus areas and new, innovative policies. What are the new policy fields the Council should invest in? The same question can be posed regarding the instruments: in a time where new conventions seem unlikely and when monitoring may be perceived as reaching

overkill, are there new formats or intelligent ways of ensuring that the Council of Europe's standard setting has a bigger impact?

5. The Council of Europe shares many problems with other international organisations: an unwieldy decision making procedure with a multitude of actors involved, over-bureaucratisation, shrinking resources and a lack of democratic accountability and legitimacy. What organisational measures could be introduced to modernize and even democratize the Council, to make it a more open and vibrant institution? In what ways could the communication strategy of the Council of the Europe, which would benefit from becoming a top priority considering the Organisation's low public recognition, be improved?
6. In a period of considerably more competition and dynamic in world politics, any international organisation is forced to reconsider its environment and relationships. This first of all concerns the member states, for which the Organisation has to offer an added value. In the future, the "embeddedness" of an institution, meaning its fruitful and sustained cooperation with other actors, will be decisive for questions of relevance and legitimacy. Are there ways for the Council of Europe to enhance its partnerships with other International Organisations? How should civil society be integrated and properly engaged? Is the Council close enough to citizens, is its field work effective?
7. Finally, what should the Council look like in twenty years from now? Can we extrapolate a vision for the Organisation from the answers found to the above questions? What will the Council of Europe's place in Europe's institutional architecture be and what are the major political steps and decisions it has to take in order to get there?

2. The Council of Europe's Mandate: Exercising "Smart Power"

A mandate usually defines the specific field of action, but it also identifies the limits of an international organisation's activity. Yet, over time many organisations develop its own specific profile due to their distinctive leadership, political circumstances or institutional culture, which often no longer corresponds with the original aims of the organisation. Therefore, it makes sense to reflect on the mandate from time to time in order to re-focus, streamline activities and define the borders vis-à-vis other actors.

The Council of Europe's mandate *"(...) 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."* This aim shall be reached *"(...) 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."*

With that very broad mission statement, the Council sets itself apart from other international organisations, which mostly have a clearly defined purpose such as military alliances or environmental organisations. Two additional aspects are also obvious: first, that the Council of Europe was, already by its founders, mainly intended to enshrine and protect common European values; and second, that the Organisation should play not only a protective and thus largely reactive role, but that it should become pro-active in strengthening and developing the value base.

Stick to Values at the Core

Considering the mandate and its priorities, it may be that the Council of Europe could do more in order to fulfil its mission and thereby enhance its impact. First of all, the Council should remind itself of the simple fact that it is the only European organisation which was specifically founded in order to protect common values, derived from basic human rights, of all citizens. This very normative mission sets it apart from other European institutions such as the EU and the OSCE, who are, with their concentration on economic or security issues, not equally well suited for the promotion of a value-based agenda. Yet, in order to play this role, the Council should formulate its political strategies, decisions and communications in strict accordance with the principles enshrined in the conventions.

The conventions, most importantly the European Convention on Human Rights, should be seen as the core asset of the Council of Europe's work, providing it with moral and legal legitimacy. Thus, if freedom of assembly and association or freedom of speech is endangered in one of its member states, a firm response from the Council of Europe must follow. These cases need to be publicised widely and precisely as a violation of basic principles that all members have signed up to. Even if the Council is hardly able to sanction non-compliers, it should be more convincing when communicating human rights abuses to the political audience and it could even encourage other international organisations (especially the EU) or member states to introduce sanctions. By compromising on the basic values the Organisation stands for, for example when criticism of non-compliant members is deliberately refrained from or when a country is offered credentials notwithstanding a poor human rights record, the Council of Europe risks losing its special place in European politics and sliding into irrelevance.

Develop "Smart Power"

The Council should make use of its special mission and look at its capabilities from a "smart" or "soft power" perspective. The fact that the Organisation does not possess any military, economic or hard power resources to enforce compliance with its standards does not mean that it lacks all weight and influence. Rather, the Council should start to re-appreciate its resources and the very method of the Organisation. In a time of ever more complex, globalised and knowledge-based societies, the expertise of the Council of Europe, for example in providing assistance for democratic institution-building and lawmaking with the help of the Venice Commission, and with the information collected and provided regularly by the Council's GRECO and GRETA monitoring bodies, becomes an ever more important indirect source of power. Smart communication and political use of those "smart" resources might even be more compelling and thus influential than traditional, "hard power" instruments.

“Smart power” is however not easily developed, it largely rests on the ability of an Organisation to lead by example, persuasion and creative thinking, and it cannot be done without allies such as trusted politicians, likeminded member states, NGO’s and think tanks, that can reinforce and emphasize the message and its importance. As far as the Council’s role as a model is concerned, two aspects are of paramount importance: credibility and legitimacy. In order to enhance the Council of Europe’s profile, it should develop smart ways of responding to non-compliance and aim at being a frontrunner and not only a “copycat” in democratizing its own structure and in modernizing its relationship with the non-state sector. Regarding its method, the Council of Europe is already well equipped for a persuasive approach through its monitoring procedures, which emphasize close cooperation with the state concerned, and through methods such as “mutual evaluation” and “peer pressure”. However, today both standard setting and monitoring as the two central instruments of the Council’s work are suffering from a lack of inter-institutional cooperation, measurability and publicity. Moreover, a certain proliferation fatigue is recognisable in many member states, some of whom may not take the Council’s reports and recommendations seriously enough.

Why do different bodies of the Council such as Congress and PACE have their own monitoring procedures? It is to be feared that the sheer amount of reports produced by the Council’s entities cannot be politically communicated in order to exert public pressure on the respective state. New ways should be found to communicate the results of the monitoring missions to a wider public and the Council should not be afraid of comparing or even ranking its member states, and to do so on a regular basis with a consistent methodology. Additionally, the Council’s administrative entities should try to coordinate or even integrate the Organisation’s monitoring efforts. When it comes to creative thinking, the Council of Europe seems to not live up to earlier visions to develop into a kind of a “think tank”, although the requisite expertise of its staff in human rights and democracy matters means that it is well-qualified for such a role. Consideration should be given to the possibility of investing more resources in a separate analytical structure which would aim to develop a more strategic culture in the Council of Europe.

Finally, another crucial aspect for the Council’s ability to exert smart power would be the intelligent development, communication and use of incentives in relation to its member states. Although many potential EU members such as the Balkan states see the Council of Europe as a bridge to Brussels, the functional connection is less clear. For example, the Council of Europe could agree with the EU to be able to issue certificates to countries which are fulfilling the Copenhagen criteria. This would give the Organisation a much more clearly defined role in the democratisation process of those member states and would significantly raise its profile. Linked to this, the Council of Europe could concentrate more of its resources on the ground and in technical cooperation so that the added value of its instruments is felt more strongly by both member states and citizens.

Use the Wider Membership

Next to its value-based mandate, the Council of Europe's membership structure is another unique selling point of the Organisation and could be used in a more assertive way. The fact that Russia, Turkey, Ukraine, the South Caucasian and Balkan countries are active members in the Council of Europe does not only result in a wider perspective on European politics, it also highlights the role of the Council as one of the few multilateral platforms for a sustained and equal dialogue on fundamental rights between the "EU-Europe" and the countries of the former Soviet Union, the former Yugoslavia and Turkey. A key country here is certainly Ukraine, which epitomizes in the region the difficult struggle for democratisation and an adequate place in the European project. Ukraine's membership of the Council of Europe should provide an excellent tool to bind Kyiv closer to Europe, to strengthen the European orientation of its government and citizens, and thereby to set an example for the Council of Europe's wider European membership. Thus, the Council, providing an institutional link to Kyiv, Moscow and Ankara, could be one of the main instruments to be used in order to avoid new dividing lines on the continent. The same concept could be useful for states such as Norway and Switzerland, who are much older members but do not belong to the EU. In Strasbourg, mutual trust is created between ambassadors, PACE delegations and Secretariat staff from EU- and non-EU member states on a daily basis, providing an anchor and a basis for possible advanced wider European formats in the future.

Although it is true that the idea of Pan-Europeanism has soon lost some of its attractiveness after its heyday in the early 1990s, the dynamics of European and world politics have again profoundly changed in the last decade. Confronted with a multipolar world and new rising power centers such as China, India or Brazil, there is a growing understanding in Europe that even the EU is geostrategically too weak to compete. Considering the increased rivalry with Asian or American competitors, it seems that we have restricted too much our perspective on what is European. By embracing the integration of, for example, Russia and Turkey, we would not only gain competitiveness by adding two upcoming regional powers to the European project, but also accept the historic challenge to support their modernisation and democratisation processes. However, one of the obstacles to creating this form of wider Europe is precisely the issue of fundamental rights and rule of law in countries such as Russia and Ukraine. This again reinforces the potential role for the Council of Europe.

The Council of Europe could provide the ground for a wider European vision by consistently pushing for higher human rights and rule of law standards in all non-EU countries. It should also encourage high-ranking representatives from the EU and its member states to come to Strasbourg and engage in a more fruitful dialogue with, for example, Russian or Turkish officials during Committee of Ministers meetings or PACE part sessions. At the same time, the Council of Europe should be more proactive in communicating its often successful cooperation results with those states to the EU and other international forums. Additionally, the Council should increase its field work in non-EU countries and be more visible to their citizens.

A European Global Identity

The Council of Europe should also think of itself from a more global perspective and consider its long term meaning for the European project. We are currently living in a world order where different, sometimes quickly developing, value systems are competing with each other. It should be recognized that not only the rising powers such as China or India represent very different normative approaches, but also North Americans do not share all our convictions in the spheres of human rights and democracy. These different value systems are not only competing for general supremacy and attractiveness to people, they are also competing for states and regions which have not yet made a clear choice with which normative order they want to belong (regarding Europe, Russia is the best example here).

The Council of Europe has a twofold role to play here. First, what institution could be better placed to embody the European normative *acquis* with its unique mix of human dignity, liberalism and social values? Thus, the Council should aim to institutionally represent and promote a European Global Identity and thereby try to strengthen the commitment of states and citizens to it. This especially applies to places where this identity is still weakly developed and where additional resources should be invested. Here, the smart formulation and communication of common standards, also to the outside, plays a key role. Second, the Council should also try to engage in a dialogue with institutions representative of the normative orders of other world regions. Differences do not mean zero-sum-games but are instead a call for an exchange of views, learning and possible approximation. The human rights dialogue started by the Council of Europe with Harvard University in the US provides a good example.

3. The Image of the Organisation: Proactive, Political and Visionary

It is one of the main problems of the Council of Europe that it is sometimes only recognized through the work of the European Court of Human Rights (or hardly known at all) and has thus developed a rather reactive, legal image. Yet, whereas the Court needs an application to issue a verdict and consequently have an impact, democracy and human rights have to be supported actively in order to be protected and flourish. The Council will simply not be able to support its own vision of democracy if it does not make an effort to define the term and its meaning for 21st century Europe. What do multicultural and ageing societies and a post-growth economy mean for political pluralism and respect for human rights? The Council should aim at being Europe's major trend and agenda setting institution in terms of democracy and human rights. In this context, the Organisation should think about itself as a place where essential future questions of our societies, such as globalisation, demographic challenges and intercultural dialogue, can be discussed and where new and innovative answers to them could be found.

Concerning the Council of Europe's self-image, it could perceive of itself more as a political actor and an institution, where opinion formation takes place and where relevant decisions for the future of the

continent are taken. Currently, the Organisation is too bureaucratised and suffers from its image of a “paper tiger”, where major questions of democracy and human rights in Europe are either not discussed at all or where decisions such as resolutions bear no political weight. Possible reasons for the Council’s non-political image could be an exaggerated culture of consensus, a limited role perception and finally, the low level of engagement of EU member states. Thinking in terms of alliance-building, it would be important to identify Council of Europe member states that traditionally care most for the Council of Europe’s core values and use them as spearheads in promoting the necessary debate.

Since this aspect is directly related to the Organisation’s relevance, it should be taken very seriously. Ideally, the Committee of Ministers, as well as all other Council of Europe organs, should not fear a lack of consensus but should use all opportunities, such as the 2/3 majority vote in the Committee of Ministers, to push through difficult decisions. Multilateralism in the end is about effectiveness too and not about the lowest possible denominator. The Organisation should consider reviewing its mandate to widen its role to include a capacity to function as a moderator and as a political contract facilitator between states and societies (for example in the case of Turkey’s “Occupygazi” movement and Ukraine’s “Evromaidan”). The Council could reach out to local social movements in its member states in a way that no other body is currently doing. This could give it real legitimacy in rebuilding rights protection after the crisis. However, this would require a much more local presence and sensitivity than exists currently. These recommendations, together with an attractive agenda setting, could also make the Council more relevant again for the influential EU member states.

The Council of Europe would benefit from a clear vision to steer its activities and from a “brand” or “corporate identity” through which it would be recognisable to the European audience. An effective way to achieve this could be to develop a European “Democracy Watchdog” strategy which would define, protect and support common values on a Pan-European scale. In contrast to the EU, which, with its focus on economics and other material matters, is constantly risking to get caught in contradictions, the Council is well suited for such an ambitious task. This strategy would require three aspects: First, “focus”: the Organisation should concentrate on the main substantive challenges and debates democracy faces and look at how human rights can be upheld in an era of varying types of democracy in Europe. Second, a “pro-active and intellectual” approach: the watchdog would not only watch and protect, but analyse and operationalize. Third, the “outreach” dimension: the Council of Europe is currently perceived to be a Strasbourg-based institution and many people and smaller organisations on the ground do not know about its activities. In order to change that, the Council should invest in a more field-based image and be present at relevant events in member states.

4. New Ways to Ensure Compliance, Credibility and Efficiency

For the Council of Europe the question of credibility is of utmost importance. If the Organisation wants to be perceived as Europe’s major human rights and democracy watchdog, it must ensure that the

values it represents are also shared and acted upon by its member states. This would imply that the Council of Europe can ensure the implementation of the Court's rulings and that the member states implement the recommendations of the regular monitoring missions of the Council's various bodies. Compliance with rulings and recommendations is thus directly related to credibility.

The Council of Europe may further lose its credibility since some, mostly East European member states, are not implementing many of the Court's judgments at all or are just paying the compensation, whilst many West European member states have developed a "pick and choose" approach when it comes to the implementation of recommendations following monitoring missions. It would seem that Belarusian activists have become demotivated to fight for Council of Europe membership, pointing towards the Organisation's bad record in, for example, protecting the rights of Azeri civic rights defenders. Furthermore, it is even more demoralizing when old Western democracies such as the UK are frequently questioning the authority of the Strasbourg Court.

To address these issues, the Council of Europe should consider the adoption of a "smart sanctions" approach providing it with more leverage vis-à-vis non-compliant member states. It should also be more courageous in demanding improvements in the more sensitive human rights and democracy sectors. A new culture of "demand and support" would be necessary in order to ensure effectiveness. Standard setting and monitoring, the two major instruments of the Council of Europe, should be enhanced in all their dimensions (politically, procedurally and public relation wise) in order to have a bigger impact. Furthermore, the Council of Europe should develop a more balanced approach between its East European and West European members in order not to provide non-compliant member states with an alibi. If these recommendations are thoroughly implemented, the vision of the convention system slowly becoming a European human rights and democracy "gold standard" (and not just a loose collection of voluntarily adhered to values) could become a reality.

Develop "Smart Sanctions"

The Council of Europe's credibility and mission fulfilment cannot be ensured in the long run by a self-assigned "positive" or "soft power" image only. Rather, they depend on effective instruments taking into account the changing political environment. It should be noted that, during the last decade, a profound geopolitical power shift took place on the European continent, rendering the dominance of the "EU-Europe" much more relative, with Russia, Turkey and smaller countries such as Azerbaijan gaining in profile. Generally, this power shift and the persistence of autocratic or semi-autocratic regime types have led to a new culture of "non-compliance" in many, especially younger member states. At the same time, some older member states, be it due to a sense of superiority or recurring nationalist sentiments, are also more frequently ignoring or arguing with judgments and recommendations. With this in mind, the four following suggestions could be considered as a starting point for a necessary enforcement strategy for the Council of Europe:

The most obvious way to enhance the Council's ability to enforce compliance would be a better use of its existing instruments. Suspension of membership rights, the denial of credentials of PACE-delegations and even inter-state complaints should be used more frequently, especially since majority decisions are

possible in PACE and the Committee of Ministers. This would require first of all better coordination between the different internal entities. In particular, the Committee of Ministers as the most powerful entity is not seen as proactive enough. Furthermore, a concrete list of violations and their respective sanctions should be established in order to enhance transparency.

A second proposal concerns a more assertive use of monitoring instruments and the application of smart sanctions. For example, sanctions could be listed already in the monitoring reports and monitoring missions could be sent to problematic countries much more often. To do this, it is essential to change the monitoring philosophy from the simple reporting of deficiencies towards a sustained pushing for reforms. Another way of exerting pressure could be the adoption of mild sanctions with the help of already existing instruments. For example, a majority in the Committee of Ministers could decide to postpone the chairmanship of a problematic member state or its representatives could be denied important positions in the Organisation.

A third opportunity to enforce compliance is inter-institutional cooperation. Here, the Council of Europe and the EU should find a coordinated way to complement each other in a joint enforcement strategy. The advantage for the Council of Europe is the EU's ability to apply an arsenal of material and political sanctions. At the same time, the EU could benefit from the Council of Europe's sustained and experienced monitoring mechanisms in order to detect violations and react faster and in a more targeted way. For example, it is now widely acknowledged that the European Commission could have partly prevented Greece's economic disaster if it would have paid more attention to GRECO's reports on the country's corruption levels. The Council should convince the EU of its own capacities and try to prevent the development of a new, own monitoring mechanism by the EU. An efficient cooperation in enforcement measures with the OSCE should also be put in place to avoid any double standards and thus loopholes in both Organisations' strategies towards non-compliers.

Finally, new instruments could be developed. One possible suggestion could be a new "shame and blame" scheme ensuring that non-compliant behaviour would be more exposed to public criticism by the Council of Europe's major entities and other institutions. For example, "black lists" with the names of politicians, judges etc. responsible for human rights violations could be made public by the Organisation. Generally, most non-compliers do fear damage to their public international image. "Smart sanctions" directed at a state's image, such as Council of Europe-organised boycotts of political and other events in the respective country, could therefore also be an effective tool.

Support and Demand

The Council of Europe is recognized, especially in its newer member states, as playing an indispensable role as a provider of tools of good governance through its technical assistance programmes. From the help of the Venice Commission to establish democratic and viable constitutions to capacity building measures in the local democracy or anti-corruption sphere, the Council of Europe has been and remains a major supporter of successful state building and democratic transformation processes in Eastern Europe. Yet, it is also true that the Organisation took in the states of Central and Eastern Europe in a

very fast manner during the 1990s and the early 2000s, at a time when no one could predict the outcome of the transformation processes in Russia, Ukraine etc.

As it turned out, the Council, with the early integration of those states, handed out a “card blanche” to some states which are nowadays sometimes only façade democracies. Thus, the Organisation today lends a certain form of legitimacy to semi-democracies or even autocracies, which use the brand of Council of Europe membership to raise their international profile. Moreover, it seems that this lax and one-sided approach of the Council is still in place and that the Organisation is not using the value of its support as an asset to demand something in return. Such an approach would be necessary in order to have a lasting effect on the democratisation of those countries and to stay credible in the eyes of others.

The Council of Europe could adopt a more assertive policy especially towards its newer member states which, despite the early reward of membership, are still undergoing transformation processes. For example, if a country such as Ukraine wants to profit from the expertise of the Council in more technical fields such as social cohesion policy in order to modernize its related institutions, the Organisation should demand in return a major step forward in a more politically sensitive area such as the revision of the electoral code. The demands of the Council should be directed especially at the justice sector, since an independent judiciary is the best guarantor of the successful pluralisation of a political system. In general, such a support and demand scheme should aim for the adoption of laws through which at some time a certain “point of no return” from autocratic government is ensured.

Enhanced Standard Setting and Monitoring

Standard setting and monitoring are the Council’s two major instruments with which it is trying to improve member states’ performance in the fields of human rights, democracy and the rule of law, eventually leading to a Pan-European legal space. In general, the sheer amount of conventions and agreements (212 as of now) and respective monitoring procedures is impressive and provides the Organisation with a strong legal and also technical basis to act. However, quantity does not necessarily equal quality and there are many problems connected with the Council of Europe’s instrumental base. Three problems stand out: first, notwithstanding the fact that many agreements are signed only by few member states, it is easy to lose oversight of the vast convention and agreements system. The result is that although many standards are hardly known to a wider public, they put a lot of stress on a relatively small institution, which is simply unable to issue reports and monitor compliance regularly in so many different policy fields for 47 member states. Second, the impact of many instruments is limited since some instruments are too strong (making states refrain from joining) or too weak (resulting in non-binding recommendations only). Finally, there seem to be no consensus for new instruments such as a proposed Democracy Charter, which would be very useful in keeping the Organisation relevant.

As far as the monitoring is concerned, although high quality reports and recommendations are produced, it would seem that, with a few exceptions, they are lost among a mass of documents produced and thus do not exert real pressure on the respective member state to ensure implementation. Furthermore, many of the Council’s bodies such as the PACE, the Committee of Ministers and the Commissioner of Human Rights have their own monitoring procedures which runs the

risk of duplication. In this context, many member states have developed a “pick and choose” mentality when it comes to the recommendations of the Council’s monitoring missions.

To address these concerns, the Organisation should concentrate the core of its work on the most important articles of the ECHR whilst also developing ideas for the mid-term realization of new instruments in upcoming fields such as the whistleblower protection initiative (for other suggestions see next chapter). If new instruments are adopted in the future, they should take the form of politically binding agreements filling the gap between a strong convention and a non-binding recommendation. Thus, a reasonable number of member states would be expected to feel bound by an instrument while a sufficient level of commitment to the respective rules is ensured. An example for that could be a Code of Conduct concerning privacy and the internet.

The PACE should have the resources to report and discuss the most outstanding violations of human rights and democracy such as the Magnitskij-case (2013 report) and should not occupy itself with low key issues in less strategically-relevant areas. The Assembly would also benefit from greater support from the Secretary General and the Committee of Ministers, who should be required to act upon requests by the PACE commissions to send rapporteurs or to follow up on an existing report. Important reports have not resulted in any action by the Committee of Ministers, which may constitute a waste of the best capital of the Organisation.

In order to avoid overlaps and make use of synergy effects, the efforts of the different monitoring bodies could be better coordinated. This could be achieved through integration of individual country reports or by facilitating the exchange of monitoring experiences, for example between the Congress and the Parliamentary Assembly. Such an exchange could, for instance, take the form of a conference on a country specific monitoring which would bring together elected members, secretariat staff of the monitoring commission of both bodies, as well as external experts. Furthermore, public awareness and communication are essential for putting pressure on member states to implement recommendations. This would inevitably mean more focus, more generalisation and provocation in making monitoring results and recommendations public. Therefore, the Council should not refrain from country rankings or indices and should deliberately encourage reactions. Furthermore, the monitoring results could be presented on an annual basis together with other institutions such as the EU or the OSCE in order to have more media coverage.

It would appear to be the case that existing instruments and mechanisms are not used and organised by the Council in a strategic manner and that the Organisation itself has a fragmented policy approach. It should try to collect the data of all monitoring and programme activities for each of its three policy pillars in integrated data bases, where one could at any time assess the record of a certain country over time and thus detect where the Council of Europe should be more active and where its resources are currently ineffective. Such an instrument could develop into a tool for strategic leadership. The Secretary General’s planned annual report on the performance of countries in the three pillars could be a first step towards such an instrument.

A Balance between East and West

One of the major historic developments in the relationship between the Council and its member states has been the integration of the states of Central, Southeast and Eastern Europe following the fall of the Iron Curtain. Even today, the Council of Europe is the only exclusively European organisation which provides an institutional link to the post-Soviet countries. Yet, the historical difference of human rights and democracy standards between the “old” and “new” members of the Council and the understandable priority the Organisation has placed on the region, has over time led to a certain asymmetry in the perception of Eastern and Western state’s shortcomings in the Council of Europe’s policy fields. Notwithstanding the many remaining challenges in some of the “new” Eastern member states, it seems that the perceived historic dimension of the East’s transformation has led the Council of Europe and many Western member states first to the adoption of a kind of “teachers attitude” towards the new members and, second, towards a certain tolerance or blindness in regard to democracy and human rights problems in the West.

As a consequence, today, many ‘old’ European democracies and Council member states such as the UK, France or Germany are implicitly pointing to the perceived grave problems in the East whilst they are themselves criticized by the Council’s monitoring bodies. Thus, they have often adopted a certain “look there, why do you dare to spend your time on us” attitude, resulting in a more and more relaxed and sometimes even hostile reaction towards the Organisation’s critique and recommendations. This is all the more worrying since many Western member states’ human rights and democracy records have been steadily deteriorating over time, with some states performing hardly better in some policy fields than their Eastern counterparts. Moreover, the perceived asymmetry has also led to a specific approach by the Eastern members, who are deeply annoyed by the tutelage of the West, especially because many of them have gained some level of stability, economic success and thus renewed pride. When criticized by the Council of Europe’s monitoring bodies they thus now frequently point to the equally big problems and cases of non-compliance in the “developed” West in order to deflect any critique.

This imbalance between the Council of Europe’s Western and Eastern members is a hindrance to its credibility and a source of inefficiency. If this problem is not seriously addressed, the Organisation will at some point resemble the OSCE, which is currently paralyzed by a resurgent Russia and other post-Soviet states. In order to avoid this scenario and aim for a more balanced approach, the Council should firstly adopt a tougher approach towards non-compliant Western countries such as the UK (cases of voting rights for prisoners etc.), whose lack of knowledge about the Organisation and its sometimes openly hostile attitude - especially towards Court judgments - has already caused great harm to the Organisation’s image and reputation. In such cases, the Council of Europe should enroll all its partners (Council of Europe friendly politicians, human rights NGOs etc.) in the respective member state on board to trigger a national debate and thereby exert pressure on the government in question. Finally, the Organisation should also be more forthright in praising Eastern European member states for major achievements such as a modernisation of their social rights systems.

5. The Council of Europe as an Innovative Agenda-Setter: New Policies and Instruments

It is obvious that the Council of Europe, as a result of its limited resources, must focus on strategic issues and on several key policy fields it wants to invest in. Therefore, it must focus on the so called “triad” and the Organisation’s three pillars: human rights, democracy and the rule of law. However, beneath that level the Council should think more seriously about its objectives and its place in European politics. Given the Council of Europe’s challenging environment, it is of utmost importance that the Organisation constantly opens itself up to new issues, takes on the most important debates and rethinks its role perception in the three major fields of activity. Here, there is a number of new issues, instruments and roles the Secretary General and the Committee of Ministers could contemplate on in order to render the Organisation’s work even more relevant to European societies.

Become a Trust Generator

One of the most serious results of Europe’s prolonged crisis is the low level of trust people place in politicians and democratic institutions in general. Especially parties and parliaments, the cornerstones of representative democracy, are rated at the bottom of trust surveys. Over time, this tendency is discouraging people from voting, from standing for office and young people from getting politically active at all. Trust therefore is an essential prerequisite for a vital democracy, whilst its absence is on the contrary emptying the concept and breaking the bonds between the people and the institutions. The Council of Europe could, via its monitoring mechanisms, especially its work on corruption, the independence of the judiciary and good governance act as a “trust generator”, whose primary task would be to continuously scrutinize the work of governments and provide an honest assessment of their work.

How could the Council achieve being identified as a trust generator and as an advocate of good governance? First, the Secretary General must ensure by means of effective monitoring mechanisms that malpractice of politicians and governments such as corruption scandals, the misuse of administrative resources or the disregard for constitutional prerogatives are reported in an open and un-edited manner. Second, the PACE, notwithstanding its time and resource limitations, should insist on discussing and on voting on resolutions that concern the most outstanding cases and in that way provide for public condemnation. Third, the Committee of Ministers should ensure that the government responsible ensures the improvement of the situation by an efficient follow-up process. A second dimension concerns standard-setting: here, the Organisation could establish benchmarks for the appropriate conduct of politicians and government officials such as a “Charter of Political Trust” in order to define a common standard. Finally, the significant role of political parties and parliaments should be highlighted by frequent Council of Europe campaigns.

Human Rights 2.0

The Council of Europe is primarily perceived by a larger public as a human rights protection organisation and it is indeed still the European Convention for the Protection of Human Rights and Fundamental

Freedoms (ECHR) and the European Court of Human Rights which makes the Council of Europe unique in many ways. However, human rights are not very high on the agenda of European politics nowadays, which might be due to the fact that a particularly high standard of human rights has been taken for granted for too long by politicians and societies on the Continent. This positive picture, however, hardly holds if we take a closer look at the manifold human rights related problems European citizens are facing, such as the misuse of individual's data and hate speech on the internet, the restriction of individual freedoms of migrants or inter-communal problems arising from environmental pollution etc. The truth is simply that life in the post-industrial, digital age has become ever more complex and so has the concept of human rights.

The Council of Europe, with its expertise in all human rights related fields and its standard setting experience, is extraordinarily well placed to be on top of analysis, debate and policy making of those new human rights problems. In fact, the Organisation should try to define and thereby appropriate the term "Human Rights 2.0" and strive to take public discussion beyond the usual, more traditional perception of the subject. This would for example mean that the Organisation adjusts its existing instruments such as the Convention for the Protection of Individuals to the digital age e.g. with regard to the processing of personal data on the Web. It would also entail that the Organisation occupies itself with the ever more pressing question of how different human rights contradict each other in our modern and ever more multicultural societies (such as religious freedom and the freedom of expression) and how they can be reconciled. Practically, this would demand that the Council perceives itself much more as a form of think tank in the future, where essential future questions on human rights are discussed and possible policies and benchmarks are prepared. In the long-run the Organisation could also aim at organizing regular "European Human Rights Summits" in a form similar to the World Climate Conference. Finally, this assertive self-attribution with a new human rights concept by the Council of Europe could help to bring human rights back into the focus of European politics and vice versa enhance the relevance of the Organisation.

Develop an NGO-Support Charter

International organisations are currently under considerable pressure when it comes to the cooperation with civil society actors. This is not only due to the fact of the national and international non-governmental sector getting ever more diverse and influential, but also due to the many obstacles international organisations face in their work with governments, in particular if these are only half-heartedly supporting or even rejecting the aims of an intergovernmental body. Therefore, an increased cooperation and integration of civil society organisations (see below) in international organisations' work is now common sense. Yet, in some of the Council's member states such as Russia (see the "Foreign Agents" law passed in 2012) or Azerbaijan, NGOs have come under considerable governmental pressure recently and are thus struggling to survive. In many other countries the NGO sector is also weakened by very state-centered cultures and the economic crisis is depriving many organisations of the necessary funds.

The Council of Europe, as a democracy-protection and standard-setting organisation, should not only aim at being a frontrunner in civil society co-operation, but to also conceive some instrument to support the work of non-governmental organisations. This applies not only to the extraordinarily endangered group of human rights defenders, but also to INGO's and NGO's operating in other policy fields. Not only is their work indispensable to the building of functioning democratic systems that the Council tries to support, especially in Eastern Europe, but their state of affairs is also an indicator on how serious governments are about human rights such as the freedom of expression, freedom of assembly etc. In the light of recent developments, e. g. in Russia, the Council of Europe should make its position clear and develop an instrument such as a charter where clear benchmarks for the treatment of NGO's are laid out and a monitoring procedure is outlined, eventually leading to more awareness and support for those organisations and the people working for them.

A Place for Democratic Innovation

The Council of Europe should play a more pro-active role in the strategic future of democracy, which is one of the issues that the Organisation should address more seriously and systematically. Two basic debates should be profoundly addressed here in order for the Council of Europe to be on top of the matter. First, the Council, with its unrivalled experience and legitimacy in the field of standard-setting for human rights and constitutional design, is the right place to host and pursue the most challenging debates pertaining to democracy such as those on the "varieties of democracy". Thus, in a time when different countries around the world are exploring democracy and develop new forms of democracy, the "Western liberal model" seems to be only one viable alternative among others. Here, the ultimate challenge from a human rights perspective is to combine a core set of universal rights with institutional variation in democratic representation. The Council of Europe's baseline work on standard-setting would enable it to lead a strategic assessment of this highly topical policy question.

Second, the phenomenon of "hybrid regimes" is one of special relevance for the Council of Europe since several types of that polity today exist among the Organisation's member states - especially in Eastern Europe. The Council of Europe's philosophy has always been to provide a "school for democracy" under which these countries would gradually deepen their commitment to democratic consolidation. However, this assumption of incremental democratic improvement is more questionable today because many of the respective states appear to be permanently stuck between "autocracy" and "democracy". Hence, from the Organisation's perspective, working from bottom-up by setting legal standards has not in many cases generated much political momentum for achieving democratization. The Organisation should therefore aim at a better analysis of why this form of democracy support has not worked as foreseen, what could be done to address the growing challenge of "hybrid regimes" and how to get those "stuck" countries back on track towards democratization.

From a structural perspective, the Council of Europe, with the annual World Forum for Democracy, has already begun to establish itself as a place where innovative, forward-looking thinking on democracy takes place, although this one-event structure is hardly sufficient to obtain a real impact on this matter. The Organisation should rather perceive the World Forum as a kind of a brand under which different formats such as standing groups of experts working on specific questions or innovative web-based

projects experimenting, for example, with new voting mechanisms are assembled. The World Forum should thus aim at lasting results on an idea- and project-based level instead of only concentrating on bringing people together once a year.

Be More Active for the Youth

In a time of profound youth unemployment almost all over Europe it has become ever more obvious that one of the major long-term challenges of the Continent is a generational one. Young people between the ages of 16 and 35 are suffering from the crisis more than any other age group while they are at the same time under-represented in the political realm. Thus, they are increasingly losing trust in their political systems and are raised with a negative image of the European project. One does not need much imagination to forecast where this could lead to when this young generation comes of age and is able to influence political life. Therefore, the Council should focus its work much more on the younger generations and use the already available expertise on the topic, the structures of the Youth Department, and the European Youth Centres in a more strategic way.

The most important goals here should be an enhanced protection of the rights of the European youth in an increasingly difficult political and economic environment, to afford them a bigger and more audible voice in European politics and to raise awareness of their problems in general. In practice, this could be realized by setting benchmarks for more youth oriented policies such as the lowering of the voting age, a certain representation of young people in parliaments or a better integration of the education system into labour markets. Eventually, the Council could invent a so-called “Youth Stamp” to mark projects and policies which are specifically focused on the protection and support of the younger generations. Moreover, a charter of the rights of young people could be developed in order to raise awareness and create a reference point for young people to defend their legitimate interests.

An important part in the youth strategy of the Council of Europe should be reserved for the “Schools of Political Studies” (SPS) network for emerging democratic leaders, which currently consists of 19 schools in Central, Eastern and South Europe and North Africa. In many of the Council of Europe’s member states, the schools provide a form of refuge and shelter for the younger political generation where it is possible to learn and develop a democratic culture outside the boundaries often set by the older, more authoritarian political elite. Additionally, the network, by bringing together for example young Armenian and Azeri or Serb and Kosovar politicians, could be a bridge for stronger regional co-operation and even towards conflict reconciliation when this next generation comes to power. We do think that the SPS network should be perceived as a model of how the Council can reach out not only to the governments, but to young multipliers in the societies of its member states, of how it can fulfil its mandate by creating more room for political communication and of how it can spread its message into societies. Therefore, the Organisation should invest in building new Schools across its membership and especially in Western Europe, try to strengthen its fundraising efforts to increase the number of participants and finally further involve the alumni network of the schools in its current and future work in the member states.

6. The Council from the Inside: Rethinking Structures, Staff and Communication

The Council of Europe has a long tradition as an international organisation that dates back to the Treaty of London in 1949. However, it was not before the 1990s and the decision to open itself to the countries of Central and Eastern Europe that the Council of Europe and its different entities confronted a major structural challenge. Today, with 47 member states, it receives tens of thousands of applications to the Court each year - but only has a budget of around 240 Million Euros (2013) - the Council has indeed reached a certain impasse, which makes structural reform profoundly necessary. In fact, it has been stated in a 2006 Resolution of the PACE that: "If one wants to prevent the Council of Europe from institutional backwardness and from turning, to a certain extent, into a "fossil", far-reaching institutional reforms will be required." However, it does not appear that the structural reform efforts, also pushed forward by the Juncker Report of 2006, have yet led to the envisaged "institutional balance".

For a More Integrated Policy Cycle and Democratisation

The Council's institutional structure, despite all the reform efforts under the current Secretary General, Thorbjørn Jagland, still suffers from imbalances between the different entities, unclear statutory questions, a lack of transparency and coordination. The Court, for example, still plays a very much autonomous role whilst the comparatively strong prerogatives of the Committee of Ministers do make the Council of Europe a very top-heavy institution. Yet, at the same time, the Committee of Ministers does not seem to use its wide ranging prerogatives especially when it comes to major political statements. In general, in spite of most entities' location under "one roof", there are certain "glass walls" between the different entities, which sometimes act fully autonomously in what is supposed to be an efficient organisational set up for protecting and injecting life into the conventions. The Secretary General should pursue the structural reform process of the Organisation in a much more insistent manner and there should be two principles guiding all efforts: the realization of an effective integrated policy cycle and the democratization of the Council of Europe as an international organisation as such.

With its ambitious mandate calling on the Council of Europe to protect the conventions and to develop new standards, thus to slowly realize a pan-European legal space, it is of utmost importance to build an effective institutional structure and ensure a functioning policy cycle covering the usual dimensions of agenda-setting, policy formulation, decision-making, implementation and evaluation. This policy cycle must be brought in line with the complex three-pillar structure of governmental, parliamentary and judicial branches. On the basis of the ongoing discussions about the relationship of the Committee of Ministers and the Court concerning the execution of judgments or about the rights of the PACE to bring serious human rights violations before the Court, the Organisation is currently far from ensuring an efficient policy cycle. Therefore, the Secretary General should seriously consider further investing in a debate about the institutional structure along the following lines:

First, in the agenda-setting dimension, the Committee of Ministers should be obliged to listen not only to the PACE, but also to the Congress, the INGO Conference and the Commissioner for Human Rights on a regular basis. This would ensure the presentation of non-governmental as well as regional or

communal perspectives and could make the Committee of Minister's agenda much more comprehensive. Procedures should be made as transparent as possible to ensure that the Committee of Minister's agenda does not only reflect current political alliances and priorities of some member states. Second, the PACE should have a more audible voice in policy formulation and thus on the formulation of major political declarations by the Committee of Ministers, for example via a provision demanding the Committee of Ministers to present and discuss all major decisions before adoption in the Joint Committee. At this stage, the INGO conference or INGOs/ NGOs with special expertise on a subject should be able to take part in Committee of Ministers meetings and present their opinion. As for the implementation dimension, it is of utmost importance that the Committee of Ministers is obliged in the future to act both on the non-execution of Court judgments and certain types of PACE Resolutions resulting from the Assembly's monitoring efforts. Next to these policy-cycle oriented recommendations, the reform of the intergovernmental committee structure should be finalized by ensuring the representation of high-level participants such as ministers or state secretaries and a provision guaranteeing an instant Deputies follow-up on committee decisions.

A second principle for guiding the Council of Europe's structural reform efforts is democratization. This is a very timely task for international organisations as such, which are under immense pressure nowadays to legitimize their activity as political actors. This is even more urgent for the Council of Europe, as an organisation which is trying to act as a flagship for democracy and human rights. Therefore, the Organisation should aim at being a frontrunner among international organisations in democratizing its structure and make it less dependent on the member states only. This is all the more natural since international organisations are increasingly regarded as actors in their own right in an ever more complex global arena.

The centrepiece of the Council of Europe's democratization agenda should be the PACE, representing the parliamentary branch of the Organisation, which has until now enjoyed only very limited rights as compared to the Committee of Ministers. The PACE should have the right to fully monitor all activities of the Council (and therefore the Committee of Ministers) and be able in cases of serious controversies to hold a vote of no confidence on the CM Chairmanship. Moreover, the Parliamentary Assembly, for example, by way of a veto right, should be enabled to take part in the Committee of Minister's decision-making especially on major questions such as the setting up of new bodies or the integration of new members. In order to achieve a truly legislative function for the PACE, it should also act as an equal partner with the Committee of Ministers when conventions and other legal instruments are being adopted. Finally, the dual mandate of the parliamentarians should be made more use of since this lends a kind of enhanced legitimacy to the Assembly's members, who should be more assertive in demanding to be heard by their representatives in the Committee of Ministers. Yet, in order to live up to its potential, the legitimacy of the PACE must itself be strengthened by improving its accountability vis-à-vis national parliaments. It is simply too seldom the case that national parliaments are aware of PACE Resolutions, let alone that there is a mechanism by which the Assembly's Resolutions are transferred into national legislation. Here, the member states, but also the PACE delegations still have plenty of room for persuasion.

The Secretary General should himself have a more pronounced role among the organs of the Council of Europe. It was already mentioned in the Juncker Report that she or he needs to be the face of the Organisation to the outside world and that it is of utmost importance for the Council of Europe's visibility to sharpen the post's profile in international politics. Yet, in order to live up to this vision, the Secretary General must be enabled by the Statute to play a central political role inside the Council of Europe and to successfully drive political initiatives and campaigns. The current prerogatives of the post are but very limited and it seems that the Secretary General is too often lost in a role of arbitrator between the Committee of Ministers and the PACE. A statutory resolution on the matter should thus lead towards a clearer definition of the Secretary General's role and provisions allowing the respective person to acquire a higher political profile.

Finally, there is a strong impression that the current Statute holds far more potential than is made use of by the major organs of the Council. Although significant statutory resolutions have already been adopted in recent years, a major drive in living up to them remains to be seen. Additionally, the Council could do far more on the level of its statute in order to raise its profile, e.g. by crafting a new status for neighbouring countries. The main suggestion here would be that the Secretary General sets up an independent committee for the revision of the Statute (comparable to the Special Committee on the Charter of the United Nations), which takes a comprehensive look at the current provisions by taking into account the changing environment.

The Secretariat – A New Culture of Networking and Flexible Recruitment

It can also be observed that the Secretariat still seems to be a very traditional, if not "old-style" institution, where there are too many layers of and a very strict interpretation of hierarchy. In general, it seems that operative and strategic divisions are not very well integrated thus leading to a fragmentation of policies and therefore suboptimal results. Another aspect setting the Council's Secretariat apart from other international organisations such as the UN is the fact that its staff is slightly over-aged and not very mobile. Under these circumstances, it is hardly possible for the Secretariat to fulfil its function as an efficient servant of the political entities in the long run.

It would be recommended that the Secretary General should introduce a road map aiming at a more network-oriented culture inside the Secretariat. This could, for example, be achieved by the strengthening of elements of horizontal coordination such as joint working groups or more temporary structures where people from different directorates are brought together for a limited period of time in order to work on issues or projects whose complexity extends beyond a single Directorate's expertise. The efficiency of a large organisation such as the Council of Europe depends on the space or room for manoeuvre that individuals have for creating and driving projects in a bottom-up manner. Therefore, the Secretariat should do everything possible to avoid long chains of hierarchy and to provide mid- and upper-level managers with the authority to support and encourage individual project proposals. In order to strengthen the strategic side of the Secretariat's work and the Organisation as such it could be recommended that the respective directorates become more involved in the work of operative divisions, that their opinion is requested before a new project is set up and that existing projects and programs are more frequently and in a structured way evaluated as to their compliance with the

strategic-political priorities of the Organisation. Finally, a certain “lack of life” in the corridors of the Council of Europe’s buildings is apparent. Even during the sessions of the PACE and the Congress there is no real movement inside many parts of the Organisation and a culture of lobbyism and advocacy is largely lacking at the Council of Europe. Therefore, the Secretary General could introduce some measures directed at a more open and vibrant culture such as campaigns run together with human rights defenders and or a more intensive co-operation with the neighbouring European Parliament during its sessions.

As for the staff of the Council of Europe, it is perhaps high time for the Organisation to rethink its staffing strategy. Its current staff is slightly over-aged and lacking ‘outside’ experience as a result of a tradition of indefinite contracts. Moreover, the Council of Europe, as any international organisation, is suffering sustained budgetary pressure, making new appointments increasingly difficult and ruling out awarding indefinite contracts. The Organisation should consider the changing employment and working culture in Europe especially for the younger generations, among whom short-term 2-5 -year positions with moderate salaries at the Council of Europe would be still highly attractive. Thus, the Organisation could be more flexible in its recruitment policy and concentrate on bringing in younger people without irresponsible or long-term budgetary commitments. As for individual recruitment, the Council should try to attract people with different institutional backgrounds and mobile CV’s in order to bring fresh perspectives and new networks into the Organisation. Increasingly, work at the Council of Europe should be understood as a temporary experience in order to motivate people to remain mobile and prevent them from developing a kind of blindness towards the outside world.

More Visibility via High Level Appointments

One of the main weaknesses of the Council of Europe is the lack of high-level representation in nearly all entities. It is telling that the current Secretary General Jagland is the first Secretary General with a correct political profile as a former prime minister and former foreign minister. However, it is still rare that foreign ministers of more influential member states even attend the annual Committee of Ministers meetings, that specialized ministers are present in inter-governmental committees or that front-bench parliamentarians from the member states are joining the PACE delegations. In fact this “lack of fame” extends to the NGO sector, which is not present with the most important organisations and representatives in Strasbourg, and to the representation of other international organisations.

Changing that picture is of utmost importance to the Organisation and foremost a task for the Secretary General and the Committee of Ministers. First of all, the Council of Europe as such should stick to the policy of choosing a Secretary General with a high profile and to refrain from still popular “in house”-solutions (many former SG’s have been selected because of their long-term connection with the PACE). It is indispensable for the Organisation to be represented by a well-known public figure, who is able to communicate informally with heads of states, prime ministers and heads of other international organisations due to her or his former political post. In addition, it should be one of the main priorities of the Secretary General to convince high level personalities such as former ministers or well-known diplomats to act as rapporteurs for the Council of Europe’s missions. Only in that way can it be ensured

that the respective report will trigger a media response and that public pressure can be accrued to support the implementation of the recommendations.

Finally, member states should take their responsibility concerning the Council of Europe more seriously. It is obvious that if one of the bigger states such as Germany went ahead by convincing its foreign minister to come to Strasbourg even only once every two years, this would result in other foreign ministers attending a Committee of Ministers meeting or summit, too. The member states could also be more co-operative and support the Secretariat in finding prominent personalities for rapporteur positions. All this of course must be accompanied by a strategy to make the Committee of Ministers and intergovernmental committee meetings more attractive for the member states (see below).

A New Communication Strategy and the Resource Question

Finally, the Council has a serious problem with its communication strategy, as the Organisation and its work are not very well known in European societies. In fact, the Council of Europe is frequently confused with EU organs. In general, only the Court is well known to Europeans, whereas the other Council of Europe entities – not to mention policies and projects – are almost unknown. Considering the Organisation's far reaching and sensitive mandate, it is a surprising fact that much smaller organisations such as INGOs (Amnesty International, Human Rights Watch, Transparency International) and their reports are 'go-to' sources of reference in debates about corruption or observance of human rights for the European (and indeed global) public. Whilst citizens are nowadays overwhelmed with information from political entities and considering that the Council has only very limited resources, it is still conceivable that the Council of Europe's public image and popularity could be improved by a new strategy. This all the more timely, since the Council of Europe in general conducts a lot of successful projects which deserve to be known and supported by a wider public in the future.

First, if it is the Council's aim to reach out to more people and enhance its public profile it should actually concentrate more on multipliers such as the members of the PACE and the Congress, or on the participants of the Schools of Political Studies, which are ideally positioned to spread the Council of Europe's values in their respective constituencies and communities. Here, the Secretariat and its Communication Division should not refrain from encouraging the multipliers by way of regular contacts, providing them with information outlets and merchandising goods, or even with a short communication training before they leave Strasbourg. Furthermore, the Council should look for popular personalities like sports celebrities or actors sympathetic to the Council of Europe's mission for media campaigns. The member states should also be more active in encouraging their foreign ministries or well-known national politicians to actively promote the Council of Europe's public image by mentioning it in related speeches. Finally, the Council should professionalize its communication via the web, which does not appear to be very up to date. For example, short and precise information on the Council of Europe's work is difficult to find (even the Wikipedia entry is relatively short in many major languages). Additionally, social networks could be used in a much more straight-forward and effective way, for example, by inviting people to discuss certain policies by provocative facebook and twitter posts.

Last but not least a small note on the Council's resources. Aware of the fact that the Council is not an economic organisation and that thus material resources do not play a major role, it however needs a sound financial basis in order to fulfill its mandate and activities in 47 member states. Currently, two worrying trends are obvious: the Council does not command sufficient resources for its operational activities, which stand in stark contrast to its large membership and the needs of its citizens. Second, the Council's autonomy is severely limited by the fact that a big amount of its resources is channeled through the EU by the member states (joint programs) and not received directly. If this practice is not abandoned, the dependency of the Organisation on the EU, with all the connected contradictions and difficulties, will only increase.

7. The Council of Europe's Members and Partners

International organisations are part of an ever more multipolar, interdependent and globalised world, in which an increasing number of actors is competing for influence and resources. In order to preserve its relevance and legitimacy or even have more impact, the Council of Europe will have to increase its effectiveness in engaging member states, find ways to co-operate in a systemic way with other international organisations and integrate the non-governmental, e.g. civil society and academic sphere in its work. By offering an increased openness to other actors and new methods to attract the attention of the member states, the Council of Europe could aim at a frontrunner role in making multilateralism both more democratic and more effective.

Be More Valuable to the Member States

As in any traditional inter-governmental organisation, the member states are the most important source of power and legitimacy for the Council of Europe. Thus, it is urgent that the Council has a solid place on the agenda of the foreign ministries and that the member states are willing to use the Council of Europe as an instrument of their human rights and democracy policy. This should be first of all reflected in a willingness to contribute to the Organisation's agenda and to its effectiveness in living up to the conventions, but also by sending high-level representatives to inter-governmental committees, PACE and Congress delegations. Considering this preferred state of affairs, the Council is currently far from the desired form of effective co-operation with the member states. Rather, the Organisation has waned from the radars of the foreign ministries, especially of bigger EU states, and it is not seen as an effective multilateral system having much added value for governments. One obvious result is the low-key political profile of many member states in Strasbourg and the often non-executive representation in many Council of Europe entities.

In order to change this worrying state of affairs, the following three recommendations are proposed: first, the Council of Europe seems to suffer from a lack of visibility for societies as much as for member states. Therefore, it is the main task of the Secretary General to more frequently meet with heads of states, with foreign and other responsible ministers in the respective capitals and make them aware of the Council's possible contribution to the most pressing political issues of the day. With the bigger

member states such as France, Germany, Russia and Turkey such meetings should take place at least once a year. Moreover, the Secretary General should be present at major international events and global forums (such as Davos, not to mention the Bled, Belgrade or the Havel Forum) of both a governmental and a non-governmental nature and to speak up on behalf of the Council of Europe and its mission. A more assertive outreach should be a general policy for all major organs of the Council and even senior Secretariat staff, and one should not shy away from putting the Council and its priorities on the agenda of institutions and forums beyond an exclusive human rights focus (e.g. economic, environmental or security related).

Second, the Council of Europe needs to make the member states a more attractive offer through an enhanced agenda setting. More high-level personnel from the member states can only be attracted if the Committee of Ministers and its committees discuss the most relevant and urgent issues connected to human rights and democracy. Therefore, the Secretariat should avoid overloading the Committee of Minister's agenda with low-key subjects in the field of cultural or social policy, and discuss major topics such as immigration, the degrading state of Europe's youth or the personal rights of citizens in the digital age. More frequent high level meetings, such as between the President of the EU Commission or the Enlargement Commissioner and the Secretary General, would also be very conducive to the Organisation's profile and visibility. These meetings should have an ad-hoc character where special, cross-cutting issues can be discussed. In general, the Council appears now to be not flexible enough in its relationship with other political actors, although its core issues such as human rights and democracy are having an interconnection with nearly all aspects of modern political life. The Secretary General should thus make more use of flexible instruments and offer the Council as a forum for heads of states, foreign ministers, leaders of international organisations or even influential scientists and businessmen to discuss current issues.

Third, the Council of Europe's value for the member states is directly connected to an efficient technical co-operation with the governments in the field. When the Council is present in the capitals and directly helps governments by adopting new laws or by developing efficient anti-corruption systems its value is directly visible. However, the Council is perceived too much as a Strasbourg-based institution and its country offices are yet too small and are lacking appropriate resources in order to have a profound impact on debates and political processes in its member states. Therefore, the Council should not only invest in the existing offices in the newer member states, add personnel and resources, but also consider opening offices in the "older" and allegedly more "advanced" member states. Discretionary funds should be made available for the heads of national Council of Europe offices to be spent on various outreach and advocacy projects (conferences, publications) and to build partnerships with local NGOs and think tanks working in the area of democracy and human rights.

Striving for More Complementarity with Brussels

Among other international organisations the European Union is, of course, the most important partner for the Council of Europe. The partial overlap in membership, the common history and sense of belonging to the same European project, but also joint interests in many policy fields make efficient co-operation between the two organisations deeply necessary. Moreover, the EU is an important source of

monetary resources for the Council of Europe, which does not possess the same material means as Brussels. However, although the relationship has been improved, for example due to regular high level meetings since the signature of the Memorandum of Understanding between both institutions in 2007, Strasbourg is still worried about the “parallel structures” Brussels allegedly builds in the human rights and democracy sphere and in general about the power asymmetry between both actors.

On the general level, it is felt that there is still enough space for a second organisation in the European project and that the Council of Europe’s independent contribution and voice is of utmost importance to current European politics. In a time of profound economic, financial and also political crisis, the EU, with its focus on economic matters, is not very well positioned to protect the moral basis of the European integration project and to regain the trust of its societies. In the light of manifold crises on the European Continent and the EU’s subsequent loss of legitimacy, the Council of Europe’s value-based mandate is more topical than ever and the Organisation should optimize on this opportunity by playing a more significant role as both an advocate and promoter of human rights and democracy in the EU member states. This should also extend to a structural dialogue on values with EU institutions, especially with the European Parliament. This argument may become even more coherent after the next European elections, where right wing, nationalistic and xenophobic parties may get a strong foothold in the European Parliament.

Thus, the Secretary General, the Committee of Ministers and the PACE should make good use of this opportunity and courageously take on and communicate its role of a trust generator and value protector for the European project. This should go hand in hand with an offer both to the EU’s member states and the Commission, e.g. by developing benchmarks for good governance or post-crisis strategies for minority protection and the fight against corruption, but also by a constant intervention and critique of the EU’s often too bureaucratic policies from a human rights and democracy protection perspective. In general, the Council should focus on core political standards, while the EU focuses on broader governance norms, but Brussels should be encouraged not to act in a way that undermines democracy standards as it sometimes does.

A second issue for an enhanced co-operation can be found in the newer EU member states. In 2014 the EU will celebrate the tenth anniversary of the ‘big-bang’ enlargement to the East. This is an opportunity for stock-taking as regards the impact of the enlargement on democracy and human rights in new member states. While it is often acknowledged that enlargement is the EU’s most effective instrument for democratisation, it is equally clear that the EU is lacking effective benchmarks and instruments to prevent democratic backsliding in member states, both old and new. The Council of Europe seems ideally placed to fill this void, even more so if the reforms, which this paper recommends, are implemented. In its role of a Human Rights Watchdog and with enhanced policy analysis capacities (go-to democracy think-tank), the Organisation could become more relevant than ever for a number of EU institutions, including the European Parliament and the Commission.

The biggest potential for interaction is the European Neighbourhood Policy. This is all the more urgent since the ENP and enlargement schemes as such will come under considerable stress in the near future due to budgetary constraints and an increased enlargement fatigue of many member states. At the

same time, the EU needs a long-term political investment in its Eastern and Southern neighbourhoods if it wants to avoid the creation of new dividing lines on the Continent and to preserve the chance of democratic change. Here, the Council of Europe, with its focus on long-term co-operation and far-reaching change, for example by relying on the Venice Commission's advisory function on constitutional matters, can provide a necessary anchor for Brussels until the EU at some point regains the strength for bigger initiatives. The Organisation could develop a fruitful co-operation and synergy with the newly established European Endowment for Democracy, supporting it with expertise needed for effective grant making in its mandated area. Unlike in the 1990s, when the Council played a significant role as a "corridor" for EU integration of the Central European states, it could now act as a facilitator and partly as a substitute for ensuring a successful democratic transition in the neighbourhood.

Practical co-operation between the Council of Europe and the EU, which already covers the political, legal and assistance dimensions, could also be strengthened. The EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms is a big symbolic step that the Council of Europe should make use of in order to enhance its own political profile with regard to Brussels and position itself and the convention system as a moral authority for the European project. Hence, the ECHR should be only the beginning and the Council of Europe should convince the EU to join additional conventions and agreements in order to strengthen its impact on the EU's human rights *acquis* and develop a closer institutional link between both organisations.

Finally, everyday co-operation should be extended beyond the high and working level dialogues and aim at establishing more binding mechanisms for co-operation and early warning for forthcoming legal initiatives. For example, the Commission should systematically invite Council of Europe officials to the relevant expert meetings and both organisations should establish senior coordinators for the respective substantial issue area. Ideally, a proactive dossier-based coordination would be that desk officers talk to each other and exchange opinions on forthcoming initiatives. Lastly, the Council should, in order to avoid negative consequences of alleged "parallel structures" and look for real synergies, establish a regular dialogue mechanism with the EU's Fundamental Rights Agency.

Be a Front-Runner in Civil Society Integration

The Council's relationship with civil society organisations such as INGOs or national NGOs could be one of the decisive issues for its future existence and relevance. In today's global politics, an efficient and lively co-operation with the non-governmental sector is of utmost importance to ensure the inflow of necessary information about specific on the ground issues and in order to have experienced partners with local expertise and governance capacity in the field. This is especially true for the Council, which needs local partners for its monitoring and implementation activities in 47 member states. Furthermore, a sustained network with civil society can be a significant source of democratic legitimacy for today's top-heavy international organisations and help them to overcome the impression of a distant bureaucratic elite making decisions without listening to societies.

The Council of Europe has been a frontrunner in the co-operation with civil society by already introducing a consultative status for INGOs and NGOs in the early 1970s. Since 2003, there is a

participatory status for INGOs and a partnership status for NGOs. The INGOs meet regularly in the so-called Conference of International Non-Governmental Organisations, which is now officially part of the institutional system of the Council of Europe (quadrilogue concept). Yet, the co-operation of the Council of Europe with civil society organisations is not very lively or efficient and needs serious improvements. For example, many important INGOs and NGOs are not present in Strasbourg, the co-operating organisations are not very active in the Council's fora and there is no real interaction between the Committee of Ministers and NGOs. This situation increasingly becomes a problem if we consider the value-based mandate of the Organisation, which cannot be fulfilled without a close link to the citizens, the necessary knowledge about people's problems and the institutional assistance to solve them. This picture should be changed as soon as possible, especially as the Council of Europe, with its existing structures, is well suited for a close partnership and involvement of civil society and should aim at being a model and a frontrunner on the issue again.

It is recommended that the Council of Europe should first get more selective about its partners from civil society and select the most important INGOs and national NGOs for its work. With those partners, the Council should aim at developing an effective pragmatic relationship, eventually leading to more structured long-term monitoring and implementation partnerships. As for the INGO Conference, this structure would profit from more direct contact with the member states which could be achieved via simultaneous meetings of the Conference and the Committee of Ministers (with the UN as an example), a format which would allow more awareness for the respective activities, a coordinated agenda and joint meetings or even working groups. It is also believed that the Council should invest more in its work with civil society, for example by appointing civil society liaison officers in any bigger directorate and field office and by allocating a small budget for funding INGO or NGO activities in the Council's policy fields. From a more political perspective, the Secretary General could, as mentioned earlier, raise the issue of the protection of the work of civil societies in the PACE and the Committee of Ministers, which could eventually lead to the innovative result of a protection charter. Finally, new methods should be tested in co-operation with civil society, e.g. consultations could take place on different levels (regional-, subject- or policy-oriented) and in different formats (online, expert groups or conferences).

8. A Visionary Outlook: The Council at 80

It is not an easy task, especially given the dynamic circumstances of the current international order, to forecast the future of an international organisation. Yet, without a firm vision of how the Council of Europe should look and of where its long-term place in European politics should be in 20 years from now, actual reform efforts will lack a clear orientation and could even be destined to fizzle out. Therefore, and based on the afore-mentioned recommendations, a visionary outlook for the Council, which will celebrate its 80 years in 2029, could be along the following three lines: its role in European politics, its agenda and its characteristic as an international organisation.

First, the Council could, provided ongoing reform, by its 80th birthday be the main organisation referred to in questions of human rights and democracy on the European Continent and a kind of institutional

conscience for the protection of Europe's core values. As a "watchdog" it would not only protect individual citizens with the help of the Court, it would report, discuss and act on any democratic malpractice in its member states. If the Council of Europe also manages to take on a more pro-active and strategic role, it could also further develop the concept of human rights, host the respective debates and define the very terms of new policy approaches, which could eventually lead to the Organisation's human rights *acquis* forming a gold standard for good governance and for a form of human capitalism in Europe. With its very method emphasizing smart power and persuasion instead of imposition and conditionality, it could well be an ideal addition to the EU inside the European project, conserving and fostering the soft components of the integration project on a pan-European scale.

Second, given that the Organisation manages its own transformation into a more think tank and strategically oriented body, it could regain the interest of member states and societies and develop into a leading actor for the development of democracy, human rights and the rule of law. The Council could be identified as the one force pre-occupying itself with the most difficult political questions of the future, such as our living together in multicultural societies or the meaning of the digital age for human dignity. This could well transform it into "the place to be" for Europe's policy makers and into an open forum for discussion and the elaboration of new political strategies. As a front of this vision, the "World Forum for Democracy" could be a brand and a kind of second organisational tier inside the Council of Europe by which European experiences and attitudes towards democracy and human rights could be provided to countries and regions undergoing transformation processes worldwide. If this could be done, the Council would really develop into *the* international organisation embodying Europe's unique value system.

Finally, the Council of Europe could well develop into a frontrunner for the necessary democratisation and general opening of international organisations worldwide. In fact, the Council's mandate, already transcending the international-domestic divide, would even pre-suppose such a development. Provided that the PACE would develop into a much stronger parliamentarian force inside the Council of Europe's structure, that INGO's and NGO's are engaged in a smart way and that a strong relationship with the academic world can be build, the Council could even become a model institution for global governance.

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