

CHAPTER 9

EUROPEAN INTERNATIONAL ORGANIZATIONS (COUNCIL OF EUROPE, OSCE) AND EUROPEAN REGIONAL COOPERATION (V4, NORDIC COUNCIL)

The rapprochement of European states is nothing new since they have always been in looser or closer cooperation with each other for centuries. The formation of today's integration organizations is a **20th century** event, the result of all that political and economic change and development that has shaped the image of the continent over the last century. The purpose of this chapter is to get the reader acquainted with the cooperation on the European stage through two closer international organizations, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). In addition, this chapter also deals with the less formal Visegrad Cooperation (V4) and the Nordic Council. The way through which these organizations have developed as well as their significance and organizational structure will be described below.

9.1. EUROPEAN INTERNATIONAL ORGANIZATIONS

Several major international organizations were established through the membership of the countries of the European continent. The Council of Europe, which can be seen as an important milestone in European integration after WWII, has become known in the area of human rights protection and due to the intensive adoption of conventions. While the military issues have been completely excluded from the purview of the Council of Europe, the other major international organization on the European stage, OSCE, specifically addresses security and military issues. The membership of the two organizations, however, goes beyond the borders of the traditional Europe (in geographic terms) due to membership conditions.

9.1.1. *THE COUNCIL OF EUROPE (CoE)*

Establishment

Inconceivable damage was caused by WWII in Europe. The universal international organization established after WWI, the League of Nations, was unable to prevent a new destruction. At the international level, the establishment of the UN was a great step in safeguarding peace and security. Meanwhile, at the European level, from the 1950s onwards an integration process went down, resulting in the present European Union. Looking back on the post-WWII period and the beginning of European integration, we would think that economic cooperation was its basis. This idea originates from the fact that the foundation of the organizations preceding the European Union was indeed based upon collaboration in economic sectors, but as a first step, European states were concerned with **cooperation based on political foundations**.

The activity of *Winston Churchill* must be noted from the period after WWII. *Sir Winston Leonard Spencer Churchill* (1874-1965) was one of the most influential politicians of the past century, Prime Minister of the UK from 1940 to 1955. He also played a decisive role in setting up the CoE. On 19 September 1946, he held his famous speech in Zurich, in which he proposed the establishment of a regional association, the 'United States of Europe', obviously based on the pattern of the USA. The creation of the 'European Family' started from 1947, the basis of which was clearly political

integration. In May 1947, the first General Assembly of the United European Movement was held in London, and at the end of that same year the International Committee for the Coordination of the European Movements was formed. The Committee also organized the **first Congress of Europe** from 7 to 10 May 1948 in The Hague. This negotiation process led to the signing of the Statute of the Council of Europe on May 5 1949, in London.

On 5 March 1946, Winston Churchill told his famous speech at Fulton. Many people count the beginning of the Cold War from that speech.

“From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent.”

In September 1946, the Zurich speech was delivered, which was also significant in the European integration’s perspective.

“Yet all the while there is a remedy which, [...] in a few years make all Europe [...] free and happy. It is to recreate the European Family, or as much of it as we can, and to provide it with a structure under which it can dwell in peace, safety and in freedom. We must build a kind of United States of Europe.”

The beginning of European integration is mostly linked to the federalist idea, so the politicians and organizations involved have imagined the cooperation of European states on a political basis. However, after the establishment of the Council of Europe, it became clear that the integration based on political foundations would be replaced by economic cooperation.

This paradigm shift is relevant to French Foreign Minister *Robert Schuman* recognizing that lasting peace can only be achieved through the collaboration of Germany and France. However, the centuries-old opposition of the two countries made approaching them impossible in a political field, so the cooperation was first initiated based on economic affiliation, after WWII. This process has led to the establishment of the European Union.¹ With the signing of the Treaty of London in 1949, the **Council of Europe** (*Conseil de l’Europe*) was set up, which has 47 member states in 2018. The founding MS were the Benelux states, Great Britain, France, Denmark, Norway, Sweden, Ireland and Italy. Hungary joined to the organization on 24 November 1990 as the twenty-fourth MS.

The Aims and Membership of the Organization

The main objectives of the organization are defined in the London Treaty. The founders of the Council of Europe, fundamentally, prescribe a devotion to spiritual and moral **values** as a precondition for the work of the Council. These fundamental values are individual freedom, political liberty and the rule of law, which form the basis of all genuine democracies.² The aim of the CoE is to achieve a greater unity between its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage and facilitating their economic and social progress. Matters relating to national defense, however, do not fall within the purview of the Council of Europe.³ The main values defined by the organization are parliamentary democracy, rule of law and respect for human rights and fundamental freedoms.⁴

Since 1950, the **membership** of the organization has grown dynamically. The significant expansion of the membership was made possible after the end of bipolar world order and the dissolution of the USSR. Looking into the 47 MS, we can find more that cannot be categorized as geographically European, such as the Russian Federation and Armenia. This is possible because of the membership requirements, which, as sets the criterion of ‘Europeanism’ as a precondition, not that the acceding

¹ GOMBOS 2012, 20-23.

² Preamble of the Statute of the Council of Europe

³ Ibid Chapter I, Article 1

⁴ Ibid Chapter II, Article 3

state shall be geographically located on the European continent. Of course, this issue had particular importance in connection with the accession of the post-Soviet states, so the Parliamentary Assembly (PACE) adopted a recommendation on **membership requirements** in 1994.⁵

The membership requirements of the Council of Europe are:

- 1) 1. The requirement of a European state: membership of the Council of Europe is in principle open only to states whose national territory lies wholly or partly in Europe. However, traditional and cultural links and adherence to the fundamental CoE values might justify a suitable cooperation with the organization.
- 2) 2. The requirement of democratic rule of law: the state respects and embodies the characteristics of a democratic rule of law in its constitutional system, such as free elections, free press, separation of the branches of power.
- 3) 3. Respect for human rights, fundamental freedoms and the rights of minorities.

The state shall also accede to the ECHR by ratifying the Convention and provide for the possibility of individual complaints. The acceding state must recognize the jurisdiction of the ECtHR.

The USA, Canada, Mexico, Israel, Japan and the Vatican have observer status in the work of the Council of Europe.

The membership **process** takes several steps. Candidate countries may participate in the work of the Parliamentary Assembly in a special invitation status. The PACE issues a questionnaire to the candidate state, the assessment of which will have particular importance regarding the adoption of an opinion on accession. The PACE shall discuss the draft opinion and adopt it by a two-thirds majority. The new MS will then be invited by the Committee of Ministers (CM).

Any state so invited shall become a member upon depositing an instrument of accession to the Statute with the Secretary General.⁶ After 1990, requiring more and more **commitments** from the acceding states has been typical to membership admissions. Commitment requirements were first formulated in Romania's accession procedure in 1993. During the accession of Moldova in 1995, the amendment of the Moldovan constitution was explicitly requested as a condition of accession. The monitoring of the fulfillment of the commitments will take place through a monitoring mechanism developed by the PACE, checking compliance with the requirements through political and human rights committees. In 1997, an independent monitoring committee was also set up.⁷

Organizational Structure

The CoE is based in **Strasbourg** (France), the official languages are English and French. Among its bodies we can find organs which deal with general tasks, but in the last decades, a number of specialized bodies have been established. As for the latter, some committees, such as human rights and the monitoring committee, which was already mentioned in the membership procedure, are significant.

⁵ PACE Recommendation No. 1247 (1994)

⁶ CoE Statute Chapter II, Article 4

⁷ BLAHÓ-PRANDLER 2014, 377-378.

The organs of the CoE are: The Committee of Ministers (CM) is the most important decision-making and executive body of the organization; the Parliamentary Assembly (PACE) is the consultative body of the Council of Europe; the Secretariat carries out the management and administration of the organization. The Special Representative bodies of the Council of Europe are: The Congress of Local and Regional Authorities of Europe (CLARE) and the European Court of Human Rights (ECtHR).

The **Committee of Ministers** is the most important decision-making and executive body of the organization. Based on the principle of intergovernmentalism, each MS may delegate one representative. CM representatives are generally the ministers for Foreign Affairs, who – in case of another engagement – might be substituted by an alternate designated and sent by the Government of the MS, preferably from among the members of the Government. The ministerial deputies appointed by the ministers shall act between sessions. Each MS has one vote in the CM, so the principle of one state – one vote determines decision-making.⁸ The CM shall adopt its rules of procedure, and its work is assisted by preparatory and other committees. Rapporteur groups are informal working structures of the ministers' deputies and have no decision-making power as their duty is to prepare CM decisions. There are currently seven Rapporteur Groups including Education, Culture, Sports, Youth and Environment, Democracy, External Relations and Human Rights.⁹ The Statute provides the opportunity for the establishment of advisory and technical committees. The CM shall, upon the recommendation of PACE or on its own initiative, examine actions required to further the aim of the Council of Europe, including the conclusion of conventions or agreements and the adoption by governments of a common policy with regard to particular matters.¹⁰ A number of outstanding international conventions have been adopted under the aegis of the Council of Europe.

The **Parliamentary Assembly** is a parliamentary body based on the representation of national parliaments, i.e. the deliberative organ of the Council of Europe (designated as the Consultative Assembly of the Council of Europe in the Statute). The PACE has no strong decision-making powers, it has the right to comment on CM decisions. It shall debate matters within its competence and present its conclusions, in the form of recommendations, to the CM.¹¹ The PACE representatives are delegated from MS national parliaments or appointed from among national MPs based on a specific procedure. Representatives must be citizens of the MS they represent. Substitutes can also be appointed, who speak and vote on behalf of the absent member.¹² Hungary currently has 7 representatives and 7 deputy representatives. Within the PACE, MPs are organized into political groups, there are currently six such groups. The PACE shall meet in ordinary session once a year, the date and duration of which shall be determined so as not to overlap with national parliamentary sessions of MS. In no circumstances shall the duration of an ordinary session exceed one month.¹³

The **Secretariat** shall consist of a Secretary General, a Deputy Secretary General and such other staff as may be required. The Secretary General and Deputy Secretary General shall be appointed by the PACE. The remaining staff of the Secretariat shall be appointed by the Secretary General. No member of the Secretariat shall hold any salaried office from any government or be a member of the PACE or of any national legislature or engage in any occupation incompatible with his duties. The Secretary General, the Deputy Secretary General and every member of Secretariat staff shall make a solemn declaration prior to taking office. They may not accept instructions in connection with the performance

⁸ CoE Statute Chapter IV, Articles 13-14.

⁹ CoE – *Rapporteur Groups* <https://www.coe.int/en/web/cm/rapporteur-groups>

¹⁰ CoE Statute Chapter IV, Article 15.

¹¹ Ibid. Chapter V., Articles 22-24.

¹² Ibid. Article 25.

¹³ Ibid. Article 32.

of their duties from any government or authority independent of the Council.¹⁴ The current Secretary General of the Council of Europe is Norwegian *Thorbjørn Jagland*, who was first elected in September 2009 for five years and then re-elected in June 2014. Deputy Secretary General *Gabriella Battaini-Dragoni* holds her office since June 2015.

The Council of Europe's two **specialized** bodies includes the Congress of Local and Regional Authorities of Europe and the European Court of Human Rights (ECtHR).

The **Congress of Local and Regional Authorities of Europe** (CLARE) which presents the views of Europe's regions and cities was not originally included in the CoE Statute. Local government and local representation, however, have always taken a prominent place among the values of the Council of Europe, since they are indispensable components of rule-of-law democracies. The CLARE was established in 1994 as an advisory body instead of the Standing Conference of Local and Regional Authorities of Europe, and consists of two chambers: the Chamber of Local Authorities and the Chamber of Regions. The CLARE has 318 members and the same number of substitutes elected from representatives of local and regional authorities in CoE MS. The CLARE, on the one hand, has an advisory role to the CM and the PACE on all local and regional policy issues. On the other hand, it provides a forum to the members for consultation and helps strengthen local and regional self-government and ensure its effective functioning.¹⁵ The Council of Europe adopted the **European Charter of Local Self-Government** on 15 October 1985.¹⁶

The **European Court of Human Rights** (ECtHR) is „*the highest judicial forum for the protection of fundamental rights*”. The jurisdiction of the ECtHR was broadly extended in 1970, with Protocol No 2 to the ECHR, the Convention on which the operation of the Court is based. Until then, it had jurisdiction to interpret the ECHR and since then it also has the power to decide legal disputes over those States which have fully accepted its jurisdiction.¹⁷ One of the most important achievements of the Council of Europe was the adoption of the ECHR (European Convention on Human Rights and Fundamental Freedoms)¹⁸ in 1950, which entered into force in 1953. The ECHR not only requires Contracting Parties to ensure the rights and freedoms defined in the Convention for everyone within their jurisdiction, but also establishes a control system. The ECHR provides a unique way of ensuring that individuals can file an application. Chapter I of the Convention lists the rights and freedoms to be protected, while Chapter II deals with the ECHR. Of course, the Convention has undergone a number of changes since 1950, a total of 16 (additional) Protocols (APs) have been adopted to it. The ECtHR may examine **interstate claims** and **individual applications** or give an **advisory opinion**. This latter may be requested by the CM, to interpret the Convention or the Protocols thereto. Article 34 provides the opportunity, for any person, non-governmental organization or group of individuals claiming to be victims of a violation by one of the Contracting Parties of the rights set forth in the Convention or the Protocols thereto, to file individual applications. These must meet certain admissibility criteria for the Court to examine the case, such as the exhaustion of all domestic remedies or the fact that the application cannot be anonymous or manifestly ill-founded.

It is not necessary for the applicant to be a citizen of a CoE MS, it is sufficient if the violation complained of was committed against the applicant under the jurisdiction of any Contracting Party (usually within its territory) for which the Convention is binding or the applicant will be in such a position due to the procedure of the authorities of such Contracting Party that the rights provided by

¹⁴ Ibid. Chapter VI., Article 36.

¹⁵ Congress of Local and Regional Authorities of Europe <https://www.coe.int/en/web/congress>

¹⁶ In Hungary, it was promulgated by Act XV of 1997

¹⁷ BERGER 1999, 1-2.

¹⁸ In Hungary, it was promulgated by Act XXXI of 1993. Hungary promulgated the Convention and the first 8 Protocols at the same time.

the Convention are violated. The latter situation may arise in the case of extradition or expulsion to third country¹⁹

Rights protected by the European Convention on Human Rights: the right to life; prohibition of torture, inhuman or degrading treatment, or punishment; the prohibition of slavery and forced labor; the right to liberty and security; the right to a fair trial; the prohibition of retroactive effect; the right to respect for private and family life; the freedom of thought, conscience and religion; the freedom of expression; the freedom of assembly and association; the right to an effective remedy; the prohibition of discrimination. Additional rights were ensured in the Protocols of the Convention (such as): protection of property, right to education, right to free elections, freedom of movement, prohibition of expulsion of nationals, prohibition of collective expulsion of aliens, prohibition of death penalty and general prohibition of discrimination.

Interestingly, the Convention does not explicitly include the right to a healthy environment. Nevertheless, the ECHR has developed extensive case law in cases where the rights protected by the Convention are hindered by environmental damage or environmental hazards. Such rights are, e.g., the right to life and the inhuman or degrading treatment. This principle prevailed in the proceedings initiated in the case of the Tisza Cyanide pollution, just as in *Tatar v. Romania*.²⁰

The Court shall consist of a number of judges equal to that of the Contracting Parties (CoE MS), so in 2018 there are 47 judges. The judges shall be of a high moral character and must either possess the qualifications required for appointment to a high judicial office or be jurists of high repute and recognized professional knowledge. The judges shall be elected (for a period of 9 years) by the PACE by a majority of votes cast from a list of three candidates nominated by the MS. They may not be re-elected.²¹ From February 1, 2017, the Hungarian Judicial Post was filled by *Péter Paczolay*,²² law professor in Szeged, who replaced *András Sajó*.

The Court usually sits in a Chamber of seven judges. If the applications are deemed admissible, the Chamber will attempt to settle the case amicably. If this proves impossible, the Chamber will deliver its judgment.²³ The Convention defines in detail the jurisdiction of the single judge, the committees, the chambers and the Grand Chamber. The procedure of the Grand Chamber of 17 judges is only possible in exceptional cases, e.g., if there is a serious, substantial question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might be inconsistent with a judgment previously delivered by the Court.

From its establishment in 1959 to 2017, the increasingly popular ECtHR had to examine nearly 800,000 (!) applications. However, due to the strict admissibility criteria, only a fraction of this, approximately in 21,000 cases ended with a judgment. The Court found in more than 80% of the delivered judgments that the defendant state had infringed a complainant's human rights. The Court has already ruled against all the Contracting Parties, but against some of them very often: forty percent of the 21,000 decisions concern only three states, namely Turkey, Italy and Russia.

From Hungary, more than 21,000 applications have been filed with the ECtHR, but in the end, only about 600 concluded with a judgment as the vast majority of applications did not meet the admissibility

¹⁹ ECtHR Questions and Answers https://www.echr.coe.int/Documents/Questions_Answers_ENG.pdf

²⁰ Environment and the European Convention on Human Rights. 2018 https://www.echr.coe.int/Documents/FS_Environment_ENG.pdf

²¹ Cf. Chapter II, Articles 19-23 ECHR

²² Former President of the Constitutional Court, former Roman ambassador.

²³ Cf. Article 26 ECHR (for competences and relevant rules: see Articles 27-29)

criteria or the state settled with the applicant. Most of the ECtHR's cases deal with the right to a fair trial, and in most of the cases, forty percent, the violation of such right was determined. Hungary had many of such cases, mainly due to the excessive length of court proceedings.²⁴

If the Court finds that a Contracting Party has violated the applicant's human rights, it typically obliges the offending state to pay compensation (called just satisfaction). The amounts can be very different, but on average vary between 3000-5000 Euros.

The Court had a lot of interesting cases involving all rights under the ECHR; to pick a few examples from Hungarian cases, for instance, the Court stated that real (actual) life imprisonment, without the possibility of parole (LWOP), is considered inhumane treatment for depriving individuals from the right to hope.²⁵ In another case, it was declared that the mass enrollment of Roma pupils in institutions for children with intellectual disabilities violates the right to education and the prohibition of discrimination.²⁶ The right of assembly was also said to protect those who, against Hungarian rules, do not report the assembly to the police in advance.²⁷

The institution of the **Commissioner for Human Rights** was established in 1999. The Commissioner's duties are fundamentally different from the functions of the ECtHR, as they are explicitly preventive. It can assist the MS with advice on how to overcome their legislative deficiencies and make suggestions on the prevention of human rights violations. Thus, the duties of the Commissioner are carried out through suggestions, advice and analysis. The Commissioner has issued several reports and recommendations on a number of occasions following a country visit. In its recommendations, the Commissioner calls the attention of the MS and the Council of Europe to the most pressing human rights issues.²⁸ In the past, for instance, special attention was paid to the human rights aspects of artificial intelligence and robotics,²⁹ the special human-rights needs of older people,³⁰ and the human rights issues raised by migration.³¹

The Human Rights Commissioner is elected by the Parliamentary Assembly. The first Commissioner was the Spanish *Alvaro Gil-Robles* from 1999. Other Commissioners were *Thomas Hammarberg* (2006-2012) and *Nils Muižnieks* (2012-2018). From April 2018 *Dunja Mijatović* holds the office.

The **Venice Commission** (i.e. the European Commission for Democracy through Law or CDL) is an independent consultative body working together with CoE MS, with interested states that are not CoE members, and with international organizations. The activities of the Commission are carried out in the service of democracy. It currently has 61 MS, but several observers and associate members assist in its operation. Cooperating international organizations are provided a special status. Its main areas of activity are democratic institutions and fundamental rights, elections, referendums and political parties,

²⁴ European Court of Human Rights: Overview 1959-2017, Strasbourg, 2018. https://www.echr.coe.int/Documents/Overview_19592017_ENG.pdf

²⁵ ECtHR, *Magyar v. Hungary*, No. 73593/10, decision of 20 May 2014.

²⁶ ECtHR, *Horváth and Kiss v. Hungary*, No. 11146/11, decision 29 January 2013.

²⁷ ECtHR, *Bukta v. Hungary*, No. 25691/04, decision 17 July 2007.

²⁸ Commissioner's Reports: <https://www.coe.int/en/web/commissioner/country-monitoring>

²⁹ *Dunja Mijatović*: Safeguarding human rights in the era of artificial intelligence, Human Rights Comment of the Commissioner for Human Rights, <https://www.coe.int/en/web/commissioner/-/safeguarding-human-rights-in-the-era-of-artificial-intelligence?inheritRedirect=true&redirect=%2Fen%2Fweb%2Fcommissioner>

³⁰ *Dunja Mijatović*: The right of older persons to dignity and autonomy in care, Human Rights Comment of the Commissioner for Human Rights, <https://www.coe.int/en/web/commissioner/-/the-right-of-older-persons-to-dignity-and-autonomy-in-care?inheritRedirect=true&redirect=%2Fen%2Fweb%2Fcommissioner>

³¹ Oral submission of the Commissioner for Human Rights, Hearing of the Grand Chamber of the European Court of Human Rights in the cases *N. D. and N. T. v. Spain*, 26 September 2018. <https://rm.coe.int/oral-submission-of-dunja-mijatovic-council-of-europe-commissioner-for-/16808d9e61>

and constitutional justice. Its primary task is to provide ‘constitutional assistance’, i.e. to comment on the draft legislative proposals or the already adopted legal standards. The Commission also prepares studies and reports on current human rights issues. Opinions on legal standards may be requested by the MS, their governments, parliaments or heads of state; the Council of Europe (Secretary General, CM, PACE, CLARE); and some international organizations such as the European Union. In proceedings pending before the ECtHR, CDL may give an *amicus curiae*³² opinion in comparative constitutional and international law matters. The opinion of the Venice Commission is not legally binding but bears political significance. The members of the Commission are internationally known and recognized lawyers, so their legal opinion is professionally substantiated and credible, and can be relied on by other international bodies or judicial fora. The most discussed topics nowadays include examining draft bills or laws related to gender, gender identity (homosexuality, transsexuality etc.), terrorism and migration.

Since 1996, the Venice Commission has adopted a number of opinions regarding Hungary.³³ One of the most well-known and most significant of these is the Opinion on the Fundamental Law, which has raised a great deal of excitement, because of the criticism voiced in it.³⁴

Adopting Conventions

Adopting conventions stands out of the framework of the Council of Europe. Forum-type bodies provide an opportunity for the MS to negotiate the adoption of international treaties. The ‘contracting’ activities of the CoE cover several areas such as human rights and fundamental freedoms, self-government and environmental protection. Some examples to international conventions adopted by the Council of Europe follow below.³⁵

- 1950 Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Rome, 04.11.1950
- 1959 European Convention on the Equivalence of Diplomas leading to Admission to Universities³⁶
- 1961 European Social Charter (the current version was adopted in 1996)³⁷
- 1977 European Convention on the Suppression of Terrorism³⁸
- 1979 Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)³⁹
- 1985 European Charter of Local Self-Government
- 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment⁴⁰
- 1992 European Convention on the Protection of the Archaeological Heritage⁴¹
- 1993 European Charter for Regional or Minority Languages
- 1997 European Convention on Nationality⁴²
- 2000 European Landscape Convention (Florence)⁴³
- 2001 Convention on Cybercrime⁴⁴

³² ‘Amicus curiae’ (Latin) means: ‘friend of the court’. It refers to an activity already known in Roman law, where persons (jurists) otherwise not involved in litigation could bring their opinion to the court.

³³ For the full list, see: <https://www.venice.coe.int/webforms/documents/?country=17&year=all>

³⁴ CDL-AD(2011)016-e, 621/2011 Opinion on the New Constitution of Hungary

³⁵ The list of the CoE conventions: <https://www.coe.int/en/web/conventions/full-list>

³⁶ Promulgated in Hungary by Act C of 2001

³⁷ Promulgated in Hungary by Act C of 1999 (Act VI. of 2009 about the modified Charter)

³⁸ Promulgated in Hungary by Act XCIII of 1997

³⁹ Promulgated in Hungary by Ministerial Decree of the Ministry for Environment and Water-management 7/1990

⁴⁰ Promulgated in Hungary by Act III of 1995

⁴¹ Promulgated in Hungary by Government Decree 149/2000 (VIII.31.)

⁴² Promulgated in Hungary by Act III of 2002

⁴³ Promulgated in Hungary by Act CXI of 2007

⁴⁴ Promulgated in Hungary by Act LXXIX of 2004

The Council of Europe's Relationship with NGOs

NGOs, especially INGOs have been playing an important role in the activities of the Council of Europe since the 1950s. While cooperation with the so-called civil sector was difficult for many international organizations and their precise role was unclear, the involvement of NGOs was not a question to the Council of Europe. Cooperation with NGOs goes back to 1952 when several organizations have obtained **consultative status**. Over the last decades, the Council of Europe has developed a closer and more effective cooperation. The process was completed in 2003 when the group of NGOs gained a **participatory status**, so they could actively participate in the design of the Council of Europe's programs. The Conference of INGOs was established in 2005 and it manages consultations of some 400 participatory NGOs with the CM, the PACE and the CLARE.⁴⁵

9.1.2. THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

Establishment and the Ratification of Helsinki Final Act

In the post-WWII period, the need to create a pan-European security system became more and more urgent. However, the Cold War era, the opposition of the two blocs and the isolation made it almost impossible to create an international organization where states of the two blocs could sit down to a negotiating table. The biggest question was how to create a **forum** where parties could negotiate security issues impartially, in a neutral space. For the 1960s the boundaries of the influence zones were consolidated, meanwhile the USA and the USSR also sought how to reduce the dangers and tensions arising from nuclear weapons.

The two blocs were forced to face foreign policy pressures and internal political difficulties. In the USA, President *Nixon's* iconic Moscow trip diverted public attention from the protracting Vietnam War, imminent social changes and racial equality issues. In May 1972, President Nixon was the first US President to visit Moscow. In returning the visit, *Brezhnev* went to the US in June the next year. As a result of the negotiations, the USA and the USSR signed **SALT** (*Strategic Arms Limitation Talks*) agreements. On the basis of SALT, the two superpowers pledged not to increase their opposing rocket arsenals in the future. SALT-I was signed in 1972, while SALT-II, in 1979 during the presidency of *Jimmy Carter*. The encounters were the outcome of a so-called '**politics of détente**', i.e. the developing foreign relations between the USA and the USSR since 1967.⁴⁶ The possibility of communication between the two blocs was further supported by the **new Eastern policy of Germany** (*Neue Ostpolitik*), linked to the name of the Fourth Chancellor of the Federal Republic of Germany, *Willy Brandt*. From 1969 onwards, politicians re-evaluated the policy of the Federal Republic of Germany toward Eastern Europe, especially the GDR (German Democratic Republic). The above attenuation processes greatly contributed to the emergence of the Helsinki Process, which led to the convening of the Conference on Security and Cooperation in Europe (CSCE).

In a broader sense, the Helsinki process is understood as the convening of CSCE and subsequent meetings between 1975 and 1990.

After *Nixon's* resignation in the wake of the *Watergate scandal*, the results achieved during the attenuation period were compromised. In the US, intensified domestic political pressures burdened the new president due to the protracted war and the losses suffered in Southern Vietnam. The American public said the USA stands to lose the Cold War, so President *Gerald Ford* and Foreign Minister *Henry*

⁴⁵ Conference of INGOs website: <https://www.coe.int/en/web/tbilisi/conferenceofingos>

⁴⁶ *Tarján M. Tamás: 1972. május 26. A SALT-1 egyezmény aláírása* [26 May 1972 Signature of SALT-1 Agreement] http://www.rubicon.hu/magyar/oldalak/1972_majus_26_a_salt_1_egyezmény_alairasa

Kissinger joined the initiative of the *Brezhnev*-led USSR to convene an **International Conference on Cooperation**.⁴⁷

The direct history of the **OSCE** dates back to 1975. The CSCE convened on Soviet and American initiatives, beginning on July 30, 1975, where the leaders of 35 countries appeared and were led to sign the **Helsinki Final Act** on August 1, 1975, after three days of negotiations. Representatives of all the European states, except Andorra and Albania, the USSR, the US and Canada participated at the meeting. The Helsinki Final Act is not an international legally binding document as it can be considered a closing document of a conference. However, the values of fundamental importance defined therein also defined the actions of the two superpowers of the bipolar world order during the Cold War period and created a negotiating basis between the two parties.

The Helsinki Final Act laid down the foundations for East-West cooperation. The principles accepted can be classified into three areas, known as ‘**three baskets**’ in common knowledge. The document is thus divided around three main issues:

- 1) European security issues (security policy basket);
- 2) Cooperation in the fields of economy, science, technology and the environment (economic policy basket);
- 3) Cooperation in humanitarian and other fields (human rights basket).

In the field of European security, ten principles have been defined as the basis of their relations between states, also known as the **Helsinki Decalogue**, which defined the following principles:

- 1) Sovereign equality, respect for the rights inherent in sovereignty.
- 2) Refraining from the threat or use of force.
- 3) Inviolability of frontiers.
- 4) Territorial integrity of states.
- 5) Peaceful settlement of disputes.
- 6) Non-intervention in internal affairs.
- 7) Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief.
- 8) Equal rights and self-determination of peoples.
- 9) Cooperation among states.
- 10) Fulfillment in good faith of obligations under international law.

The Helsinki Movement

The signing of the Helsinki Final Act was followed by the launch of the **Helsinki Movement**, the first group of which was established in 1975 in Moscow. Its main purpose was to entice the Soviet government to observe the rights contained in the Final Act and to follow up on the principles. Of course, in the Communist country, leaders were opposed to this and those in charge of the group (*Jurij Orlov, Ludmila Alekseeva*) and several members were imprisoned or forced to leave the country. The movement did not remain unnoticed in the USA, and in 1978 *Helsinki Watch*, the predecessor of *Human Rights Watch*, was created, which is still an NGO with a worldwide reach today. At that time, the Helsinki movement was unstoppable, and the Helsinki Committees in the countries of Europe developed. In 1983, the International Helsinki Federation for Human Rights began its operations. In Hungary, during the time of political transition, the movement was completed in 1989, the Hungarian Helsinki Committee was established in 1989.

⁴⁷ *Tarján M. Tamás: 1975. július 30. Az Európai Biztonsági és Együttműködési Értekezlet megnyitása* [30 July 1975 Opening of the Conference on Security and Cooperation in Europe] http://www.rubicon.hu/magyar/oldalak/1975_julius_30_az_europai_biztonsagi_es_egyuttmukodesi_ertekezlet_megnyitasa/

The Helsinki Process

The Helsinki Process meant several **meetings** where further deliberations took place in light of the Helsinki Final Act. In 1977-78, negotiations continued in Belgrade. In February-March 1979, an expert meeting was held as part of economic, scientific and cultural cooperation. In June 1979, the USA and the USSR signed SALT-II in Vienna. The attenuation period went in remission when the USSR stormed into Afghanistan in 1979. Between 1980 and 1983 the CSCE was held in Madrid, and from 1986 to 1989, the negotiating parties met in Vienna. In the 1990s, the negotiations continued in Vienna, where the Conference held its first discussion about military issues. In spring 1990, a conference on economic cooperation was held in Bonn. Between 19 and 21 November 1990, 31 state leaders met in Paris, where they signed the Charter of Paris. After Helsinki, this conference was the second CSCE summit. The Charter was written in the spirit of ending the Cold War, of the New European Unity, Democracy and Justice. At the Paris Summit, the *Council of Ministers*, the Permanent Secretariat in Prague, the *Conflict Prevention Center* in Vienna and the *Office for Free Elections* in Warsaw were established. In 1992, the Third Summit of the Conference was held again in Helsinki, and in July this year, the Parliamentary Assembly held its first annual meeting in Budapest. At the third summit, the *Forum for Security Cooperation*, the *Economic Forum* and the *High Commissioner on National Minorities* were set up. Also in 1992, they decided to set up the Secretary-General's position and an intergovernmental decision-making forum that should be seen as the forerunner of today's Permanent Council. Further special agreements were reached on conflict prevention and crisis management issues, including fact-finding and rapporteur committees and peacekeeping missions by the CSCE. The Office for Free Election has been transformed into *Office for Democratic Institutions and Human Rights* (ODIHR). In spring 1993, the first economic and environmental forum was held in Prague. The Fourth CSCE Summit was held in Budapest, where 54 states have signed the closing document of the conference. The Permanent Council met in Vienna in December 1994 for the first time. From here we date the transformation of CSCE into a real organization, the Organization for Security and Cooperation in Europe.⁴⁸ OSCE, therefore, was not developed in a traditional manner typical of international organizations (when states come together and decide to establish an international organization and then devise its organs), but 'in reverse'. Over the years, more and more permanent bodies have been established by states and ultimately stated that a permanent international intergovernmental organization was established.

Importance

The greatest **achievement** of the CSCE is that those Cold War parties and superpowers sat to the negotiating table who were unable to engage in substantive negotiations with each other through other forums. In the context of the meetings, each state spoke in its own name, and they were treated as independent parties. Although the principles of the Helsinki Final Act did not fully apply to the conditions of the bipolar world order, their value-creating nature was unquestionable and a negotiating basis for meetings between the USA and the USSR. In Europe, the OSCE is one of the most important international organizations dealing with disarmament, human rights and economic matters, which was expanded through many specialized bodies since its institutionalization in 1994, further increasing the organization's importance. The activities of the OSCE are based on a comprehensive approach, including political, military, economic, environmental and human rights aspects. In 2018, the OSCE has 57 MS that enjoy the same rights within the organization and make their decisions by consensus. OSCE decisions are not binding in an international legal sense, but they are politically mandatory for all MS.

⁴⁸ *The History of OSCE* <https://www.osce.org/whatistheosce>

Organization

Summits of MS Heads of State and Government and the subsequent Follow-up Meetings are of key importance in the OSCE. Within the organizational structure, the Secretary-General and the Secretariat have a leading role in assisting the work of the Chairmanship. Standing institutions are the Council of Senior Officers, the Permanent Council, the Forum for Security Co-operation, and the Parliamentary Assembly. The High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights (ODIHR), the Representative on Freedom of Media are OSCE institutions with special competences. A Court of Conciliation and Arbitration was also established in parallel with the OSCE, but none of its services have yet been used by any state.

Summits

Despite institutionalization, summits remain of great importance for the OSCE. The Summits are attended by MS Heads of State or Government. There are no general rules determining how often these take place. Between summits, decision-making and governing powers lie with the Ministerial Council. Summits were held in the following places and years: 1975 Helsinki, 1990 Paris, 1992 Helsinki, 1994 Budapest, 1996 Lisbon, 1999 Istanbul and 2010 Astana. Each of these events produced declarations and documents that are important milestones in the history of the organization.⁴⁹

Review Conferences

In the Helsinki Final Act of 1975, the participating states declared their resolve to continue the multilateral process led to the organization of the first Conference. Within this framework, in the years following these summits, review meetings have been organized not only the evaluation of the previous summits but also as platforms preparing for the next ones. Review Conferences earlier typically took place at the summit location, while today, following institutionalization, they take place in Vienna. The name 'Review Conference' was adopted at the Paris Summit and confirmed at the Budapest Summit, previously, the term 'Follow-up Meeting' was used. Review Conferences were held: 1977-1978 Belgrade, 1980-1983 Madrid, 1986-1989 Vienna, 1992 Helsinki, 1994 Budapest, 1996 Lisbon and Vienna, 1999 Istanbul and Vienna, 2010 Warsaw, Astana and Vienna.⁵⁰

Secretary General, Secretariat

The Secretary-General's position was established with the Charter of Paris. The Secretariat supports the organization's chairmanship, supports OSCE programs and missions, maintains contacts with international and non-governmental organizations, organizes conferences, and provides linguistic, administrative, financial and personnel resources, information technology. OSCE Secretaries-General were: *Wilhelm Höynck* (Germany, 1993-1996); *Giancarlo Aragona* (Italy, 1996-1999); *Ján Kubiš* (Slovakia, 1999-2005); *Marc Perrin de Brichambaut* (France, 2005-2011) and *Lamberto Zannier* (Italy, 2011-2017). The current Secretary-General is *Thomas Greminger* (Switzerland, elected in 2017). The Secretariat is functionally divided into a number of smaller units that work in specific areas such as conflict prevention, economic and environmental activities, cooperation with partner states and organizations, gender equality, illegal trade practices, smuggling, transnational crime and threats, countering terrorism, border management and political reforms.⁵¹

⁴⁹ *Summits* <https://www.osce.org/summits>

⁵⁰ *Review Conferences* <https://www.osce.org/mc/43198>

⁵¹ *OSCE Secretariat* <https://www.osce.org/secretariat>

Council of Senior Officers

Formerly, the body of political directors of foreign ministries was responsible for preparing meetings and decisions of the Ministerial Council. Formerly, it has been organizationally independent but has been holding meetings since 1997 in the frame of Permanent Council, in Vienna.⁵²

Permanent Council

The Permanent Council is the principal decision-making body for regular political consultations and for governing the day-to-day operational work of the OSCE between the meetings of the Ministerial Council. It implements, within its area of competence, tasks defined and decisions taken by OSCE Summits and the Ministerial Council. The Permanent Council is composed of delegates of the participating States (currently 57), meetings take place once a week in Vienna. During the negotiating process, the Permanent Council is a forum for traditional political consultation and delegations may propose any matter within the competence of the Council. Council decisions shall be taken by consensus, which will be politically binding for all MS when adopted. The Council has a number of informal subsidiary bodies, including one committee for each of the three dimensions of the OSCE security concept, i.e. politico-military, economic and environmental, and human.⁵³

Forum for Security and Co-operation

The Forum works to increase military security and stability in Europe area. It helps the exchange of military information and mutual reinforcement between MS. The Forum is a body dealing with arms restraint and confidence-building measures, covering, among others, the issue of the democratic control of security forces, the restriction of weapons of mass destruction and such security risks as the spread of small arms and light weapons. The Chairmanship of the Forum rotates every four months according to (French) alphabetical order. The Chairperson is assisted by the incoming and the outgoing Chairpersons (who together form the Troika) to develop the Annual Working Program of the Forum.⁵⁴

Parliamentary Assembly

The history of the Parliament goes back to April 1991, when at the invitation of the Spanish Parliament, high-level parliamentary leaders gathered in Madrid for the particular purpose of creating the Parliamentary Assembly. The Madrid Declaration determined the task, the rules of procedure, mandate and distribution of votes of the Assembly. Since then, the Parliamentary Assembly has become one of the most important institutions of the OSCE, with newer and newer proposals to help the organization's operations and development. The Parliamentary Assembly has 323 members from 56 national parliaments, holding its meetings in Copenhagen. The Vatican (which stands without a parliament) may send two representatives to the meetings. The Assembly is a forum for parliamentary diplomacy and deliberation and in this context, it carries out extensive tasks. By strengthening international cooperation, it supports engagement in political, security, environmental, human rights areas, observes MS elections and is responsible for the transparent and accountable operations of the OSCE.⁵⁵

Chairmanship, Chairman-in-Office

The term of the Chairmanship is one year, based on the decision of the Ministerial Council. The function of the Chairman-in-Office is exercised by the Minister of Foreign Affairs of that State. In 2018, the position of the Chairmanship is fulfilled by Italy. Basically, the Chairmanship is tasked with the highest level of leadership and unification of the OSCE's activities, but each Chairmanship has its own priorities. Italy's main priorities include supporting the Mediterranean region, in particular, the issue of migration, increased activity in the economic and environmental sphere and cybersecurity. In the frame

⁵² BLAHÓ–PRANDLER 2014, 366.

⁵³ *Permanent Council* <https://www.osce.org/permanent-council>

⁵⁴ *Forum for Security and Co-operation* <https://www.osce.org/forum-for-security-cooperation>

⁵⁵ *Parliamentary Assembly* <http://www.oscepa.org/>

of Troika, the current Chairmanship cooperates with the outgoing and forthcoming MS. In 2017 Austria presided, in 2019 Slovakia will take over the leadership of the OSCE.⁵⁶

High Commissioner on National Minorities

The High Commissioner on National Minorities intervenes when a conflict situation affecting national minorities or internal, MS political tensions could turn into such a situation which could infringe minority rights. Much of the day-to-day work is to identify these tension-burdened situations. The High Commissioner addresses short- and long-term inter-ethnic problems. If a MS does not follow international norms or fails to fulfill the commitments it has undertaken, the High Commissioner will draw the attention of the MS in question and may provide recommendations to it. The High Commissioner publishes Recommendations and Guidelines that give advice on best practice. Since 2017, *Lamberto Zannier* has been in charge of this post. The High Commissioner on National Minorities is seated in The Hague.⁵⁷

Office for Democratic Institutions and Human Rights

ODIHR is committed to promoting democracy, the rule of law, strengthening human rights and tolerance, and combating discrimination, supporting the MS. It provides advice to governments in the MS on how to establish and maintain democratic institutions. The practical activities of ODIHR include the oversight of the elections. Although the OSCE' has essentially been created as a security organization, focusing on broader security issues such as disarmament, restriction of arms and military security, the so-called 'human dimension' has become increasingly pronounced. The latter is based on the recognition that long-term security cannot be achieved without the absolute enforcement of human rights and democracy. The establishment of the ODIHR in 1991 is the result of this idea. The ODIHR operates in Warsaw and from 2017, its director is the Icelandic *Ingibjörg Sólrún Gísladóttir*.⁵⁸

Representative on Freedom of the Media

The inalienable component of democracy is the freedom of media and speech. The most important task of the Representative on Freedom of the Media is the early warning and quick response if a serious non-compliance with the above values can be established in a MS. The Representative assists MS in adopting media laws that are suitable and compatible with international rules and engages in important areas such as hate speech and security of journalist. The current Representative since 2017 is the French *Harlem Désir*. The position of the Representative was established in 1998 with its seat in Vienna. Between 2004 and 2010, the Hungarian *Miklós Haraszti* held the office.⁵⁹

Court of Conciliation and Arbitration

The dispute settlement forum is responsible for settling disputes between OSCE MS at the request of any parties in dispute. The Court is seated in Geneva and was established in 1992 by the Stockholm Convention. Its services have never been used, and in his most recent report, the president of the court draws attention to the need to promote recourse to dispute settlement procedures between the MS.⁶⁰

OSCE Missions

The OSCE deployed missions to numerous countries suffering from internal conflicts, which are primarily directed to restore democratic institutions and to protect human, community and minority rights. OSCE missions, for instance, extend to the following countries: Bosnia and Herzegovina, Kosovo, Serbia, Montenegro and Moldova. In the context of the crisis in Ukraine in 2014, a special

⁵⁶ *Italy's 2018 OSCE Chairmanship* <https://www.osce.org/chairmanship/priorities-2018>

⁵⁷ *High Commissioner on National Minorities* <https://www.osce.org/hcnm>

⁵⁸ *Office for Democratic Institutions and Human Rights* <https://www.osce.org/odihhr>

⁵⁹ *Representative on Freedom of the Media* <https://www.osce.org/representative-on-freedom-of-media>

⁶⁰ *OSCE Court of Conciliation and Arbitration publishes its report of activities for 2013-2016* <https://www.osce.org/cca/295041>

OSCE observer mission was sent in and a special project coordinator was appointed to oversee the crisis management operations in the country.⁶¹

9.2. EUROPEAN REGIONAL COOPERATION

In Europe, examples can be found not only to international organizations but also to looser, forum-like forms of cooperation between countries. The Visegrad Cooperation is of great importance for Hungary, which was established during the period of political transition. The post-WWII processes also affected the Northern European states, thus the Nordic Council was established as an exemplary demonstration of regional cooperation. The basis for regional cooperation in the form of non-international organizations is the historical, cultural, religious and economic similarity and connections between states. They often come to achieve common goals such as catching up on integration processes or promoting the common development of countries.

9.2.1. THE VISEGRAD COOPERATION (V4)

Establishment and Visegrad Declaration (1991)

The Visegrad Cooperation was established in 1991. In the first years after the political transition, only a few people thought that a cooperation with a history of more than a quarter of a century had been established. In 1991, at the meeting of the President of the Czechoslovak Republic, *Václav Havel*, the President of the Republic of Poland, *Lech Walesa* and the Prime Minister of Hungary, *József Antall*, a commitment was made to establish interstate cooperation. The negotiations took place in the Hungarian castle of Visegrad, which is of symbolic significance. 650 years earlier, in 1335 Central Europe's leaders, *Charles Robert* (Charles I) Hungarian King, *Casimir III* Polish, and *John of Luxembourg* Czech Kings met to examine the possibility of an eventual cooperation. Over the past three decades, the Visegrad Cooperation, can be considered successful, despite ups and downs, which has an impact on the foreign policy of the V4 states. The Visegrad Cooperation is largely based on the similar fate of the four nations that existed as part of different states, but now they are autonomous and democratic, with their security being guaranteed by the Euro-Atlantic community. The Visegrad Cooperation has further strengthened the stability of the Central European region and deepened cooperation among the states in many areas. Cooperation has strengthened in the fields of education, culture, science, environment, fight against organized crime, regional development and development of civil society and trade. This form of regional cooperation facilitated the **integration efforts** of the MS with European organizations, in particular, the European Union. At the same time, the States had to face many changes and difficulties to maintain cooperation. First, because of the dissolution of Czechoslovakia, a fourth member joined the cooperation in 1993, forming the V4 countries. In the 1990s, the accession of the countries involved both to the European integration and then to the NATO more and more intensively. The cooperation contributed greatly to these processes, as the countries mutually supported one another. The Visegrad Cooperation is based on political cooperation, although the common interest of Central European states does not always correspond to national interests or foreign policy ambitions. At the same time, the states of the region have many common and overlapping interests that always give new impetus to the cooperation of the V4 countries.⁶²

The Visegrad Cooperation is based on the **Visegrad Declaration** adopted in 1991. The Declaration on State Cooperation was formulated with the title "through European Integration".

⁶¹ *OSCE Missions* <https://www.osce.org/where-we-are>

⁶² GYÁRFÁŠOVA–MESEŽNIKOV 2016, 7-8.

The Declaration sets out the basic objectives, achieving which is in the common interest of the states because of their similar situation. These objectives are:

Full restitution of state independence, democracy and freedom.

- 1) Elimination of all existing social, economic and spiritual aspects of the totalitarian system.
- 2) Construction of a parliamentary democracy, a modern rule-of-law state, respect for human rights and freedoms.
- 3) Creation of a modern free-market economy.
- 4) Full involvement in the European political and economic system, as well as the system of security and legislation.

To achieve the goals the cooperating states were to face similar tasks in the first decades of the 1990s. The question of joining the European integration, and of catching up with the rest of Europe, has been particularly prominent. At the same time, the V4 countries put great emphasis on the preservation of national specificities. The similar and major changes that took place in the countries, their historically developed relationships, their common cultural, intellectual and religious development, and the common traditions of their heritage provided a fertile ground to the cooperation of the initially three, now four, states.

The signatories of the Declaration have also formulated **their common will to take practical steps** in several areas:

- 1) Harmonization of cooperation with the European institutions, consultation on security issues.
- 2) Ensuring smooth cooperation between their citizens, institutions, churches and social organizations.
- 3) Development of market-based economic cooperation to support free flow of labor force and capital. Mutually beneficial trade in goods and services, and creation of incentives for foreign investments along with the development of corporate cooperation.
- 4) Development of transport infrastructure, with special focus on the Northern-Southern directions. Development of power (energy) systems and telecommunication networks.
- 5) Developing ecological cooperation.
- 6) Creation of favorable conditions for free flow of information, press and cultural values.
- 7) Facilitation of the appropriate cooperation between the territorial and governmental bodies of the countries and establishing their sub-regional relations.

Results

One of the added values of the Visegrad Cooperation was the establishment of the **Central European Free Trade Agreement (CEFTA)** in 1992. The original CEFTA convention was signed by the Visegrad countries on 21 December 1992 in Krakow, and it entered into force in 1994, having been amended in two cases, on 11 September 1995 in Brno and 4 July 2003 in Bled. As a result of the EU accession, the membership of a number of countries ceased, but as a result of the opening to the Balkans, the Agreement currently has seven members: Macedonia and after 1 May 2007 Albania, Bosnia and Herzegovina, Kosovo, Moldova, Montenegro and Serbia were admitted into the zone. The Croatian, Romanian, Bulgarian, Czech, Polish, Hungarian, Slovakian and Slovenian memberships terminated with their accession to the European Union. The opening to the Balkan states was implemented in the framework of the Stability Pact for South-Eastern European, which was based on bilateral free trade agreements already existing between numerous states. The enlarged convention was adopted in 2006, and entered into force in August 2007. The reason for the establishment of CEFTA was to stimulate trade, with the aim of eliminating the barriers on industrial and agricultural products, and the various trade barriers. Reaching total trade liberalization was set to be achieved by 2001. Current priorities include stimulating trade and increasing transparency, dismantling technical trade barriers, such as

speeding up and simplifying customs clearance procedures. CEFTA's regulation on such new fields like trade of services should also be mentioned.

The Visegrad Declaration also stated that one of the main objectives of the cooperation was to support **accession to the European integration**. Over the last decades, the Visegrad countries have become members of the European Union and NATO. The Czech Republic, Poland, Hungary and Slovakia joined the European Union in 2004. The Czech Republic, Poland and Hungary in 1999, and Slovakia in 2004 became NATO members. Following the closure of the accession processes, new common goals were needed for the Visegrad states.

The **International Visegrad Fund** is the only institutionalized organization for the Visegrad Cooperation. Established in 2000, the Fund aims to support the civil initiatives of the MS and the mobility of students from different institutions. The tool of this is a system of grants and scholarships funded by the Fund open to any person with the nationality of any of the four countries or any NGO registered there. The Visegrad **Grants Program** supports regional cooperation between the V4 countries and innovation and sustainability projects in Central and Eastern Europe. The Visegrad Grants program is open to legal and natural persons from all over the world. It was defined as a tender condition that at least three project partners from the V4 country should be involved in the program. Eligible projects cover a wide range of areas such as culture and common identity, education, innovation, research, development, regional development, environmental protection, tourism and social development. The Fund's headquarters are in Bratislava. Its supreme body is the Conference of Ministers of Foreign Affairs, which consists of the current MS Foreign Ministers. Its main task is to define the development of the organization and to adopt the programs and the budget. The members of the Council of Ambassadors are ambassadors accredited to the presiding MS, and in accordance with the objectives of the Fund, they are responsible for the award of grants and the preparation of the meetings of the Conference of Foreign Ministers. The Executive Director is elected by the Conference of Foreign Ministers for a period of three years, the main task is to ensure the proper functioning of the objectives pursued.

One of the latest achievements in the Visegrad Cooperation is the creation of the **Visegrad Think-Tank Platform**. As a network of higher education institutes and research centers in the Visegrad countries, the Platform deals with issues of concern to V4 states and provides recommendations to governments, the current presidency, and the International Visegrad Fund. Current priorities include energy security, the internal cohesion of the V4 states, the institutions and policies of the European Union, the Western Balkans, relations with the Eastern Partnership countries, security issues, environmental protection, Roma-related issues and migration. The establishment of the network was one of the main objectives of the Czech Visegrad Presidency in the 2011-2012 period. The platform was established in 2012, funded by the Visegrad Fund. The network has core and cooperating members. The core of the forum is the *EUROPEUM – Institute for European Policy and the Center for Euro-Atlantic Integration and Democracy (CEID)*. In Hungary, several institutions work with the Platform, such as the National University of Public Service, the Corvinus University, the Central European University (CEU), the University of Pécs and Kitekinto.hu.⁶³

The Future of the Visegrad Cooperation

The Visegrad Cooperation is basically a **regional political-economic cooperation** that was established in 1991 aimed at helping Central European states join Euro-Atlantic organizations. There is no doubt that the Visegrad Four are **linked** by the common historical past, the similarities of traditions, religion and culture, but the common historical past encapsulates old and new grievances and conflicts, making successful cooperation difficult. Basically, the financial resources provided are not overly generous as the Visegrad Fund manages approximately 6-7 million Euros annually, which does not

⁶³ *Visegrad Fund* <https://think.visegradfund.org/>

mean a large amount of money regarding a cooperation involving four countries. In 2004, the Visegrad Cooperation fulfilled its primary task and the V4 joined the European Union and NATO. After that, **new cornerstones** had to be found for the cooperation, but it can be stated that an equally important objective has not yet been determined. Over the past decade, the government of Hungary has confronted mainly with Slovakia. It is enough to think about the issue of the Act on dual citizenship adopted as a response to the accelerated naturalization process, which has been called – on behalf of Slovakia – an ‘unfortunate and non-standard decision’ by *Iveta Radicová*.⁶⁴ Of the Visegrad countries, Poland has the same significance and weight as the combined power of the other three states, so many expect Poland to take the lead. However, in light of the past two decades, Poland does not aspire to do this, but is satisfied with the adoption of mutual security guarantees. Among the V4 countries, Slovakia is already a member of the Eurozone, while the Czech Republic is one of the most Euro-skeptic states in the region. Hungary has been planning to introduce the Euro for a long time, but it is not expected that the country will join the Eurozone in the near future. The current Polish political position is also opposed to the premature introduction of the Euro, given that the current Prime Minister, *Mateusz Morawiecki*, argues that the introduction of the Euro is only justified in countries with similar production structures and competitiveness. Therefore, it is expected that among the Visegrad countries, Slovakia will remain the only member of the Eurozone for some time. Other EU MS do not always look positively on the preliminary negotiations of the V4 since the V4 countries have the same voting power in the Council of the European Union as the votes of France and Germany, so the common position had and continues to have a great importance in qualified majority voting. However, despite the tension between the V4 countries, we can find sectors where successful cooperation can be achieved. This includes energy security as all four states rely heavily on Russian energy imports. Further successful cooperation could be the support of Eastern Partnership, important for reasons of geographical proximity. In sum, over the past 27 years, the states participating in the Visegrad Cooperation have shown that they are able to cooperate and work together for **common goals**. However, after the EU accession process completed in 2004, there are still some uncertainties in finding new sectors of cooperation since the Visegrad countries have slightly become politically opposed in the last decade.⁶⁵

9.2.2. THE NORDIC COUNCIL (NC)

Establishment

The Nordic Council is a loose, forum-like cooperation between the states of the so-called Nordic region. The Council and the cooperation of states was established for the primary aim of shaping the Nordic region into an area where people are happy to live and work. Out of the 510-million large European population, 27 million people live in the countries of the Nordic Council. These Nordic countries are considered among improved and advanced European states, whose economy has grown by 28 percent since the turn of the millennium. The Nordic Council countries are: Denmark, Faroe Islands⁶⁶ (Denmark), Greenland⁶⁷ (Denmark), Finland, Åland⁶⁸ (Finland), Iceland, Norway and Sweden.

⁶⁴ Prime Minister of Slovakia (2010-2012)

⁶⁵ See more: CSICSAI 2012

⁶⁶ A volcanic archipelago, inhabited since the Middle Ages, lies in the Northern part of the Atlantic, between Norway, Scotland and Iceland. His name means ‘sheep islands’ in Hungarian. Since 1948, it has a wide range of autonomy.

⁶⁷ Greenland is the largest ice-covered island in the world. It is part of Denmark, but since 1979 it has wide autonomy.

⁶⁸ Called *Ahvenanmaa* in Finnish, and located between Finland and Sweden, in the Bay of Botten, an archipelago of more than 6500 islands belongs to Finland, with a predominantly Swedish-speaking population.

In the aftermath of post-WWII integration efforts, **tighter cooperation of the Northern European states** was also raised. The Nordic Council was established in 1952, with the founding members being Denmark, Iceland, Norway and Sweden. Finland joined in 1955, while the Faroe Islands, Åland and Greenland in 1970. These last three gained more influence in 2007, when the Nordic Council of Ministers adopted the so-called Åland Documents.

During WWII, Denmark and Norway were under German occupation, Finland was suffering due to the Soviet attacks, and Sweden, despite its neutral status, bore the weight of the war. After the end of the war, the Nordic countries supported the establishment of the Scandinavian defense cooperation to ensure mutual protection. However, Finland could not participate, due to its political situation at that time. The Nordic countries have been looking for ways to unify their foreign policy and ensure their protection without joining NATO. However, the program collapsed due to the pressure of the USA and the accession of Denmark, Iceland and Norway to NATO. Thus, cooperation has moved away from the world of defense policy and the Nordic politicians have turned to the economy and development. At that time, in 1951, then Danish Prime Minister *Hnas Hedtof* proposed the convening of an interparliamentary forum. The proposal was welcomed by Iceland, Norway and Sweden, and in 1952 the **Nordic Council** was established.

The Helsinki Treaty, emphasizing and detailing the work of the Council, came into force in 1962. In 1963, newer results were achieved as part of the Nordic cooperation: the Nordic School of Public Health and the Nordic Cultural Fund were set up. In 1968, Danish Prime Minister *Hilmar Baunsgraad* proposed full **economic cooperation** (*Nordek*). Although the plan for cooperation was adopted in 1970, Finland finally rejected it due to its close relationship with the USSR. As a result, Denmark and Norway submitted applications for accession to the EEC and set up a Nordic Council of Ministers in 1971 to ensure cooperation. In the 1970s, this continued to develop when the Council decided to set up the Nordic Industrial Fund and the Nordic Investment Bank. Over the same decade, the Council's attention has shifted to environmental protection, especially in the Baltic Sea and the Northern Atlantic Ocean, but cooperation also extended to the issue of energy security. The Nordic Science Policy Council was established in 1983, supporting scientific cooperation between states. After the collapse of the USSR, the Nordic Council has worked more closely with the Baltic states and the new organizations. Because of the membership of Denmark, Finland and Sweden in the European Union, certain tasks and functions of the Nordic Council have partially ceased. In 2010, Iceland also applied for membership of the European Union, for which substantive negotiations were already underway, when it withdrew in 2015.⁶⁹

The Organization and Decision-making Mechanism of the Nordic Council

Organizationally, the **Council** is composed of the MPs of states and autonomous regions. There is no possibility of a direct election of the Nordic Council, they are nominated by the political parties of the parliaments. The Council has 87 members. The Council is governed by the Presidium, which holds regular meetings twice a year, but it is possible to convene extraordinary meetings as well. At the Presidium meetings, decisions will be taken that call on the Nordic governments to be implemented in practice. The President, Vice-President, and members of the Presidium are elected for the forthcoming year every fall during the ordinary meetings, with the presidency alternating between the countries. The political work of the Council is supported by six committees (among others, the Committee for a Sustainable Nordic Region, Election Committee, and Committee for Welfare in the Nordic Region). Members of the Council are organized into five political groups or are independent representatives.⁷⁰

⁶⁹ *History of the Nordic Council* <http://www.norden.org/en/nordic-council/bag-om-nordisk-raad/the-nordic-council/the-history-of-the-nordic-council/the-history-of-the-nordic-council>

⁷⁰ *About the Nordic Council* <http://www.norden.org/en/nordic-council/bag-om-nordisk-raad/the-nordic-council>

The **Nordic Council of Ministers** was established in 1971 aiming at the cooperation of MS governments. The name is misleading, as it refers to many Councils, depending on which ministers are negotiating. In the summer of 2018, the following Nordic Councils convened: Labor; Sustainable Growth; Fisheries, Aquaculture, Agriculture, Food and Forestry; Gender Equality; Environment and Climate; Health and Social Affairs; Education and Research; Finance.⁷¹ The work will be assisted by the Secretariat of the Nordic Council of Ministers, headquartered in Copenhagen.

Proposals and ideas may come from a single member, several members or a party group. If a member of the Nordic Council is to make a proposal, it will be taken to Nordic Council of Ministers. Proposals from the Nordic Council and the Nordic Council of Ministers should also be sent to the Presidium. The Presidium shall send the proposal to the relevant committee. After consultation with and gathering information from the relevant bodies, organizations and authorities of the Nordic Council, the committee will discuss the proposal and prepare a white paper.⁷² The proposal will then be returned to the Nordic Council, and in case the plenary session does not support it, rejected. If the proposal receives the support of the Nordic Council, it will be adopted in the form of a recommendation. The recommendation is sent to governments, who may suggest further measures. If they are decided by the Nordic Council, further measures may be taken. The outcome of the proposal is transposition when it is implemented in practice by the Nordic governments. Thus, the decisions of the Nordic Council are adopted in several stages. The proposal will be discussed in Presidium, in relevant committees, at the plenary session of the Council, and following the adoption of the **recommendation**, further steps may be taken and the Nordic governments will implement them in the practice of the countries. Taking feedback into consideration provides an opportunity for forward-looking and practically useful proposals to be accepted.⁷³

Importance

Despite certain functions having ceased or been rendered less significant with the accession of the cooperating countries to the EU, the cooperation within the Nordic Council is still **exemplary**. The Council was able to find new areas of cooperation that go beyond classical defense and economic policy issues, establish proper organizational structure, and provide funding for them. For the 2018 Presidium, beyond the response to new security challenges, cooperation in health technology and the protection of marine life are priorities for a sustainable, stable and secure Nordic community.

⁷¹ *Council of Ministers* <http://www.norden.org/en/nordic-council-of-ministers/council-of-ministers> Please note that the structure and division of the Councils, as well as the name mimics the structure and divisions specific to the Council of the EU, which also sits in different formations, depending on the field of the ministers negotiating.

⁷² A white paper is a concise report or guide that informs readers clearly about a complex issue and presents the philosophy of the body issuing it on the matter discussed. It is meant to help readers understand an issue, solve a problem, or make a decision.

⁷³ *Decision-making process in Nordic Council* <http://www.norden.org/en/nordic-council/policy-documents-and-processes-1/decision-making-process-in-nordic-council>

QUESTIONS FOR SELF-CHECK

1. Describe the historical circumstances and the most important stages of the establishment of the Council of Europe.
2. What requirements shall a state fulfill if it wants to join the Council of Europe?
3. What does the requirement of “being European” mean as a precondition for joining the Council of Europe?
4. Enumerate the bodies, institutions of the Council of Europe and briefly explain their tasks.
5. Enumerate some of the international conventions adopted by the Council of Europe with the exact dates and titles.
6. Describe the historical circumstances of the creation of the OSCE.
7. What do the three baskets theory and the Helsinki Decalogue mean?
8. How and why was the Visegrad Cooperation established?
9. Why are the Nordic Council and the regional cooperation of Nordic countries successful as regional cooperation?
10. What are the challenges that European regional cooperation is facing as a result of geopolitical changes and new events of the 21st century?

RECOMMENDED LITERATURE

- The Hungarian Helsinki Committee: European Court of Human Rights Cases. https://www.helsinki.hu/en/european_court_of_human_rights_cases/
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- 35 years from the Helsinki Final Act, 2011, <https://www.osce.org/secretariat/104605>
- R. SPENCER, Oliver: *The History of the OSCE From Its Founding to the Present Day*. 2015. <https://www.oscepa.org/documents/all-documents/helsinki-40/rso-speech/3103-address-at-the-college-of-william-and-mary-williamsburg-virginia-7-oct-2015-1/file>
- GYÁRFÁŠOVÁ, Olga – MESEŽNIKOV, Grigorij: *25 Years of the V4 as Seen by the Public*. Institute for Public Affairs, Bratislava, 2016. <http://www.visegradgroup.eu/documents/essays-articles/25-years-of-the-v4-as>

