

The Bureaucratic Dinosaur (Not) Likely to Go Extinct Under the Macedonian Chairmanship of the Council of Europe

Hailed as a historic day for the Republic of Macedonia, May 11 marked the country's first take-over of the rotating chairmanship of the decision-making body of the oldest pan-European intergovernmental organization for the next six months. While purely coincidental, given the fact that the 60th anniversary of the adoption of the European Convention on Human Rights falls in the same year as the Macedonian Chairmanship, authorities stated that this legal instrument of the organization served as the main inspiration behind their proposed list of thematic areas, presented under item 8 of the agenda of the 120th Ministerial Session of the Committee. On the same note, enhancing and consolidating the human rights protection system on both the national and European level represents the number one priority of the current chairmanship, to be discussed in detail below. The remaining thematic areas include fostering integration while respecting diversity with a focus on multiculturalism in Europe and promoting youth participation in the political and democratic development in the region of Southeastern Europe. For the purposes of the latter, the so-called Ohrid Process will be launched on September 10-11. It should provide an open forum enabling young people from the region to express their opinion regarding the implementation of Council of Europe standards based on their personal experience gained from actively participating in the political processes and democratic reforms in their respective societies.

All of the abovementioned priorities go in line with the principal tasks and commitments of the organization in the coming years, as identified in the Warsaw Declaration and its annexed Action Plan, adopted at the Third Summit of Heads of State and Government of the Council of Europe in 2005, with the intention of ensuring the required continuity between the activities of the present and preceding chairmanships.

To be or not to be, that is the question!

A slightly overambitious task to say the least, found under the first priority of the chairmanship, envisages a radical transformation of the Council of Europe into "a strong, flexible and internationally relevant political giant"¹, "an organization assuming the responsibility for human rights, rule of law and the [democratic] standards for 800 million Europeans"² in the span of mere months, rather than remaining "a bureaucratic dinosaur with insignificant political relevance"³, which the organization has grown to become nowadays. As one might reasonably expect, the goal of strengthening human

¹ Address of Minister Miloshoski at the 120th session of the Committee of Ministers of the Council of Europe.

² British Broadcasting Corporation, *Македонија претседава со Советот на Европа*, http://www.bbc.co.uk/macedonian/news/story/2010/05/100511_strasbourg_dusko.shtml.

³ Ibid.

rights protection encompasses the Interlaken process regarding the wide reform of the European Court of Human Rights, an outcome of the recent initiative taken by the Swiss Chairmanship in organizing a high-level ministerial conference on the future of the Court, mainly due to the failure to deal promptly with its overwhelming case-load.

Under the Macedonian Chairmanship, the most important contribution to the follow-up on the implementation of this process in particular lies solely in the hands of the Macedonian Ministry of Justice. A conference on the reinforcement of the principle of subsidiarity through incorporating the provisions of the Convention and the case-law of the Court into the national legal systems of the member states, is foreseen for the very end of the chairmanship, at the beginning of November. Whether this conference will be deemed as the key event among a myriad of activities planned under the current chairmanship in the vein of the reform process concerning the organization itself, initiated by the Secretary-General of the Council of Europe, Thorbjørn Jagland, as that has been the case with the Ministerial Conference in Interlaken for Switzerland, remains uncertain for the time being. Speaking of Thorbjørn Jagland, he paid a brief two-day visit to the Republic of Macedonia in his capacity as secretary-general prior the start of the chairmanship, during which a meeting with several key government officials took place. Afterwards he described as "dedicated leaders [...] with a clear vision for the Council of Europe in the 21st century"⁴, and then went on to publicly state that the Macedonian Chairmanship would make "a significant contribution to developing and reforming the Council of Europe at a critical time for Europe and for the re[org]anization."⁵

These assuring words notwithstanding, as well as the extent of reforms to be achieved under the current chairmanship, one must wonder "whether the set-piece conference model, with a small number of speakers delivering papers on pre-determined topics, with only minimal time for discussion amongst the other participants, is the most productive way of debating reform."⁶ The proper answer to this extremely significant question is supposed to be made available no later than during the succeeding chairmanship, which is to organize a follow-up conference in order to review the progress made so far on the implementation of the Interlaken Declaration and Action Plan in April 2011.

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⁴ Council of Europe, *Secretary General visits "the former Yugoslav Republic of Macedonia"*, http://www.coe.int/t/dc/press/news/20100413_SG_Skopje_en.asp.

⁵ Ibid.

⁶ Philip Leach, "Opinion on Reform of the European Court of Human Rights", *European Human Rights Law Review*, Issue 6 (2009): 726.