

FOREWORD BY THE EDITORS

The collection of studies in honour of our distinguished former colleague and friend Heinrich Klebes has as its central subject “Law in Greater Europe – Towards a common legal area.” The twenty-nine articles in this volume are grouped together under five headings:

- commitment to democratic standards
- protection of human rights and fundamental freedoms
- the Council of Europe in context
- the common legal space
- common problems of democracy and transatlantic relations.

As the reader knows from experience, such groupings are often somewhat arbitrary. Several of the articles could justifiably have been included under another heading.

The collection is a further illustration of the re-emergence of a common body of law in the wider Europe. It has three main components:

- the law of the European Union (Community)
- the human rights law, with the European Convention on Human Rights and the European Court of Human Rights at its centre
- the law areas governed by multilateral conventions, particularly those negotiated in the framework of the Council of Europe.

It is true that these legal sources have at their origin different actors and techniques and are applied according to different methods. But they have led to an unprecedented approximation and harmonisation of the national laws and created a European legal area. European law is thus a motor of European unification. Since 1989 it has been possible to realise an old dream: to extend the legal, human rights and democratic heritage to the whole continent for the greatest benefit of stability in its widest sense.

This is particularly visible in the human rights field, where the European Convention on Human Rights as a result of its ratification by Russia, is in force

in an area stretching from Greenland to Kamchatka. We welcome in particular that, by applying the same fundamental rights for European citizens, the national constitutional courts and the European international courts move increasingly in the same direction. They thus contribute significantly to a common European human rights area.

European law is essentially promoted by the European Union (EU) and the Council of Europe. Both institutions act more and more as partners in shaping the architecture of our continent. The legal instruments and other Council of Europe achievements are of an even greater importance for those of its member states which have applied for EU membership. Accession to the EU requires *inter alia* compliance with human rights, democratic principles, and the rule of law. It is in these fields that the Council of Europe has acquired a particular experience and an irreplaceable legal "acquis".

Two of the articles in the volume deal with the co-operation between the Council of Europe and the OSCE. Both organisations work in a different geographical area and with different methods and means but for the same values and democratic standards. Their relations have been strengthened in the last years. It is encouraging that the Council of Europe is now increasingly participating in field activities, particularly those concerning democracy building and the promotion of human rights.

Europe faces tough challenges. But clouds have silver linings. We note the strong will of the European states to promote stability and cohesion. There is growing pressure for more European law due to the significant advances of the economic and monetary union and also in order to cope with the development of the information society and new means of communication. It is therefore vital not to slacken our efforts in developing the European legal area and to make it safer against any storms.

With this collection of articles we did not only want to honour Heinrich Klebes' past eminent service for the European cause. We also want to encourage him to continue and develop his scientific work. In particular a book on the law of the Council of Europe has been lacking since 1956¹.

Bruno Haller, Hans-Christian Krüger, Herbert Petzold

¹ In 1956 Professor Karl Carstens, who later became President of the Federal Republic of Germany, published "Das Recht des Europarats".