Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 1030
12 September 1959

Rationalisation of European institutions other than those of the Six

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr Fernand DEHOUSSE, Belgium

1. See Resolution 170, Doc. 987 and Reference No. I 266 (24th April 1959).

A. I. Draft Order

The Assembly,

Having noted the Preliminary report of its Political Committee on the rationalisation of European institutions other than those of the Six (Doc. 1030),

Instructs that Committee to report finally on this matter at the third part of the present Session.

B. II. Explanatory Memorandum

1. INTRODUCTION

1. Immediately after t h e second World War, the free European States became conscious of the need for greater unity . As are sult, they set up various organisations whose aim was to institutionalise " their mutual cooperation.

We have now reached a stage of European co-operation m which the multiplicity and. diversity of institutions other than those of the Six are giving nse to complications, duplication and consequent inefficiency which m varying degrees, affects them all.

It was in view of this situation that the Committee of Ministers adopted on 20th April 1959 the following resolution regarding the future of european institutions (Doc. 987) :

The Committee of Ministers Meeting at the time of the célébration of the tenth anniversary of the Council of Europe;

Recalling tliat the aim of the Council is to achieve 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 ",

1. ...

2. ...

3. ...

4. - Resolve

a. ...

b. to confirm the vocation of the Council of Europe to constitute the general framework of European policy;

c. to contribute towards the endeavour to rationalise the European institutions m the light of ten years experience ;

d. to pursue the aim of economic progress set out in the Statute and to that and to support every effort to achieve a multilateral association between the European Economic Community and the other Member States of O. E. E. C. ;

e. in the social held, to complete in the near future the work on the European Social Charter, which will define the objectives and obligations of Member States relating to social policy and constitute an essential complement to the European Convention on Human Rights ;

f. in the cultural field, to develop contacts and collaboration between scientists, artists, teachers and students to the utmost, so as to permit Europe to found her unity in an endunng way on a better knowledge of and intercourse between lier vanous cultures.

At the same session, the Committee of Ministers examined the first report submitted to it on the subject of the rationalisation of European institutions other than those of the Six. Tins report was the sequel to the decisions it had taken on 15th December 1958.

In view of the fact that the member Governments of W. E. U. are also Members of O. E. E. C. and of the Council of Europe, the Ministers decided as follows, having found that they were unanimous in their desire to secure a rationalisation of European institutions :

1. The Special Committee is instructed to continue its work and to submit a report to the next session of the Committee of Ministers of the Council of Europe.

2. The exercise of the powers of W. E. U. in the social and cultural fields will be transferred to the Council of Europe in accordance with procedure to be laid down by the Ministerial Committees of the two organisations.

3. As a preliminary means of strengthening the links between the Council and O. E. E. C, Swiss and Portuguese Parliamentarians will be invited to take part in debates of the Consultative Assembly of the Council of Europe on the reports of O. E. E. C. and economic questions.

2. The Consultative Assembly's first reply to these decisions appears m its Resolution 170, readmg as follows :

"The Standing Committee, on behalf of the Assembly :

1. Welcomes the unanimous determination expressed by the Member Governments to bring about a rationalisation of European institutions other than those of the Six, and the first steps contemplated in this connection;

2. Invites the Bureau of the Assembly to work out, in agreement with the Committee of Ministers, appropriate measures so that Switzerland and Portugal are invited to send members of their Parliaments to take part in debates of the Assembly on the Report of the O. E. E. C. and economic questions. "

3. The Assembly, at the first part of the present Session, further instructed its Political Committee to submit a full report on the suggested rationalisation.

It is in accordance with these instructions that the following report has been prepared. Chapter I reviews the work done by the Committee of Ministers since December 1958, while Chapter II contains certain suggestions for appropriate action by the Assembly.

2. CHAPTER I - Work of the Committee of Ministers

4. The Committee of Ministers began studying the problem of rationalisation at the instance of the Belgian Minister for Foreign Affairs, whose proposal was the fruit of experiences that had emphatically underlined the dangers resulting from the proliferation of European organisations. The dangers became abundantly clear when, in December 1958, there were simultaneous meetings in the space of a few days of the Committee of Ministers of the Council of Europe, the Assembly and the Council of Ministers of W. E. U. and, for good measure the North Atlantic Council. At the same time the European Parliamentary Assembly was meeting at Strasbourg.

To make matters worse, the same items were simultaneously debated by different bodies. For example, the Berlin problem gave rise to lively discussion in the Council of Europe, W. E. U. and N. A. T. O.

5. At the Ministers' resolve a Special Committee was convened in Paris on 17th March 1959 to study the rationalisation of the European institutions other than those of the Six on the basis of a memorandum by the Belgian Government (Appendix I). In addition to representatives of the fifteen Member States of the Council of Europe, this Committee included observers from the Swiss, Portuguese, Canadian and United States Governments. After the meeting the Special Committee sent a report to the Committee of Ministers a report which served as the basis for the latter's Resolution reproduced in paragraph 1 above.

6. The Special Committee dealt inter alia with the following questions.

Problems relating to N. A. T. O.

Most members were unable to support the Belgian Government's proposal for a change in the status of the unofficial Conference of NATO Parliamentarians, nor could any agreement be reached on the proposal that the members of that Conference should be the same persons as those composing the other European Assemblies.

The Special Committee rejected the proposal to submit to the North Atlantic Council resolutions and recommendations of a political nature adopted by the Consultative Assembly. It was agreed that no such transmission could take place unless the North Atlantic Treaty were amended.

No suggestion was made by the Special Committee as to any changes in regard to the NATO Secretariat.

Problems relating to W. E. U

The Special Committee expressed itself as unanimously in favour of retaining W. E. U. in its present composition. The only practical proposal, which has incidentally been approved by the Committee of Ministers of the Council of Europe, concerns the activities of the WEU Assembly and advocates the transfer of the cultural and social activities of that Assembly to the Consultative Assembly of the Council of Europe.

The transfer of the powers wielded by the governmental organ of W. E. U. in the cultural and social field to the governmental organ of the Council of Europe was also suggested? and subsequently approved by the Committee of Ministers of the Council of Europe. Another proposal, to the effect that at Deputy level the governmental organs of N. A. T. O. and W. E. U. should be composed of the same persons was rejected by the Special Committee.

Lastly, it was agreed that the WEU and Council of Europe Secretariats should be reorganised in the light of the transfer of WEU cultural and social activities to the Council.

Problems relating to O. E. E. C

The only specific decision taken with regard to O.E.E.C. is that mentioned in paragraph 1 above, namely the invitation to Switzerland and Portugal to delegate members of their Parliaments to take part in Consultative Assembly debates on the OEEC Report and economic matters in general.

The Special Committee considered that it would be useful for the governmental organs of O. E. E. C. and the Council of Europe to meet in one and the same place, so that they could work in close contact. All the other suggestions made by the Belgian Government, particularly that concerning joint meetings of the two governmental organs, met with objections of a legal and practical nature from most of the delegations.

With regard to the question of coordinating the work of the Secretaries-General of O. E. E. C. and the Council of Europe, it was acknowledged that there would be many advantages in having the Secretariats in the same place.

The Secretaries-General of O. E. E. C. and the Council of Europe were also instructed to consider the possibility of combining the study by their respective staffs of questions which are complementary to each other.

Headquarters

Broadly speaking, the Special Committee agreed that a single headquarters for the European organisations would make for increased efficiency and would solve various problems involved in rationalisation.

3. CHAPTER II - Appropriate action by the Consultative Assembly

7 . It is clear from the foregoing that the Special Committee was guided by the principle that the treaties which at present govern the status and functioning of the European organisations are to be respected and maintained. Its suggestions are therefore based only on a broader interpretation of those treatres which explains their very limited scope.

Now, it is obvious that no genuine rationalisation can be achieved (i.e. there can be no simplification of the machinery in the interests of greater efficiency) unless there is a revision of the statutory texts in force. Otherwise, no rationalisation is conceivable.

It can hardly be expected, however, that any such radical action as treaty revision should be advocated by a body like the Special Committee. Composed as it is of senior officials of the States concerned, and placed as such under the aegis of the Council of Europe, it is not empowered to make suggestions of that kind. Only a diplomatie conférence of the States belonging to the various organisations other than those of the Six could draft amendments to the existing statutory instruments. In my view, such a conference is a necessity, and the Assembly should therefore urge the Committee of Ministers to convene it as early as possible.

The matter is the more pressing in that any results achieved by the conference, to the extent that they included treaty revision, would have to go through the customary ratification process in the States concerned. We in the Consultative Assembly know from bitter experience how slow that process is. No time should therefore be lost in opening governmental negotiations.

Problems relating to O. E. E. C.

8. The first important practical decision is undoubtedly the merger of O. E. E. C and the Council of Europe, already discussed by the Assembly on several occasions – even to the extent of considering, in October 1958, a draft Basic Agreement (Appendix II) designed to that end.

However, at the time when the Assembly was giving preliminary consideration to this Basic Agreement, the only OEEC countries not belonging to the Council of Europe were Switzerland and Portugal. The fact that there was so little difference in composition was rightly made one of the arguments in favour of the merger. In the meantime, however, a new factor arose with the entry of Spain into O. E. E. C. on 20th July 1959.

This development has serious consequences as regards the proposed amalgamation.

The chief political task of the Council of Europe, its raison d'être enshrined in the Statute, is the protection of human rights and fundamental freedoms, which implies that all its Members must respect the rule of law in a truly democratic society. Once the Council abandoned that fundamental principle it would lose the very reason for its existence. The admission of Spain to the Council of Europe by the indirect route of a merger of O. E. E. C. with the Council would unquestionably for reasons which can be readily understood constitute a denial of the Council's very " centre and soul ".

I am fully aware of this situation. I consider nevertheless that the Basic Agreement already mentioned pays due regard to the special role of the Council of Europe. The report by the Bureau of the Assembly on the Basic Agreement specifies in paragraph 9 that the Founder Members of the combined Organisation would be the present Members of one or other Organisation " ; in other words the Member States of O. E. E. C. not belonging to the Council, viz. Switzerland Portugal and Spain, would not be " Founder Members " but simply " partial Members " of the combined Organisation. The distinction is not just a verbal nicety it is fundamental. A partial Member cannot become a full Member of the combined Organisation unless it genuinely fulfils the conditions laid down in Article 3 of the new Statute which are the same as those prescribed by Article 3 of the Statute of the Council of Europe (respect for human rights and fundamental freedoms) There is thus no prospect of present day Spain gainino- admission to the Council in the event of her accession to the Basic Agreement

To avoid any misunderstanding, certain amendments might also be made to the draft Basic Agreement reproduced in Appendix II; it could be expressly stipulated that the Contracting Parties to the Statute of the combined Organisation would be the States at present belonging both to O. E. E. C. and the Council of Europe.

In taking their decisions, the Consultative Assembly and the Committee of Ministers should bear in mind that a merger between the Council of Europe and O.E.E.C. would ensure direct and immediate parliamentary control over the activities of the latter Organisation. That control has perhaps never been so much needed as since the happenings of recent weeks.

9. When the merger of the two bodies was mooted in 1958, the objection was raised that it was untimely to discuss it when negotiations on the creation of a European Economic Association were pending.

I have never shared that view, for I was and still am, convinced that the merger of O. E. E. C. with the Council and the establishment of a European Economic Association are two entirely different questions. .But, if the initial premise is accepted, namely that there is a link between the two problems, there should be all the more insistence upon the merger now that, at least for the time being, the negotiations on the Free Trade Area have broken down. There can be no doubt that O. E. E C could provide a decisive stimulus if it were eciuipped with a parliamentary organ such as the Consultative Assembly. Ten years of Council of Europe history have given abundant proof of the essential services which can be rendered by a parliamentary body in an international organisation. Failing the construit encouragement supplied by the Assembly the Council would never have achieved the successes it has to its credit in the field of European co-operation.

Parliamentary Conference on OEEC questions

10. As mentioned in the previous paragraph, the O. E. E. C./Council of Europe mergrer would appreciably improve the effectiveness of the two organisations. As an objective it will however, take a certain time, on account of the constitutional problems it poses for the States concerned. The time element is, moreover the only justification for the invitation extended by the organs of the Council to Swiss and Portuguese parliamentarians to a conference with the members of the Consultative Assembly. Such a conference would in fact constitute a new legal entity. Thus the rationalisation of the institutions, instead of simplifying the operation of existing organisations would have the paradoxical result of adding yet another cog to the machines ! It is our duty then, to obtain an assurance from the Committee of Ministers that, pending the merger of O. E. E. C. with the Council of Europe this Conference will be merely of a transitional nature. There can in any case be no question of " institutionalising " it.

It will be seen that the invitation to OEEC Members not belonging to the Council of Europe has been addressed to two countries only, Switzerland and Portugal. So far as I know, it has not so far been sent to Spain.

This policy should, in my view, be firmly adhered to.

The admission of the Spanish representatives to the Conference, and a fovtiovi to the Assembly itself (within the combined organisation), would be tantamount to according them a status they do not posess, that of representatives of a democratic parliament. In this respect the Conference, and still less the Assembly, is not endowed with the freedom of action enjoyed by the Interparliamentary Union.

I consider therefore that there should be no participation by Spanish representatives in the control of OEEC activities.

There is no legal argument against this contention so far as the Conference is concerned, since the latter is not part of the machinery of the combined organisation and is in any case to be only transitional.

When, however, the stage of control by the Assembly itself is reached, certain portions of the Basic Agreement will need to be revised, especially Article 9, paragraph 3, together with the interpretation placed thereon in paragraph 10 of the Explanatory Memorandun (Doc. 845)[2]

Problems relating to W. E. U.

11. I have already said that the Special Committee set up by the Ministers had occasion to consider whether W. E. U. was at present fulfilling a useful function. The answer was in the affirmative, at any rate implicitly, since the Special Committee expressed itself in favour of maintaining W. E. U. as at present constituted. I am by no means in agreement, with that view. Indeed, I should like to see W. E. U. disappear as an institution, though I consider that the political and military clauses of the Treaty should be maintained in an appropriate form. Part of the Treaty by winch W. E. U. was established might therefore subsist even if the institution disappeared. European co-operation could not but benefit, since it is an unfortunate fact that in some fields W. E. U. cannot expand, or even keep going as at present save at the expense of the Council of Europe.

To dissolve W.E.U. seems, however, difficult of achievement at this precise political juncture. The Consultative Assembly should therefore urge the more strongly that the exercise of compétence by W. E. U. m cultural and social matters be transferred to the Council without delciy.

12. The present situation is far from clear. On 20th April last the Committee of Ministers of the Council of Europe decided to transfer the exercise of the social and cultural competence of W. E. U. to the Council, whose Secretary- General was subsequently instructed to approach his colleague at W. E. U. in order to work out the details. No result has so far been obtained, since the Secretary-General of W. E. U. considers that the Council of his organisation has not yet taken any decision on the transfer. As far as I know, the Council of W. E. U. has simply noted the decision adopted by the Council of Europe. The only action taken has consisted in asking the various WEU expert Committees dealing with social and cultural questions for their opinion on the advisability of the transfer.

The question was also discussed by the WEU Assembly at its Session held from 15th?18th June 1959, when a table was distributed showing the activities involved (see Appendices IV and V hereto). The feeling of the WEU Assembly on that occasion was, on the whole, unfavourable. Since the members of the WEU Assembly are at the same time members of the Consultative Assembly' I must say I find it surprising that my colleagues should preach rationalisation in our Assembly and decry, when they wear their WEU's hats even the minimum of rationalisation represented by the transfer of WEU's social and cultural activities to the Council of Europe.

13. The anxieties which account for tins reluctance of the WEU Assembly appear to be twofold. First, there is a desire to maintain the effectiveness of the WEU Committees of Experts, should the activities in question be transferred to the Council of Europe; secondly, there is concern about the procedure for partial agreements in the Committee of Ministers of the Council of Europe?a procedure which is governed, as we know, by Resolution (51) 62 of that Committee (Appendix III).

I do not believe there is any ground for those objections. The answer could be, so far as cultural activities are concerned, for the Council of Europe to include them in the Cultural Convention, which offers a limited number of Contracting Parties an opportunity of pursuing, under the auspices of the Council, those cultural activities in which they alone are interested. Thus Article 6, paragraph 6, of the Cultural Convention provides as follows :

---

2. The same observation applies to paragraph 11 of that document.

In the event of certain proposals for the application of the present Convention being found to interest only a limited number of the Contracting Parties such proposals may be further considered in accordance with the provision of Article 7 provided that their implementation entails no expenditure by the Council of Europe ".

Article 7 reads as follows : If, in order to further the aims of the present Convention, two or more Contracting Parties desire to arrange meetings at the seat of the Council of Europe other than those specified in paragraph I of Article 6, the Secretary-General of the Council shall afford them such administrative assistance as they may require.

On the other hand, the exercise of WEU cultural and social activities could be generally facilitated within the Council of Europe if the Council made certain amendments to the procedure for concluding partial agreements, so as to enable the seven Governments at present represented m W. E. U. (or a limited number of the Members of the Council of Europe) to pursue certain WEU activities within the Council.

Admittedly, m the case of partial agreements the Committee of Ministers must first decide, by unanimity of the votes cast, whether the proposal can be adopted by a limited number of its members. Once it has taken a decision, it goes on to discuss the proposal, which will, if necessary, be adopted only by a restricted number of its members : the others will abstain and their Governments will not be committed.

Such a procedure, and in particular the need for a prior unanimous decision, is doubtless likely to complicate the transfer of WEU cultural and social activities. But a remedy can be found. The Committee of Ministers of the Council of Europe might, for example, by resolution adopted pursuant to Resolution (51) 62, decide once and for all that it is permissible to abstain from participating in a given activity of a social or cultural nature transferred from W. E. U. to the Council of Europe. If this decision were taken in advance it would allow the Members concerned, in general, and especially the WEU Governments represented to conclude partial agreements on the transfer of the activities in question.

14. I do not intend to enter into further details to show that the objections raised by the WEU Assembly can be countered. It is for the Committee of Ministers to work out ways and means of effecting the transfer : my object in the preceding paragraph was simply to outline a possible procedure.

The Assembly should urge the Committee of Ministers to ensure that those Governments which supported its decision of 20th April 1959 on the transfer of activities shall abide by their resolve and do all in their power to see that it is speedily carried out.

Seat of the European Organisations other than those of the Six

15. The Assembly, in Recommendation 148, advocated a common headquarters for the European institutions. It was in favour of choosing some central town which possessed, or could be equipped with, permanent modern communications and international press services.

The Special Committee instructed by the Ministers to consider the problem of rationalisation expressed a similar view, recognising (cf. paragraph 6 above) that a concentration in one and the same place of European organisations other than those of the Six would enhance their efficiency and solve many of the problems of rationalisation.

Such concentration is essential if these organisations are to increase their effectiveness and unity of purpose. There is also a powerful economic argument m its favour. Concentration is likewise closely bound up with the question of merging the Council of Europe and O.E.E.C. It would make nonsense of such a union if the OEEC services remained in Paris and the offices of the Council at Strasbourg.

Your Political Committee have considerecl the choice of a single headquarters. They unammously consider that the alternatives are Strasbourg and Paris, the two cities which house O. E. E. C. and the Council of Europe. They agree that the Ministers cannot be censured for their indecision if the Assembly itself maintains an ambiguous silence. It is for the Assembly, they feel, to make a clear pronouncement. The Committee, after considenng the potentialities of the two cities voted in favour of Paris as the seat of European institutions other than those of the Six.

The voting was 15 for, 0 against, and 3 abstentions. It was further understood that Paris implied not only the city itself but, if liecessary, the Pans region.

In this way the Political Committee have expressed their belief that only a capital city can offer the European organisations all that they require : adequate air and rail communications and constant relations with pohtical and diplomatic circles and the world press.

The foregoing report was submitted to the Committee at its meeting of 12th September 1959.

Certain members of the Committee expressed dissentient opinions on various points.

The Committee consicidered that the problem was not yet ripe for decision. In particular, the Special Committee set up by the Committee of Munsters has not completecl its work and is to meet agam before the encl of 1959.

The Committee authorised the Rapporteur to enlarge on the report to the Assembly, as it concords with the views of a number of Members and may well provoke a broad general debate reflecting all shades of opinion. The Committee will subsequently reconsider the question in the light of that debate and, at the next part-Session, table draft Recommendations on which the Assembly will be required to vote.

Appendix 1

Rationalisation of European institutions other than those of the Six - Aide-mémoire submitted by the Belgian Government

I. Introduction

Strasbourg, 6th February 1959

1. European co-operation has developed empirically, giving rise to a multiplicity of institutions. We have three Communities with the same six Member States. With a seventh State added they form Western European Union. The Council of Europe has fifteen Member States, which are joined by Portugal and Switzerland in the Organisation for European Economic Co-operation. Lastly thirteen European States are partners with Canada and the United States in the North Atlantic Treaty Organisation. With this proliferation the organisations find themselves going over .the same ground and even working at cross-purposes. This severely handicaps them in their work and prevents their effective co-operation.

Another danger is the paralysis creeping over these bodies. The Ministers go from one council to another only to find the same questions on their agenda. The various assemblies debate in turn the same problems. The exchange of ideas, essential to any democratic organisation, is constantly interrupted, and in the longrun becomes completely impossible because neither the Assemblies nor the Ministers have fixed partners to whom to address themselves.

The effects of this anarchy were felt most acutely in Paris in December 1958, when in the space of a few days meetings were held of the Committee of Ministers of the Council of Europe, the WEU Assembly and the Council of Ministers and the Council of Ministers of N. A. T. O . At the same time, the European Parliamentary Assembly of the Six met at Strasbourg. To make matters worse, the same questions were on the agenda at different meetings; the Berlin problem, for example, was keenly discussed in the Council of Europe, W. E. U. and N. A. T. O.

2. This brought the issue to a head, and the Committee of Ministers of the Council of Europe, on a proposal by the Belgian Foreign Minister, decided at their 23rd Session, on 15th December 1958, to see what steps could be taken to streamline the European institutions. They instructed their Permanent Representatives to draw up a report for their 24th Session in April 1959.

3. As a starting point for this work, and to assist in arriving at the closest possible agreement, the Belgian Government submits the present Aide-memoire, in which it embodies, to a large extent, the work already done on the subject in various international organisations. It also contains suggestions for procedure in drafting the report and for the Ministers' examination thereof.

II. General considerations

Our views are based on certain principles which are set out below.

4. In the first place, rationalisation will only serve its purpose if it applies to all the European institutions whose work is to be co-ordinated.

But to this general principle we must attach a qualification ? and add a rider.

The six-Power Communities must be left aside. Their supranational structure, the partial sovereignty vested in them, the parliamentary system under which their executive bodies are controlled by a sovereign Assembly, and their political aim of integration, mean that their action is subject to rules and their development set at a pace ill-suited to the other institutions.

The rider is this : N. A. T. O . , which is considered together with O. E. E. C , the Council of Europe and W. E. U., is in a special situation. I t has thirteen European Member States and shares with the other three institutions many functions in the political, military, economic or cultural fields, but the membership of two North American countries gives it a particular character.

5. The second principle in considering the various European organisations is that we must endeavour to co-ordinate the work of their intergovernmental bodies, their Assemblies and their Secretariats.

6. The third principle is that rationalisation will only be acceptable if due regard is had to the functions of the organisations, that is to say if it will help them to achieve their purposes, if it will not fetter their energies but on the contrary enhance their efficiency.

7. " Striving to better, oft we mar what's well " ; we do not offer counsels of perfection, and the fourth point about the reforms we propose in the following pages is that they do not overstep the present treaties; they do not call for modifications to the statutes of the organisations but aim, counting on the good will of all concerned, at improving the practical working of the intergovernmental executives, the Assemblies and the Secretariats.

Any more far-reaching re-organisation would he much more difficult since i t would require a remodelling of the treaties, which would take a long time and be less sure in its effects. Perhaps i t would not even he timely in a Europe still in gestation. For example, it is not yet clear what links there should be between the six-Power Common Market and 0 . E. E. C, in particular as regards institutions. Again, N. A. T. O.'s plans in the economic and cultural fields have not yet taken shape. If we were to attemptat the present time a complete overhaul of one or more institutions, the danger is that we might produce a cutand- dried arrangement which would stifle their enthusiasm.

The last section of this Aide-mémoire does, however, outline some ideas, which may prove useful, on the general direction in which we might move.

8. The fifth principle is t h a t rationalisation implies not only co-ordination but some standardisation of the institutional structure by a broadening of democratic control. Such control is statutory in the Council of Europe and W. E. U. but does not exist in O. E. E. C , except very indirectly, and is somewhat sketchy and unofficial in N. A. T. O. Yet in the political philosophy of the Western world it is deemed essential.

Admittedly, this control is exercised by an assembly with no more than consultative functions, but we must not underrate its importance. Politicians and qualified spokesmen of public opinion, gathered together in assembly, can give expression to an agreed line of thought on particular problems, or they may bring to the fore the broad divisions of public opinion on those subjects. They fall into groups, not according to national or party allegiance, but according to their divers affinities. The obstacle of sectarianism being thus circumvented, they can collectively inform and stir the executive bodies to action in ways that otherwise would not be possible.

The above consideration shows how valuable it is for international organisations whose Member States do not relinquish any of their sovereignty to have a consultative assembly. It also points to the limits of its usefulness; it cannot aspire to do more than stimulate, suggest, appraise and supervise by rendering opinions and passing resolutions and recommendations.

9. There is also a need for harmonising relations between the respective organs, for rationalising the traffic of ideas between the assemblies and the executive bodies. In other words an assembly, albeit consultative, must have a body to which it can address itself and from which it can expect a reply.

This brings us to our sixth principle : a consultative assembly must address itself to only one intergovernmental body; conversely, no intergovernmental body should be called upon for action by more than one assembly.

For this t o be borne out in practice, the assemblies and executive bodies must impose upon themselves a measure of discipline.

10. The seventh and last principle concerns t h e need to gather together in one place the institutions it is proposed to rationalise.

As regards the intergovernmental organs and the assemblies, the need is self-evident.

As regard the secretariats : each organisation has a permanent staff to conduct its day-to-day business. Co-ordination between administrations will be an arduous, if not impossible task, if they remain at their present distance from each other.

III. The plan

11. The rationalisation of institutions on the lines indicated above can be effected, as we have said, in several stages. The first stage might consist of administrative measures within the framework of the treaties, and these could be carried out at very short notice. Furthermore, nothing would be done which could not be undone should the experiment prove a failure.

A. THE ASSEMBLIES

12. The intention is to institute general democratic supervision, to maintain the individuality of the assemblies, to give them a sufficiently homogeneous composition and to distribute work among them in an orderly fashion.

13. (1) General democratic supervision

(a) The structure of the Council of Europe and WEU Assemblies would remain as at present.

(b) The unofficial NATO Parliamentary Conference, which has proved its worth over a number of years, could henceforward be regularised. It would not at this stage he given a charter, as this could not he done without a protocol, but its procedure and practice would he brought into alignment with the rules applied by the Council of Europe and WEU Assemblies.

(c) The O. E. E. C. is not subject to parliamentary supervision, and it should be. There is no need to create another assembly for this purpose. The Consultative Assembly of the Council of Europe could be invited to hold consecutively with its Sessions and beginning with the Session of October 1959 at Strasbourg, ad hoc meetings at which it would serve as an unofficial parliamentary conference for O. E. E. C.

Portuguese and Swiss observers (possibly also American and Canadian) might attend in an advisory capacity. Their presence at an ad hoc meeting would raise fewer difficulties than would be involved in giving them a status in the Consultative Assembly of the Council of Europe.

The Ministers might speak in debates and the Secretary-General of O. E. E. C. might present a report on the work of that organisation. The conclusions of the debates would be sent to t h e OEEC Council, which would pledge itself to give them due consideration.

The meetings would not be confined to the examination of OEEC reports; they would discuss the whole range of economic problems.

14. (2) Individuality of Assemblies

Each Assembly would retain its de jure or de facto individuality; no merger is proposed.

The WEU Assembly, however, since the control it exercises – as will be seen below – would be assumed either by the Consultative Assembly of the Council or by the NATO Conference, would meet in future only to satisfy the requirements of Article 9 of the amended Brussels Treaty. of 1954. The new arrangement would not prejudice t h e interests of the parliamentarians, since they would also be members of the Consultative Assembly and the Atlantic Conference. It would certainly not imply that the Brussels Treaty would be placed in abeyance and no longer be binding on the Contracting Parties.

As the intention is to respect the Treaties and consequently to maintain the individuality of the Assemblies, it is proposed to maintain the separate Clerk's Offices or Secretariats. This applies particularly to the senior staff who plan and organise the debates. The executive staff, in the interests of economy and efficiency, could be grouped together to serve the various Assemblies; there is no reason, for example, why each Assembly should have its own interpreters, translators, documents section, despatching, messengers, etc

The Clerk of the Consultative Assembly would place himself and his staff at the disposal of the unofficial OEEC Parliamentary Conference. 15.

(3) Homogeneous composition

Some degree of homogeneity would be given to these Assemblies and Conferences if the national delegations of the countries represented in all or some of them were of the same composition.

This is already the rule in the Consultative and WEU Assemblies, where there is identity of persons; it would apply, ipso facto to the OEEC Conference if the arrangement suggested above were adopted; similarly the delegates to the NATO Parliamentary Conference from the member countries of the Council of Europe should be drawn from members of the Consultative Assembly.

Personal identity is desirable to avoid the Ministers having to go over the same ground again in different assemblies where the national delegations do not consist of the same persons. Parliamentarians who are not members of one assembly will be anxious to voice their opinions in the other. This leads t o idle repetition;

worse t h a n t h a t , it tends to stultify intercourse between ministers and parliamentarians, which in those conditions can never he regarded as conclusive. I t is difficult to see why the same public opinion should be represented differently in various assemblies often dealing with related problems.

If it were made a general practice to appoint substitutes this would greatly strengthen t h e national delegations, which could widen their professional range, and would avoid placing too heavy a burden of international work on the same persons.

16. (4) Division of labour

It would he a notable step towards coordination if we could allocate in an orderly fashion precise tasks to each assembly and not have t h em going over the same ground; exchanges between ministers and parliamentarians would be simplified and would have more chance of yielding satisfactory results.

The assemblies variously concern themselves with political, military, economic, cultural, scientific, social, legal and administrative matters, often working at cross purposes and not getting very far. By self-imposed discipline each could specialise in one field, provisionally forgoing the exercise of some part of its competence. The sacrifice would be no more than formal if the national delegations to the assemblies were of the same composition; furthermore it would be provisional and experimental.

The NATO Conference would specialise in military and general political questions. The Consultative Assembly would continue to deal with cultural, scientific, social, legal and administrative matters; it would take up political questions of concern only to Europe, for example, problems of European integration. The OEEC Conference would concern itself with all economic matters. With this distribution of work, the WEU Assembly would find itself with very little to do, hut, as we have said above, it would be asked to fall in line with this arrangement only on a provisional and experimental basis.

As to the practical details of sharing out the work : since what is intended is not to restrict competence hut to rationalise its exercise, the assignment of tasks could be made by a " Committee of Presidents " or a " Combined Bureau " of the assemblies. Naturally, this Committee would also attend to the time of meetings.

B . MINISTERIAL COUNCILS

17. The executive bodies would-be reformed on similar lines. Reform will only be effective if measures applied to the assemblies are matched by others affecting the intergovernmental organs.

18. (1) Individuality of the executive bodies

All the organisations, including W. E. U., will keep their executive bodies in their statutory form;

19. (2) Homogeneous composition

The ministerial organs of N.A.T.O . and W. E. U. consist of the Ministers for Foreign Affairs, seconded on occasion by Ministers of " technical " departments. Homogeneity is thus ensured.

The OEEC Council and the Committee of Ministers of the Council of Europe would work side by side; they would meet in joint sessions, in which the governmental delegations might comprise the Minister for Foreign Affairs, responsible for political co-ordination, and " technical " Ministers. As the chairmanship in the OEEC Council now goes by a different system from that in the Committee of Ministers of the Council of Europe, some uniform arrangement would have to be made. The representatives of Portugal and Switzerland and also Canada and the United States would be invited to sit in an advisory capacity in discussions on questions within the competence of the Council of Europe.

20. (3) Division of labour

The executive bodies would specialise in certain questions in the same way as the assemblies. The NATO Council would concern itself with all military matters and general policy; it would not forgo the exercise of any aspect of its competence. The Council of W. E, U. would deal with questions solely of concern to the Seven.

I t would be difficult and of doubtful utility, to prepare some preconceived plan drawing a line of demarcation between the tasks of the executive bodies of O.E.E.C. and the Council of Europe. With certain exceptions (e.g. for O.E. E.C. all economic questions and for the Council of Europe political questions confined strictly to

Europe and Human Rights) the two organisations work largely in the same field. The method of juxtaposing executive bodies suggest t e d above seems, t o be the best way out of the difficulty. Decisions would be taken under the rules of procedure of the Council of Europe or O.E.E.C., as may be judged appropriate.

21. As regards machinery for allocating the work, the council of the four organisations would set up a Co-ordination Committee to deal with the calendar and agendas. This Committee would have no competence in respect of the substance of questions; it would merely make proposals for the allocation of tasks to different intergovernmental organs. It might work in liaison with the corresponding committee of the assemblies.

The Co-ordination Committee might be composed, for example, of the four Secretaries- General or their deputies, or of the Chairmen of Committees of Ministers' Deputies.

C. THE SECRETARIATS

22. The work of the Secretariats would be specialised according to the nature of the work allotted to the executive bodies of the organisations.

As in the case of the Clerk's Offices and the secretarial services of the assemblies, the Secretariats would no doubt find it an advantage to pool certain executive departments.

Some sections of the WEU Secretariat could work in conjunction with those of t h e NATO Secretariat or the Secretariat of the Council of Europe.

In the case of the Council of Europe and O.E.E.C, the entire Secretariats would work side by side in the same way as the ministerial organs. Responsibilities would remain distinct, since nothing would he done to change the Statutes, and the existing heads of the two administrations might justifiably be maintained in office. On the other hand, corresponding sections of the two Secretariats would as far as possible be amalgamated.

IV. Preparation of the report

23. The Permanent Representatives to the Council of Europe have been asked to produce a report for submission to the Committee of Ministers in April.

The other European institutions must he associated immediately with the planning of the reforms of which the initial stages are under consideration by the Council of Europe. It would be deplorable if susceptibilities were offended or misgivings aroused by leaving them out of the preliminary discussions. And, to take a less negative view, we cannot arrive at a reasonable solution except in the light of the experience of all European organisations.

It is therefore suggested that the Permanent Representatives to the Council of Europe, acting on behalf of the Committee of Ministers, should entrust the preliminary consideration and drafting of the report to an ad hoc group. This would consist of a representative of each Member Government, who might be at its choice either i t s Permanent Representative to the Council of Europe or its delegate to one of t h e organisations concerned or an official especially appointed for t h e purpose. The representative of each Government could of course be assisted by advisers. The group would also include the Secretaries-General of O. E. E. C , the Council of Europe, N. A. T. O., and W. E. U. or their deputies. To ensure that the group should be fully representative, observers of the Governments of Canada, the United States, Portugal and Switzerland would be invited t o attend meetings in an advisory capacity. The Chair would be taken by the representative of t h e Government whose Foreign Minister is the sitting Chairman of the Committee of Ministers.

24. The report presented by the Permanent Representatives to the Committee of Ministers will be drafted by the ad hoc group, so that the Permanent Representatives will have had every assistance.

The report might comprise :

a. views on the main principles of rationalisation ;

b. suggestions for an immediate and provisional re-organisation;

c. proposals concerning the expediency, the manner and the appropriate time for consulting the assemblies on the proposed rationalisation;

d. proposals on the procedure for the negotiations to be continued between all Governments concerned.

If we can work out methods to improve the efficiency of all the European institutions, without modifying the treaties, without surrender of competence, but simply by means of self-imposed discipline and a general spirit of good will, we can look forward to beginning this tentative reform at the beginning of the year 1959-1960.

V. Long-term prospects

25. More sweeping reforms will no doubt be needed later. We must put an end to t h e proliferation of institutions and make new arrangements for regional co-operation between States b y means of a small number of simpler organisations, at judiciously chosen levels. But, as has been said in paragraph 7 above, such a new dispensation would require a reshaping of the treaties. That is a long-term undertaking which has slender chances of success at the present time.

We must give the European institutions atrial period in their new guise after the provisional re-organisation has been put into effect.

In the light of experience, we shall then consider whether to establish statutory links between N. A. T. O. and W. E. U.

In the case of t h e Council of Europe and O. E. E. C , time will tell whether the association results in the harmonious development side by side of the two organisations, equally vigorous each in its own sphere. At some stage it might be timely for Canada, the United States, Portugal and Switzerland, to associate themselves with the Council of Europe, thereby ensuring homogeneity among the partners of each organisation. If the experiment is successful the path will he open to the ultimate and logical consequence, a complete merger.

Appendix 2

Report on the institutional reform of the Council of Europe - presented, on behalf of the Bureau of the Assembly, by M. BICHET in accordance with Assembly Order 115

See Doc. 845, Volume III of Documents (Working Papers) of the 10th Ordinary Session.

Appendix 3

Resolution (51) 62 - (2nd August 1951)

PARTIAL AGREEMENTS

The Committee of Ministers,

Having regard to Article 20 (a) of the Statute, which provides that recommendations by the Committee of Ministers to Member Governments require the unanimous vote of representatives casting a vote and of a majority of the representatives entitled to sit on the Committee;

Having regard to Recommendation 3 adopted by the Consultative Assembly in August 1950;

Desirous, whenever possible, of reaching agreement b y unanimous decision of the Committee, but recognising, nevertheless, that in certain circumstances individual Members may wish to abstain from participating in a course of action which represents the wishes of other Members;

Considering that it is desirable for this purpose that the procedure of abstention already possible under Article 20 (a) of the Statute should be so defined that the individual representatives on the Committee of Ministers should be able, by abstaining from voting for a proposal, to avoid committing their Governments to the decision taken by their colleagues,

Resolves :

1. If the Committee, by the unanimous vote of the representatives casting a vote and of a majority of the representatives entitled to sit on the Committee, decides that abstention from participation in any proposal before it shall be permitted, that proposal shall be put to the Committee; it shall be considered as adopted only by the representatives who then vote in favour of it, and its effects shall be limited accordingly.
2. Any additional expenditure incurred by the Council of Europe in connection with a proposal adopted under the above procedure shall be borne exclusively by the Members whose representatives have voted in favour of it.

Appendix 4

I - Chapter V of the Fourth Annual Report of the Council of W. E. U. to the WEU Assembly

II - Report of the General Affairs Committee of the Assembly of W. E. U. in reply to Chapter V of the Fourth Annual Report of the Council of W. E. U. - (Rapporteur : M. MONTINI)

See Doc. 1003, Volume III of Documents (Working Papers) of the 11th Ordinary Session.

Appendix 5 – Documents transmitted for an Opinion to the Consultative Assembly by the Assembly of W. E, U. (Cultural questions)

I - Chapters VI and VII of the Fourth Annual Report of the Council of W. E. U. to the WEU Assembly

II - Report of the General Affairs Committee of the Assembly of W. E. U. in reply to Chapters VI and VII of the Fourth Annual Report of the Council of W. E. U. (Rapporteur : M. KOPF)

See Doc. 1004, Volume III of Documents (Working Papers) of the 11th Ordinary Session.