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# Revision of the Statute of the Council of Europe

**Report**
Committee on Political Affairs and Democracy
Rapporteur: Ms Margaretha Albertina Maria KLOMPE, Netherlands

## 1. Introduction

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2. At its sixth session in Rome (3rd and 4th November, 1950), the Committee of Ministers decided to set up a Committee of Senior Officials to examine the various Recommendations made by the Consultative Assembly for amending the Statute and improving the general machinery of the Council of Europe. The Rome Resolution provided for a consultation with the " competent organs of the Assembly ". During its Session in November 1950, the Assembly proposed that a certain number of Representatives, selected by the Bureau, should take part in the work of this new Committee. The Committee of Ministers did not accede to this request. On the other hand, a meeting was held on 10th February 1951, under the Chairmanship of M. de Menthon, between a delegation representing the Assembly and a delegation representing the new Committee, led by its Chairman, M. F. Cavalletti, in order to give the Assembly delegates an opportunity of providing some explanation of the various Recommendations under examination.

3. The final Report of the Committee of Senior Officials was transmitted to the President of the Assembly, who instructed the Committee on General Affairs to examine it and submit its observations thereon. The Committee on General Affairs considered that the measures advocated by the Committee of Senior Officials did not warrant the adoption of formal procedure for the amendment to the Statute (with the exception of a few Articles to which it was possible to apply a simplified procedure). During its Session on 16th and 17th March 1951, the Committee of Ministers duly examined the Report of the experts, together with the observations of the Committee on General Affairs. It approved in principle the majority of provisions adopted by the Senior Officials and requested that the Joint Committee hold a meeting to try to assess the possibilities of agreement between the two organs of the Council.

4. During the meeting of the Joint Committee (16th April 1951) an extremely interesting exchange of views took place concerning, inter alia, the competence of the Council (discussion by the Assembly of the general aspects of European peace and security), the proposal of M. La Malfa, the procedure for covering Extraordinary Sessions of the Assembly, and the procedure for the admission of new Members. Various practical suggestions were advanced by the representatives of the Assembly and also by certain Ministers, who were speaking in their own personal capacity and without committing the Committee of Ministers. These suggestions will be examined by the Committee of Ministers during its session in May.

5. The Assembly will therefore be presented with the final conclusions of the Committee of Ministers at the same time as this Report, together with the Report previously drawn up by the Special Committee on the Statute, on the basis of the Protocol prepared by Mr. Mackay. I believe I am expressing the feelings of the majority of Committee members in saying that, in view of the impossibility of the Governments coming to an agreement on any major revision of the Statute, there would seem to be little use in the Assembly holding a lengthy debate on the question, though it should none the less continue to uphold its former

Recommendations. Certain observations submitted by the Committee on General Affairs to the Committee of Ministers {cf. Chapter E, Paras. 71-77 below) may be useful as a guide to the Assembly in deciding what procedure to adopt. The Assembly will doubtless wish to refer the final Report of the Ministers to the Committee on General Affairs before coming to a definite decision thereon.

6. The Report which you now have before you contains the proposals of the Committee of Senior Officials, which constitute the Ministers' present basis of work, and the Observations of the Committee on General Affairs on each of them separately. The Committee, incidentally, has also authorised its Rapporteur to add thereto any comments of her own which may be of use, in view of the above-mentioned conversations recently held on the subject.

The Observations of the Committee on General Affairs were unanimously adopted.

7. The Committee on General Affairs examined the Report of the Committee on the Revision of the Statute on 13th and 14th March, 1951, under the Chairmanship, first of M. Bidault, and then of M. van der Goes van Naters, Acting-Chairman. The following members were present : MM. Georges BIDAULT (France), Chairman (and SCHERER, Substitute), Guy MOLLET (France), Vice-Chairman (and MOUTET, Substitute), MM. BASTIANETTO (Italy, Substitute for M. CAPPI,) BOIIY (Belgium), BARDOUX (France, Substitute for M. BONNEFOUS), CROSBIE (Ireland, Substitute for Mr. NORTON), VON FRIESEN (Sweden, Substitute for M. OHLIN), GERSTEN-MAIER (German Federal Republic), KAPANI (Turkey), JAKOBSEN (Denmark), MACKAY (United Kingdom), MANDALINCI (Turkey), MARCONCINI (Italy, Substitute for M. CINGOLANI), VON RECHENBERG (German Federal Republic), SANDYS (United Kingdom), STRAUS (Saar, Substitute for M. MÛLLER), TREVES (Italy), TSALDARIS (Greece), VALEN (Norway), DE LA VALLÉE POUSSIN (Belgium, Substitute for M. STRUYE), WISTRAND (Sweden) and Mlle. KLOMPE, Rapporteur.

I should like at this point to express to all my colleagues on the Committee, and particularly M. Bidault and M. van der Goes van Naters, my sincere gratitude for their unfailingly kind assistance in facilitating my task as Rapporteur.

## 3. General Observations on the work of the Committee of Senior Officials on the Revision of the Statute

8. The Committee on General Affairs hereby records its appreciation of the arrangements made by the Committee of Ministers and the Committee of Senior Officials with the object of effecting a revision of the Statute in liaison with the Assembly. The Committee on General Affairs has made a detailed study of the Report to the Committee of Ministers prepared by the Committee of Senior Officials.

### *3.1. Procedure employed by the Committee of Senior Officials*

9. Report of the Committee of Senior Officials.

9.1. Relations with the Assembly. ... In undertaking its task, the Committee of Senior Officials was fully conscious of the need to obtain the views of the Assembly on the questions under discussion, insofar as this was compatible with intergovernmental discussions of a confidential nature and the constitutional practice of Member Governments. A meeting was arranged between a sub-committee consisting of three members of the Committee and a special delegation of the Consultative Assembly. The Committee decided, with the full approval of Member Governments, to transmit this Report to the President of the Consultative Assembly at the same time as it was submitted to Member Governments in order to obtain the Assembly's comments.

9.2. Voting Procedure. ... Since the Committee of Ministers has hitherto reached its decisions on a basis of common agreement, the Committee of Senior Officials decided that it would not take votes on the various proposals under consideration but would endeavour to reach unanimous decisions ; in other words, it would attempt to discover what consensus of opinion existed among Member Voting Procedure. ... Since the Committee of Ministers has hitherto reached its decisions on a basis of common agreement, the Committee of Senior Officials decided that it would not take votes on the various proposals under consideration but would endeavour to reach unanimous decisions ; in other words, it would attempt to discover what consensus of opinion existed among Member

9.3. General attitude of the Governments. ... In the course of the Committee's discussions, it became clear that there are various schools of thought among Member Governments on the future structure and functions of the Council of Europe. Some Member Governments are willing to give the Assembly a greater liberty of action and to extend its competence. They accept in principle the amendments to the Statute advocated by the Assembly which, they consider, should play a greater part in the discussion

and management of European affairs. Other Member Governments maintain that the Assembly should remain purely consultative in character and feel that the present Statute provides a satisfactory basis for the functioning of the Council of Europe, although they are by no means opposed to amendments designed to improve the machinery of the Council in the light of the experience of the past two years. In spite of these different points of view, it was clear from the general discussion which took place at the first session of the Committee that all delegations were fully aware that the Council of Europe had an important rôle to play in European affairs and that the Specialised Authorities, in particular, provided a field in which the Council could make a major contribution to the integration of Europe. The existence of the two schools of thought inevitably prevented the Committee from reaching unanimous decisions on all the proposals which it discussed. Nevertheless, agreement was reached on the majority of the questions under discussion.

10. Observations of the Committee on General Affairs. The Committee regrets that the Committee of Ministers rejected the Assembly's request that certain of its Representatives be associated with the work of the Governmental Experts. The latter met entirely on their own and were perhaps inadequately informed of the political aims of the Assembly. The Committee considers that the need to achieve as effective a collaboration as possible between all the interests concerned should have prevailed over all other considerations. The Committee notes with surprise that the Committee of Senior Officials decided " that it would not take votes on the various proposals under consideration, " although the Statute of the Council of Europe explicitly provides that Resolutions for the amendment of the majority of the Articles of the Statute are to be adopted by the Committee of Ministers by a two-thirds majority. (Article 20 (al) of the Statute). Although it is always desirable to reach a wide measure of agreement, it would seem from examination of the Report that, even on;minor questions, the systematic effort to achieve unanimity has often led the Committee to conclusions which have a purely formal character.

### *3.2. Protocol of the Special Committee on the Statute*

11. Report of the Committee of Senior Officials. ... The Committee of Senior Officials, in the course of two of its sessions, gave careful consideration to the Protocol. It fully realised the importance of this document, the. far-reaching effects of its provisions and the time and study which must necessarily have been entailed in its preparation. Certain delegations were prepared to accept the Protocol in principle subject to modifications in the light of a more detailed examination. Others, while recognising that the Protocol opened up new horizons for the Council of Europe, considered that the guarantees designed to allay the anxieties of certain Governments (in particular the retention of the unanimity rule for decisions of the Committee of Ministers) might, in practice, prevent the Council from making effective use of the new procedure envisaged, which would have the result of disappointing European public opinion. The Committee of Senior Officials had, however, to take account of the categorical opposition of certain Governments to any proposal for altering the consultative character of the Assembly. It therefore came to the conclusion that it would not be advisable at this stage to depart from the fundamental principles on which the present Statute was based, but to introduce instead those improvements which were generally recognised as necessary in order to ameliorate the Statute in its present form. Certain delegations considered, however, that when a decision was finally taken on the questions referred to in paragraph (b) below (Relations between the Council of Europe and the O. E. E. C.[1]), it might be necessary to re-examine the Protocol.

12. Observations of the Committee on General Affairs. ... The Committee regrets that the Committee of Senior Officials should have set aside the Protocol of the Special Committee as a whole, without having first proceeded, as was desired by the Assembly, to a detailed study of its provisions and of the modifications which might usefully be introduced. The Protocol was a sincere attempt to reconcile the different points of view to which expression has been given in Europe. It will remain one of the basic documents for any eventual reform of the Council of Europe.

1. The provisions adopted by the Committee of Ministers on the subject of relations with tho O.E.E.C. were not discussed by tho Committee, which felt they might be more appropriately examined by othor Assembly organs.

### *3.3. Method of examination adopted by the Committee on General Affairs*

13. ... The Statute (Art. 41 (d)) lays down that certain of its Articles (art. 23 to 35, 38 and 39) may be amended by a simplified procedure (adoption of the amendments by a two-thirds majority of the Committee of Ministers and of the Assembly). The amendment of the other Articles requires that a Protocol be drawn up and submitted for the signature and ratification of the Members (Art. 41, (6) and (c)). The conclusions of the Committee of Senior Officials may therefore be classified as follows :

13.1. The amendments to the Statute which require that a Protocol be submitted for ratification.

13.2. The amendments to the Statute to which the simplified procedure is applicable.

13.3. Various motions including certain which refer to the Rules of Procedure of the Committee of Ministers.

13.4. Provisions for implementing Recommendations 1 and 4 on the Specialised Authorities, Recommendations which have already been approved in principle by the Committee of Ministers.

The Committee studied these four groups of questions separately.

## 4. Amendments requiring the ratification of a Protocol

### *4.1. Preliminary observations of the Committee on General Affairs*

14. ... The adoption of amendments to the main Articles of the Statute is subject to ratification. It is the amendment of these Articles which has been the principal concern of the Assembly. The Committee emphasises the political importance attached by the Assembly to the revision of these Articles. The Protocol for the Amendment of the Statute which it hoped would be adopted was equivalent in its view, to a declaration by the Committee of Ministers of the policy which it intended to follow within the Council of Europe. The Assembly expected that the revision of the Statute would bear witness to the determination of the Governments to move forward towards a closer union of Europe through the attribution of increased powers to the organs of the Council—that is to say to the Committee of Ministers and to the Assembly. Such a reinforcement of the Council's authority would have been particularly opportune as coinciding with the development of the policy of Specialised Authorities.

15. With this end in view, the Assembly had drawn up three basic recommendations intended

*to extend the competence of the Council of Europe with regard to the political aspects of questions of defence (Rec. 54, Doc. 155, 1950; Res. 3, Doc. 80, 1950, and Res. 11, Doc. 122, 1950);*

*to increase the effectiveness of the Çommitte of Ministers by the suppression of the unanimity rule (Res. 12, Doc. 124, 1950 and Rec. 54, Doc. 155, 1950);*

*to strengthen the authority of the Assembly by means of the development of its consultative functions (Rec. 2, Doc. 74, sect. 1,1950, and M. La Haifa's Proposal).*

### *4.2. Competence of the Council of Europe (Article 1, Doc. 155, 1950, para. 4 (a))*

16. Report of the Committee of Senior Officials.

16.1. Questions relating to National Defence (Art. 1 (d)). ... Several delegations declared that they were authorised to accept the recommendation of the Assembly for the deletion of paragraph (d) of Article 1. Certain other delegations, however, informed the Committee that their Governments had fundamental objections to any extension of the competence of the Council of Europe in the field of national defence.

16.2. Political field (Art. 1 (b)). ... The majority of the Committee agreed in principle to insert in paragraph (b) of Article 1 after the words " action in " the word " political ".

Certain delegations considered that the insertion of the word " political " in paragraph (b) of Article 1 would have the advantage of allowing the Council of Europe to deal with certain political aspects of defence questions, paragraph (d) in itself setting the limits to what was permissible.

Certain delegations, however, made their acceptance conditional on an understanding that the word " political " could not be interpreted as including questions relating to national defence and that a reservation to this effect should be introduced in Article 1 (b) in the form of an explicit reference to Article 1 (d).

Other delegations opposed the insertion of the word " political " in Article 1 (b) as, notwithstanding this reservation, it might give rise to ambiguous interpretations and thus permit the Council of Europe to discuss the political aspects of defence questions.

17. Observations of the Committee on General Affairs. ... The Committee notes that the Senior Officials not only refused to delete Article 1 (d), but were not even able to reach agreement on the insertion of the word " political " in Article 1 (&). The insertion of this word would have confirmed the Assembly's right to study the general aspects of the problems of peace and security.

18. confirmed the Assembly's right to study the general aspects of the problems of peace and security.

### *4.3. Abolition of the Unanimity Rule - (Art. 20, Recommendation 54, Doc. 155, 1950, Para; (b)*

19. Report of the Committee of Senior Officials. ... The majority of the Committee of Senior Officials were unable to accept the amendment proposed on this question by the Assembly. A minority were in favour of the Recommendation. The Committee on General Affairs noted that the request for the. abolition of the veto in the Committee of Ministers had been rejected out of hand by the Committee of Senior Officials.

20. Observations of the Rapporteur. There appears to be no chance of compromise on this question. It is suggested that the Assembly take note of the attitude of the Ministers while firmly upholding its own Recommendation.

### *4.4. Consultative function of the Assembly - (Art. 22, Recommendation 2, Doc. 74, sect. I, 1950, Para. 1 (v), LA MALFA Proposal Doc. 152, 1950).*

21. Report of the Committee of Senior Officials. ... The Committee unanimously approved the principles underlying the proposal of M. La Malfa. As regards the formulation of these principles, certain delegations could not agree that Members should be under an obligation to transmit to the Assembly any project or proposal of European scope on which they may engage. The majority were, however, in favour of adding to Article 22 two new paragraphs to the following effect : " The text of all treaties concluded between two or more Member States on subjects within the competence of the Council of Europe, under the terms of Article 1 of the Statute, shall be communicated to the Council of Europe for information (before ratification). " By agreement among the signatory States, the opinion of the Council of Europe may be requested within a specified period of time. In this case the Committee of Ministers shall transmit the text of the treaty to the Consultative Assembly. "

22. Observations of the Committee on General Affairs. ... With regard to M. La Malfa's Proposal, the Senior Officials misunderstood its real purpose, which had been explained by the Assembly's Representatives at the joint meeting of 10th February, 1951. The Representatives had pointed out that the Member Governments should be recommended (a permissive measure) to provide the Assembly with information on any negotiations of general European significance (the creation of Specialised Authorities, etc.) which they might initiate; but that the Governments should accept the obligation to seek the opinion of the Assembly on any agreements resulting from such negotiations before such agreements were ratified. The second clause of the text adopted by the Committee of Senior Officials provides only that the Assembly" may be invited " by the Member States to give its opinion on a treaty... This adds nothing to the present Statute.

23. Observations of the Rapporteur. The Committee of Ministers should amplify the proposals of the Committee of Senior Officials by adopting a Recommendation to Governments inviting them to inform the Assembly of all action taken by them with implications for Europe as a whole. This would partly meet M. La Malfa's case. It was stressed that consultations with the Assembly should in no case be allowed to hold up either the opening of negotiations or the ratification of treaties.

### *4.5. Secrecy of the debates of the Committee of Ministers - (Art. 21, Recommendation 54, Doc. 155,1950, Para. 4 (c)).*

24. The majority of the Committee of Senior Officials were unable to recommend that: the amendment of the present text of Article 21 should be accepted, on the ground that the secrecy of the deliberations of the Committee of Ministers was one of the means of preserving solidarity among the Ministers, which was necessary for the proper functioning of the Council. The minority did not consider this reason to be decisive and declared themselves in favour of the Recommendation of the Assembly. The Committee on General Affairs regretted the rejection of the amendment.

### *4.6. Provisions unanimously adopted by the Committee of Senior Official**

25. ... The Committee on General Affairs considered that the Committee of Senior Officials had agreed only on amendments of minor importance, or on amendments which did no more than confirm provisions already being applied in practice in the Council.

#### *4.6.1. Admission of new Members - (Art. 4 and 5, Recommendation 51, Doc. 74,1950, Para. 7)*

26. Report of the Committee of Senior Officials. ... The Committee considered that it would not be compatible with the functions of the Consultative Assembly to allow it to exercise the right of making a decision on this question. It recommended, however, that the Committee of Ministers should accept the principle that the Assembly should be consulted before new Members were admitted and before any decision was taken to request the withdrawal of an existing Member (cf. Appendix, Para. 1).

27. Observations of the Committee on General Affairs. ... These amendments are very far from meeting the wishes of the Assembly. It would be. incompatible with Parliamentary dignity for the Assembly not be to called upon to give its prior approval to the admission to its councils of the Representatives of new members.

28. Observations of the Rapporteur. In two cases the Statute already grants a certain power of decision to the Assembly, acting in agreement with the Committee of Ministers :

*a.* Appointment of the Secretary-General and Deputy Secretaries-General by the Consultative Assembly on the recommendation of the Committee of Ministers (cf. Art. 36 (b)).

*b.* Simplified procedure for the amendment of certain Articles of the Statute (cf. Art. 41 (d)). The amendment of these Articles may enter into force as soon as they have been adopted by the Committee of Ministers and the Assembly.

29. A similar procedure might be employed for the admission of new Members; the decision of the Committee of Ministers would only be taken provided the Assembly (or the Standing Committee) were in favour of the admission in question.

#### *4.6.2. Powers of the Committee of Ministers (Art. 15, Recommendation 10, Doc. 74,1950, Para. 5 (ii))*

30. Report of the Committee of Senior Officials. ... The Committee recognised that the adoption of Recommendation 10 was likely to give rise to constitutional difficulties. It proposed, however, that the Council of Europe should adopt a procedure similar to that in operation for the ratification of Conventions adopted by the International Labour Organisation. It therefore proposed the addition to Article 15 of the Statute of a paragraph (c) (cf. Appendix, Para. 2).

Note : The decisions of the Committee of Ministers relating to such conventions would be taken in accordance with the terms of Article 20, Para, (a) (i) (i. e. unanimously).

31. Observations of the Committee on General Affairs. ... The provisions proposed, though not without interest, only render obligatory the procedure which has already been voluntarily adopted by the Committee of Ministers in connection with the Convention on Human Rights.

#### *4.6.3. Joint Committee*

32. Report of the Committee of Senior Officials. ... The Committee agreed that it would be desirable to give statutory recognition to the existence of the Joint Committee by the insertion of a new chapter in the Statute (cf. Appendix, Para. 3).

33. Observations of the Committee on General Affairs. ... This chapter simply mirrors the procedure already in force. The Senior Officials have not taken account of the views expressed at the Joint Meeting of 10th February.

34. Note : During the Joint Meeting of 10th February 1951, the Representatives of the Assembly emphasised, inter alia, the views of the Assembly on this point, namely that the Assem- bly :

*a.* Considered that the Joint Committee should become one of the basic organs of the Council as referred to in Article 10 of the Statute, and that in particular it could be made responsible for keeping track of the implementation of Recommendations made to the Governments of Member States, a task which was at present assumed by the Committee of Ministers under the terms of Article 15.

*b.* Trusted that provisions to be inserted in the Statute on this subject would be of a nature calculated to make true discussion possible in the Joint Committee—something which, had rarely been possible up to date.

*c.* Ventured to draw the attention of the Committee of Senior Officials to the need for mentioning in the Statute that the Joint Committee should establish its own Rules of Procedure (Extract from the Minutes of the Joint Meeting).

35. The only one of these requests approved by the Senior Officials was that relating to the Rules of Procedure of the Joint Committee.

36. Observations of the Rapporteur. The Rapporteur feels that attention should be called to the important functions which might be assumed by the Joint Committee, and suggests that its possibilities have perhaps not yet been fully utilised. She would point out, moreover, that the provisions approved by the Ministers contain a new clause (Art. 3 (d) - cf. Appendix Para. 3) relating to the frequency of the meetings, which was not included in the original agreement between the Assembly and the Committee of Ministers. It might be advisable for the Committee on Rules of Procedure and Privileges to make a special examination of this clause.

*4.6.4. Number of Deputy Secretaries-General - (Article 36, Doc. 87, 1949)*

37. Report of the Committee of Senior Officials. The Senior Officials agreed to amend Paragraph (a) of Article36 so as to permit theappoint-ment of more than one Deputy Secretary-General (cf. Appendix Para. 4). The Committee on General Affairs noted that the agreement already reached in this connection between the Assembly and the Committee of Ministers had given full satisfaction.

*4.6.5. Relations with international Organisations. (Recommendation 55, Doc 156, 1950, Paras. 1 and 2)*

38. Report of the Committee of Senior Officials. ... The Senior Officials recognised the importance of this Recommendation, which should enable the Council of Europe to develop its activities in close co-operation with inter-governmental and non-governmental international Organisations in all cases where their work includes questions which are within the competence of the Council of Europe. The Senior Officials therefore recommended the insertion of a new Chapter XI to the Statute (cf. Appendix, Para. 5).

39. ObservationsObservations of the Committee on General Affairs. ... Although the provisions proposed are of interest, the Committee notes that they do not give to the Committee of. Ministers any powers other than those already implied in a correct interpretation of Articles 13 and 15 (a) of the present Statute.

## 5. Amendments to which the simplified procedure of Article 41 (d) is applicable

*Preliminary observations of the Committee on General Affairs*

40. ... After examination of the amendments which fall within this category, the Committee considers that an exchange of views should take place between the Assembly and the Committee of Ministers in order to agree on texts which will give satisfaction to both organs of the Council of Europe.

***5.1. Establishment of the Assembly's Agenda - (Art. 23, Recommendation 51, Doc. 74, 1950, Para. 7)***

41. Report of the Committee of Setiior Officials. ... The Senior Officials recommended that the new text of Article 23 proposed by the Consultative Assembly should be accepted as the first paragraph of this Article. The present paragraphs (b) and (c) should be retained with appropriate amendments (cf. Appendix, Para. 7).

42. Observations of the Committee on General Affairs. ... The Committee approves the general spirit of the amendment, which is in virtual agreement with Recommendation 51. It nevertheless considers that Para. (b) of the new Article 23 is of little value and should be deleted.

43. Observations of the Rapporteur. The objection raised above by the Committee on General Affairs is of a formal nature. The version of the Committee of Senior Officials, if retained by the Committee of Ministers, should still be acceptable to the Assembly..

### *5.2. Appointment of Representatives to the Assembly (Art. 25, Recommendation 12, Doc. 74, 1950, Para. 8 (i))*

44. Report of the Committee of Senior Officials. ... The Senior Officials recommended that the Committee of Ministers should approve this Assembly Recommendation (cf. Appendix, Para. 8).

45. Observations of the Rapporteur. The Committee was glad to note this agreement. The Senior Officials had, however, added to the Assembly text a clause providing that : " it will be for each Governement to determine the terms and conditions under which a Representative may, if necessary, be replaced during the interval between the parliamentary sessions. " The Committee requested the deletion or amendment of this last clause. The Ministers thereupon informed the parliamentary members of the Joint Committee that they had duly taken this observation into account, as can be seen from the appended text.

### *5.3. Number of Representatives from each Member State to the Assembly (Article 25)*

46. Report of the Committee of Senior Officials. ... The Committee proposed to complete Article 26 by inserting the following in alphabetical order :

*German Federal Republic - 18*

*Greece - 6*

*Iceland - 3*

*The Saar - 3*

*Turkey - 8*

It also proposed to replace the words " Irish Republic " by the word " Ireland. "

The German delegation proposed that the words " German Federal Republic " should be replaced by the word ,, Germany. " Certain delegations reserved their positions on this proposal.

The Turkish delegate informed the Committee of the intention of his Government to request an increase in the number of seats allotted to his country from 8 to 10. The other delegations took note of this statement. The Netherlands delegate, however, stated that if the request of the Turkish delegate were taken into consideration his Government would request an increase in the number of the Netherlands delegates from 6 to 7. The Danish and Sweedish delegates observed that they could only agree to the request of the Turkish delegate on condition that other Governments did not make similar requests for an increase in the number of their representatives.

47. Observations of the Committee on General Affairs. .. The Committee has no observations to make on the present text. It considers, however, that the Assembly should be consulted beforehand, if the Committee of Ministers consider it necessary to make any changes in the number of Representatives at present assigned to each Member State.

48. Observations of the Rapporteur. It would appear advisable for the Assembly to insist particularly on this last observation of the Committee, which follows the lines of the Assembly's requests on the admission of new Members. The Committee on Rules of Procedure and Privileges might make a study of any changes to be made to the present representation of Member States.

### *5.4. Participation in Debates of the Consultative Assembly of Ministers not members of the Committee of Ministers - (Art. 27, Proposal made by the President of the Consultative Assembly in his letter of 4th September, 1950)*

49. Report of the Committee of Senior Officials. ... This proposal was accepted by a majority. The minority considered that since the Committee of Ministers was the organ of the Council of Europe which represented Member Governments, it was the function of the Foreign Ministers to act and speak on behalf of their Governments both in the Committee of Ministers and, if necessary, in the Assembly. The minority could not, therefore, accept the view that Ministers other than members of the Committee of Ministers should appear before the Assembly.

50. Observations of the Committee on General Affairs. ... The Committee does not think that the objections raised to the proposal are such as to justify its rejection.

51. Observations of the Rapporteur. It may be particularly noted that Article 27 provides the possibility for representatives of the Committee of Ministers to take part in Assembly Debates, and that Article 14 specifies that these representatives shall be the Ministers for Foreign Affairs, but that "when a Minister for Foreign Affairs is unable to be present of in other circumstances where it may be desirable, an alternate may be nominated to act for him, who shall whenever possible be a member of his Government... " The present Statute would therefore already appear to authorise a Minister who is not a member of the Committee of Ministers to take part in Assembly Debates, subject to the prior approval of the Committee of Ministers. As the policy of Specialised Authorities develops, it will doubtless become essential for the Assembly to invite "technical " Ministers to take part in its Debates, on behalf either of their Governments or an Authority attached to the Council of Europe.

### *5.5. Extraordinary Sessions of the Assembly - (Art. 34 of the Statute, Recommendation. 13 Doc. 74, 1950 Para. 8 (ii))*

52. Report of the Committee of Senior Officials. ... The Committee was unable to adopt the Recommendation of the Assembly relating to Extraordinary Sessions of the Assembly in its original form; it agreed, nowever, to recommend that the following amended text of Article 34 be adopted :

52.1. " Wheneve r the President of the Consultative Assembly requests the convocation of an Extraordinary Session of the Assembly, such request shall be referred to the Joint Committee.

52.2. " The Joint Committe e shall examine the request and, if it finds that an Extraordinary Session should be convoked, shall submit its recommendation to this effect, specifying the time and place of the Session, to the Committee of Ministers.

52.3. " Unless , within such period as may be fixed by the Joint Committee, more than one-third of the representatives on the Committee of Ministers have expressed their opposition to this recommendation, the President of the Consultative Assembly may convoke the Extraordinary Session.

52.4. " The Committee of Ministers may convoke an Extraordinary Session of the Consultative Assembly at such time and place as the Committee, with the concurrence of the President of the Assembly, shall decide. "

53. Observations of the Committee on General Affairs. ... The Committee considers that the provisions adopted by the Committee of Senior Officials are unacceptable, as being incompatible with the dignity and authority of the President of the Assembly. The preponderant rôle given to the Joint Committee would in fact make the convocation of an Extraordinary Session more difficult than it is under the provisions of the present Statute. The Committee insists on the adoption of the original text recommended by the Assembly (Rec. 13, 1950). This gives equal rights to the President of the Assembly and to the Committee of Ministers insofar as the convocation of the Assembly in Extraordinary Session is concerned, and lays down that the time and place of such a Session shall be mutually agreed between the Committee of Ministers and the President. It would be for the Rules of Procedure of the Assembly to establish the conditions in which the President of the Assembly could take the initiative in convening Extraordinary Sessions.

54. Observations of the Rapporteur. The decision to convene an Extraordinary Session may at present be taken by the Committee of Ministers by a two-thirds majority. The conclusions of the Joint Committee, on the other hand, are reached " without voting " that is to say unanimously. This questions was examined by the Joint Committee at its meeting on 16th April, 1951, when a new text was proposed by one of the Ministers. Under the terms of this text the President of the Assembly and the Chairman of the Committee of Ministers would have equal rights in requesting the convocation of an Extraordinary Session, but the final decision would always have to be taken by common agreement.. . The Rules of Procedure of the Assembly and of the Committee of Ministers would establish the conditions in which the President of the Assembly and the Chairman of the Committee of Ministers might be commissioned by the bodies they respectively represent either to request the convening of an Assembly Session or to authorise such a Session. Provisions of this kind would seem to meet the points which were the original cause of concern to the Assembly.

### *5.6. Financial Control - (Article 38)*

55. In order to apply to the Council of Europe the same financial arrangements as are; in force in certain international Organisations, the Committee of Senior Officials recommended the addition of a new paragraph to Article 38, relating to the financing of the Council's expenses (cf. Appendix, Para. 9).

The Committee on General Affairs had no comments to make.

## 6. Miscellaneous Resolutions

### *6.1. Creation of Ministerial Posts for European Affairs Appointment of Senior Officials responsible for the preparatory work of the Council of Europe - (Recommendations 9 and 11, Doc. 74, 1950, Paras. 4 and 10)*

56. Report of the Committee of Senior Officials. ... The Senior Officials recommended the Committee of Ministers to adopt two Resolutions specifying that the Governments should be authorised to make the appointments requested by the Assembly (cf. Appendix, Paras. 10 and 11). It also proposed a third Resolution of the same kind on the permanent representation of the Governments to the Secretariat-General of the Council (cf. Appendix, Para. 11).

57. Observations of the Committee on General Affairs. ... The Committee notes the purely formal character of the Resolutions proposed, which do not meet with its approval. It urgently requests the Committee of Ministers to redraft the texts in such a way as to emphasise more strongly the fact that the Council wishes the measures proposed to he adopted, though leaving the individual Governments the necessary freedom of action with regard to the manner in which effect shall he given to them.

58. Observations of the Rapporteur. On the whole it would he desirable either to replace the present Resolutions by Recommendations (which would not be binding on the Governments), or to introduce in the present text of the Resolutions some such formula as : " it would be desirable... " or " it would be advisable... "

### *6.2. Reference back to the Assembly of Recommendations not entirely approved by the Committee of Ministers. Written Questions. - (Recommendation 15, Doc. 74, 1950 and Res. 8, Doc. 117, 1950)*

59. The Committee of Senior Officials proposed the insertion in the Rules of Procedure of the Committee of Ministers of a new Article to meet Recommendation 15, 1950 of the Assembly. It also proposed a procedure to be employed by the Committee of Ministers in the case of written questions which Representatives are authorised to submit under Rule 48 of the Rules of Procedure of the Assembly (cf. Appendix, Paras. 12 and 13). The Committee on General Affairs had no comments to make on these texts.

### *6.3. Relations with the Brussels Treaty Organisation - (Recommendation 19, Doc. 74,1950, para. 1 (i))*

60. Report of the Committee of Senior officials. ... The Committee recommended that the Committee of Ministers should transmit Recommendation 19, 1950 to the five signatory Powers of the Brussels Treaty of 17th March, 1948. It noted, however, that these Powers were already studying this question in advance of any decision by the Committee of Ministers.

61. Observations of the Committee oh General Affairs. .... The Committee insists that everything possible be done by the Five Powers to implement this Recommendation.

### *6.4. Relations with the Countries of North America (Recommendation 20, Doc. 74, 1950, Para. 1 (iii))*

62. Report of the Committee of Senior Officials. ... The Committee noted that there was a difference between the French and English texts of paragraph 4 of this Recommendation. According to the French text une liaison organique should be established between the European Organisations and the countries of North America; the English text spoke of a " close liaison " between those countries and the European organisations. The Committee recommended that the Committee of Ministers should adopt Recommendation 20, 1950 in the sense of the English text, on the understanding that the information to be communicated to the Assembly in the last paragraph should be limited to a general statement in the Report of the Committee of Ministers under Article 19 of the Statute.

63. Observations of the Committee on General Affairs. ... Although the Committee is of the opinion that the Assembly will be prepared to undertake the study suggested by the Committee of Ministers, the Committee proposes that the Assembly be informed of any suggestions in this connection which the Member States may wish to make.

64. Observations of the Rapporteur. The Committee of Ministers duly acted on this proposal and requested the Governments of Member States to send in their suggestions in order that they might be studied during the May, 1951 session (cf. Appendix, Para. 14).

### *6.5. Relations with Overseas Territories - (Recommendation 50, Doc. 125, 1950)*

65. Report of the Committee of Senior Officials. •• ... The Committee recommended that the Committee of Ministers should transmit Recommendation 50, 1950 to the Governments of the Member States concerned, while at the same time informing the Consultative Assembly that certain measures relating to that Recommendation had in fact been taken in advance of the approval of the Committee of Ministers. The Netherlands Government, in particular, had already drawn the attention of the Government of Indonesia to the Recommendation in question. The Government of the United Kingdom was in agreement with the principle of consultation with the countries of the British Commonwealth and with the proposal that the latter should send observers to the Sessions of the Consultative Assembly. Indeed, it had already informed the Commonwealth Governments that, while the question of sending observers was for them to decide, the United Kingdom would welcome their presence at Strasbourg.

66. Observations of the Committee on General Affairs. ... The Committee notes with satisfaction the action taken and emphasises the importance of these relations to the future progress of the Council of Europe.

### *6.6. Communication of the Recommendations of the Assembly to the National Parliaments - (Recommondation 14, Doc. 74, § 3, 1950)*

67. Report of the Committee of Senior Officials. ... The majority of the Committee agreed to propose the adoption of Recommendation 14, 1950 relating to the transmission to national parliaments of Recommendations of the Assembly; provided that the words " by a two-thirds majority " should be substituted for the words " by a majority of its members. " The minority were opposed to this Recommendation for the following reasons :

67.1. It was an attempt in their view to evade the existing provisions of the Statute which should only be altered by formal amendment; and

67.2. It was an infringement of the prerogative of Member Governments and national Parliaments.

68. Observations of the Committee on General Affairs. ... The Committee is prepared to approve the amendments to Recommendation 14, 1950 proposed by the majority of Senior Officials. It insists on the adoption of the Recommendation, which would help to strengthen and improve the relations that already exist between the Assembly and the National Parliaments.

### *6.7. Procedure for the adoption of certain Resolutions by the Committee of Ministers - (Recommendation 3, Doc. 74, § 5, 1950)*

69. Report of the Committee of Senior Officials. .. The majority of the Committee agreed to propose the adoption of Recommendation 3, 1950 concerning the adoption of resolutions by the Committee of Ministers by a vote " in principle, " subject to the deletion of the last two lines and to the substitution of the word " recommendation " for the word " agreement " if the Committee of Ministers did not accept the Committee's recommendation in paragraph 12 of this Report. The minority opposed this Recommendation on the grounds that it was contrary to the intention of the Statute and that modifications to the Statute should be made only by formal amendment.

70. Observations of the Committee on General Affairs, ... The Committee is prepared to approve the amendments to Recommendation 3, 1950 proposed by the majority of Senior Officials. It insists on the adoption of the recommendation, which is based on a procedure already in force in other European organisations.

71. Observations of the Rapporteur. There is clearly a direct connection between Recommendation 3, 1950 and the development of the policy of Specialised Authorities and partial agreements in the framework of the Council of Europe. The Assembly recommendation, far from attempting to by-pass the unanimity rule, would actually extend its range. The Council of Europe would thus be able to have a share in the preparatory negotiations for the establishment of Specialised Authorities. It should also be noted that the Resolutions of the Committee of Ministers relating to the Rules of Procedure would be taken by simple majority vote.

## 7. Specialised Authorities

72. Report of the Committee of Senior Officials. At its session in Rome, the Committee of Ministers had already accepted in principle Recommendations 1 and 4, 1950 concerning Specialised Authorities. The Committee of Senior Officials therefore concentrated on considering the provisions which should be included

in the Statute of the Council of Europe to make possible the application of the principles set out in these Recommendations. The Committee of Senior Officials considered that it was necessary to distinguish two categories of Specialised Authorities : those due to the initiative of the Council of Europe and those set up, outside the Council of Europe, by the Member States among themselves and on their own initiative. The object of the Articles the adoption of which is recommended by the Committee is, on the one hand, to stress, in accordance with Recommendation 1, 1950, the importance for the unification of Europe of the creation of Specialised Authorities; and, on the other hand, to ensure that such Authorities should become a factor in the integration of Europe by defining the terms and conditions for the attachment of the Specialised Authorities to the Council of Europe, and by giving the Council of Europe the task of ensuring co-ordination between the various Authorities. The text of the Articles proposed by the Committee was unanimously approved, with the exception of a few points on which the Committee can only suggest alternative versions, which are entered in parentheses (cf. Appendix, Para. 6).

73. Observations of the Committee on General Affairs. ... The Committee has taken note of the text drawn up by the Committee of Senior Officials with a view to the inclusion in the Statute of a new Chapter on Specialised Authorities. It appreciates the importance of the work done by the Experts. The Committee considers it essential that the Member States should establish the general framework within which the policy of the Specialised Authorities should be developed in close liaison with the Council of Europe. In view of the reservations made in the preliminary conclusions of the Committee of Senior Officials, the Committee on General Affairs does not consider that the addition of special clauses to the Statute of the Council represents in itself the most effective procedure for dealing with a question of such importance. The Committee therefore proposes that a conference be convened, within the framework of the Council of Europe, in which all those Member States who wish to co-operate in or to support the policy of Specialised Authorities will participate. The purpose of this conference would be to draw up a Convention on the Specialised Authorities.

74. The Convention would establish the conditions which an Institution would be required to satisfy in order to be recognised as a European Specialised Authority. It would decide the general obligations which would be accepted by every Specialised Authority, in order to ensure an effective co-ordination among them and to avoid any risk of disorganising the efforts to achieve full European co-operation. It would indicate the manner in which liaison should be maintained between the Authorities and the Council of Europe.

75. The Committee considers that the proposals outlined above should receive the approval of the Assembly as being the sole organ qualified to recommend the convocation of such a Conference and to propose the general outline of a Convention, in accordance with the procedure which has already been adopted. During its present meeting the Committee will make a general study of the subject of the Specialised Authorities and will submit its conclusions to the Assembly. It would be appreciated if the Member Governments would at the same time submit to the Assembly any data which they consider will be of value in connection with the Assembly's discussions.

76. Observations of the Rapporteur. The Protocol on relations between the European Coal and Steel Pool and the Council of Europe, which was signed on 18th August 1951 (and, it should be pointed out, repeats almost word for word the text drawn up on 16th March by the Committee on General Affairs and forwarded by the Bureau to the Conference on the Schuman Plan) constitutes a new and very important factor. The Debates to be held in plenary sitting during the May Session of the Consultative Assembly on the Reports of the Special Committees on Transport and Agriculture and on the Report of the Committee on General Affairs will provide most valuable guiding lines.Finally, it will also be necessary to follow attentively the course of the next European Agricultural Conference. It is only when they possess all the necessary data that the Committee on General Affairs, and thereafter the Assembly, will be able to draw up a Convention establishing the legal framework of the policy of Specialised Authorities, giving a precise definition of what constitutes a Specialise d Authority, and specifying the obligations which it would have to accept in order to avoid any risk of disorganising European co-operation. At this juncture it should be recalled that the Committee was anxious to prevent these obligations from hindering the normal functioning of the organs of the Authorities attached to the Council of Europe. The particular Report submitted on Specialised Authorities may be referred to in this respect (Doc. 3,1950, Para. 34).

### 8. General Conclusions of the Committee on General Affairs générales de la commission des Affaires Générales

From the preceding remarks concerning the measures proposed by the Committee on the Revision of the Statute, the Committee on General Affairs is led to draw the following general conclusions.

***8.1. Concerning the Amendments which require the ratification of a Protocol - (Chapter B of this Report)***

77. The Committee, Considering that no agreement at present appears possible among the Governments on a formula for revising the Statute which would result in granting increased functions and powers to both organs of the Council of Europe and would meet the major requirements of the Assembly; Considering that agreement has only been reached between the Governmental Experts on amendments of minor importance, or amendments which only serve to give official sanction to provisions already in force in the Council :

77.1. Is of the opinion that in such circumstances the adoption of a Protocol of Amendment such as is proposed would be of little value and would in effect only serve to give public and parliamentary opinion a false idea of the importance of the measures taken, and make more difficult any further revision of the Statute at a later date;

77.2. Is of the opinion that it could not recommend the national Parliaments to approve such a Protocol;

77.3. Reaffirms all the Recommendations on the revision of the Statute already adopted by the Assembly, and emphasises the importance of the draft Protocol produced by the Special Committee on the Statute, which embodies all those Recommendations and is submitted to the Assembly in a form suitable for adoption, subject to such additions or alterations as may be considered necessary.

77.4. Expresses the hope that the Committee of Ministers will consider the interests of the European Community by drawing up at its next session a report on the reform of the Statute which will really meet the wishes of the Assembly and of the national Parliaments;

77.5. Requests that before any action is taken the Assembly be called upon to debate at its next Ordinary Session the Report of the Committee of Ministers in this connection together with the observations thereon of the Committee on General Affairs, and that the Joint Committee be convened during the next Session of the Assembly to study the question of the revision of the Statute.

78. Observations of the Rapporteur. As was stated above (Para. 3), the Joint Committee met on 16th April, 1951 to study the question of the revision of the Statute. The measures proposed, however, even if they are approved by the Committee of Ministers, do not appear to involve any very substantial changes to the amendments submitted for ratification. It was pointed out in the course of the meeting of the Joint Committee that the majority of these amendments corresponded rather to a statement of policy, a " declaration of intention, " than to the text of a Treaty. In fact, several of the Assembly Recommendation studied by the Committee of Senior Officials had been drawn up with a view to establishing more clearly the policy of the Council of Europe rather than to amend its Statute. It would be desirable for the Ministers, quite apart from the question of any formal Protocol, to confirm to the Assembly that they are prepared to pursue the line of policy laid down in certain of the amendments accepted by the Senior Officials (such as those concerning relations with international organisations, procedure for the establishment of conventions, relations with Specialised Authorities at the present juncture, etc.). The Assembly would then be required to take note only of this declaration of policy.

***8.2. Concerning amendments to which the simplified procedure of Article 41 (d) is applicable - (Chapter C. of this Report***

79. The Committee,

79.1. Requests the Committee of Ministers to take the above-mentioned observations (Chapter B) into account in such a way as to ensure that the amendments proposed by the Committee of Ministers may be adopted by the Assembly at its next Session and be implemented forthwith;

79.2. Considers that, if necessary, consultations should be arranged between the Assembly and the Committee of Ministers for the purpose of formulating texts which will give satisfaction to both organs of the Council of Europe.

80. Observations of the Rapporteur. If the Committee of Ministers take a favourable decision concerning Extraordinary Sessions and the participation of non-member Ministers in the work of the Assembly (a two-thirds majority being sufficient in this respect), all these texts might enter into force during the present Session. If no such agreement is reached, the Assembly might forthwith proceed to accept the amendments to Art. 23 (Establishment of the Agenda), Art. 25 (Appointment of Representatives), Art. 26 (Number of Representatives) and Art. 38 (Finance). It might instruct its Committee on Rules of Procedure and Privileges to undertake an examination of the distribution of Assembly seats if no decision bads by then been taken by the Committee of Ministers.

### *8.3. Concerning the draft Resolution and Recommendations - (Chapter D of this Report)*

81. The Committee,

81.1. Welcomes the approval given by the Committee of Senior Officials to certain Recommendations of the Assembly, in particular to that which refers to the Overseas Territories ;

81.2. Urges the Committee of Ministers to take into account the observations of the Committee on General Affairs, and thus to arrive at decisions which will accord with the Assembly's wishes.

82. Observations of the Rapporteur. On this point all the Assembly can do, doubtless, is to take note of the Resolutions which are finally approved by the Ministers.

### *8.4. Concerning the Specialised Authorities - (Chapter E of this Report)*

83. The Committee, Considering that the clauses it is proposed to insert in the Statute are of only limited scope, particularly in view of the numerous reservations which it has been judged necessary to introduce therein, Feels that it would be preferable to organise a conference in which all Member States might take part for the purpose of drawing up a Convention (or Special Protocol) on Specialised Authorities. The Assembly would be requested to prepare, on the basis of its Commitbee's conclusions and the views advanced by the Committee of Ministers or its Members, a draft Convention to serve as a basis for discussion at this Conference.

84. Observations of the Rapporteur. If the Assembly confirms the view of the Committee, it might instruct the latter to make a preliminary study of the question of such a Convention, taking into account all available information on the subject.

**Appendix APPENDIX**
Measures Adopted by the Committee on the Revision of the Statute appointed by the Committee of Ministers

**AMENDMENTS ENTAILING THE RATIFICATION OF A PROTOCOL**

**Admission of new Members - (Arts. 4, 5 and 8. Recommendation 51, Doc. 74, 1950, Para. 7)**

Add at the end of Articles 4 and 5 (a) of the Statute the following sentence :

"The Committee of Ministers shall consult the Consultative Assembly before issuing such an invitation."

To amend Article 8 as follows : Insert after the first sentence :

"The Committee of Ministers shall consult the Consultative Assembly before issuing such a request."

**Powers of the Committee of Ministers - (Art. 15 of the Statute. Recommendation 10, Doc. 74, 1950, Para. 5 (ii))**

Add to Article 15 of the Statute a paragraph (c) as follows : (c) The conclusions of the Committee may, where appropriate, take the form of a convention or agreement. In such a case the following provisions shall apply :

1. The convention or agreement shall be submitted by the Secretary-General to all Members for ratification;
2. Each Member undertakes that within one year of such submission, or, where this is impossible owing to exceptional circumstances, within eighteen months, the question of ratification of the convention or agreement shall be brought before the competent authority or authorities in its country;
3. The instruments of ratification shall be deposited with the Secretary-General.
4. The convention or agreement shall only be binding on such Members as have ratified it.

In addition, it would be necessary to add to Article 20 (a) (1) the words : " and (c)."

**Joint Committee**

Insert in the Statute a new Chapter worded as follows :

*Chapitre VI. Comité Mixte*

ARTICLE 1

The Joint Committee is the organ of co-ordination of the Council of Europe. Without prejudice to the respective rights of the Committee of Ministers and the Consultative Assembly, the functions of the Joint Committee shall be, in particular :

*a.* to examine the problems which are common to the two other organs;

*b.* to draw the attention of those two organs to those questions which appear to be of particular interest to the Council of Europe;

*c.* to make proposals for the draft Agenda of the sessions of the Committee of Ministers and of the Consultative Assem-bly;

*d.* to examine and promote means of giving practical effect to the Recommendations adopted by one or other of those two organs.

ARTICLE 2

(a) The Joint Committee shall be composed in principle of twelve members, five of whom shall be representatives of the Committee of Ministers, and seven whom shall be representatives of the Consultative Assembly, the latter number to include the President of the Consultative Assembly, who shall be a member ex officio.

The number of members may be increased by agreement between the Committee of Ministers and the Assembly. Nevertheless the Committee of Ministers shall, at its discretion, be entitled to increase by one ot two the number of its representatives on the Joint Committee.

(b) The Committee of Ministers and the Consultative Assembly shall be free to choose their own method of selecting their representatives on the Joint Committee.

(c) The Secretary-General shall be entitled to attend the meetings of the Joint Committee in an advisory capacity.

ARTICLE 3

(a) The President of the Consultative Assembly shall be the Chairman of the Joint Committee.

(b) No proceedings of the Committee shall be regarded as valid unless a quorum is present consisting of three of the representatives of the Committee of Ministers and five of the representatives of the Consultative Assembly.

(c) The conclusions of the Joint Committee shall be reached without voting.

(d) The meetings of the Joint Committee shall be convened by the Chairman and shall take place as often as is necessary and in particular before and after the sessions of the Committee of Ministers and of the Consultative Assembly.

e) Subject to the foregoing, the Joint Committee may adopt its own Rules of Procedure.

As consequential changes in Article 10, it would be necessary to add, after the words "(ii) the Consultative Assembly", the words "(iii) the Joint Committee". Also in the last paragraph of Article 10, to delete the word "both".

**Number of Deputy Secretaries-General - (Article 36 of the Statute)**

Word the first two paragraphs of Article 36 as follows :

*a.* The Secretariat shall consist of a Secretary- General and such Deputy Secretaries- General and other staff as may be required.

*b.* The Secretary-General and Deputy Secretaries- General shall be appointed by the Consultative Assembly on the recommendation of the Committee of Ministers".

**Relations with Inter-governmental Organisations - (Recommendation 55, Doc. 156, 1950, Paras. 1 and 2)**

Insert in the Statute a new Chapter worded as follows :

*Chapter XI. Relations with Inter-governmental and Non-governmental International Organisations*

ARTICLE 1

The Committee of Ministers may, on behalf of the Council of Europe, conclude with any inter-governmental Organisation agreements on matters which are within the competence of the Council, such agreements to define the terms on which such an organisation shall be brought into relationship with the Council of Europe.

ARTICLE 2

The Council of Europe, or any of its organs, shall be authorised to exercise such functions within the scope of the Council of Europe as may be entrusted to it by other European inter-governmental Organisations. The Committee of Ministers shall conclude any agreements necessary for this purpose.

ARTICLE 3

The agreements referred to in Article 1 may provide inter alia :

*a.* that the Council shall take appropriate steps to obtain regular reports from the Organisations in question and. to send them reports in its turn.

*b.* that the Council shall give opinions and render such services as may be requested by these organisations.

*c.* (that the Council shall make arrangements for representatives of these Organisations to participate without vote in its deliberations and for its own representatives to participate in the deliberations of these Organisations.)

ARTICLE 4

The Committee of Ministers may, on behalf of the Council of Europe make suitable arrangements for consultation with international non-governmental organisations which deal with matters which are within the competence of the Council of Europe.

With regard to paragraph (c) of Article 3 above, the Committee was unable to reach complete agreement.

**Specialised Authorities - (Recommendations 1, 4 and 52, Docs. 121, 123 and 154, 1950)**

Insert in the Statute a new text worded as follows :

*Chapter X. Specialised Authorities*

ARTICLE 1

(a) The Council of Europe may take the initiative in instituting negotiations between Members with a view to the creation of European Specialised Authorities, each with its own competence in the (political), economic, social, cultural, legal, administrative or other related field.

(b) Each Member shall remain free to adhere or not to adhere to each such European Specialised Authority.

ARTICLE 2

(a) If Member States set up among themselves, on their own initiative, European Specialised Authorities, these shall (may) be brought into relationship with the Council of Europe, after the interests of the European community as a whole have been taken into account.

(b) Each Member shall remain free to adhere to each such Specialised Authority or to resign there from subject to the conditions laid down in the Statute of such Authority.

ARTICLE 3

(a) The Committee of Ministers shall (may) invite each Authority to submit to it a periodical report on its activities.

(b) Insofar as any agreement setting up a Specialised Authority provides for a parliamentary body, this body shall (may) be invited to submit a periodical report to the Consultative Assembly of the Council of Europe.

ARTICLE 4

(a) The conditions under which a Specialised Authority shall be brought into relationship with the Council may be determined by special agreements concluded between the Council and the Specialised Authority concerned. Such agreements may cover inter alia :

1. Reciprocal representation and, if the question arises, the appropriate forms of integration between the organs of the Council of Europe and those of the Specialised Authority.
2. Exchanges of information, documents and statistical data;
3. The presentation of reports by the Specialised Authority to the Council of Europe and of recommendations of the Council of Europe to the Specialised Authority;
4. Arrangements concerning staff and administrative technical, budgetary and financial services.

(b) Such agreements shall be negotiated and concluded on behalf of the Council of Europe by the Committee of Ministers after an opinion has been given by the Consultative Assembly.

ARTICLE 5

The Council of Europe may co-ordinate the work of the Specialised Authorities brought into relationship with the Council of Europe in accordance with the terms of the present chapter, by holding joint discussions and by submitting recommendations to them, as well as by forwarding recommendations to Member Governments.

ARTICLE 6

(The provisions of the present Chapter shall apply only to the European Specialised Authorities whose aim and scope are within those of the Council of Europe as defined in Article 1.)

Note : The text of the Articles proposed by the Committee was unanimously approved, with the exception of a few points on which the Committee can only suggest alternative versions, which are entered in parentheses.

**AMENDMENTS TO WHICH THE SIMPLIFIED PROCEDURE OF ARTICLE 41 (d) IS APPLICABLE)**

**Establishment of the Agenda of the Assembly (Art. 23. Recommendation 51, Doc. 74, 1950, Para. 7)**

Adopt for Article 23 the following wording :

*a.* The Consultative Assembly may discuss and make Recommendations upon any matter within the aim and scope of the of the Council of Europe as defined in Chapter I; it shall also discuss and may make Recommendations upon any matter referred to it by the Committee of Ministers with a request for its opinion.

*b.* The Assembly shall draw up its Agenda in accordance with the provisions of paragraphe (a) above. In so doing it shall have regard to the work of other European inter-governmental organisations to which some or all of the Members of the Council are parties.

*c.* The President of the Assembly shall decide, in case of doubt, whether any question raised in the course of the Session is within the Agenda of the Assembly

**Appointment of Representatives to the Assembly (Art. 25. Recommendation 12, Doe. 74,1950, Para. 8 (i))**

Substitude the following text for the first sentence of article 25, paragraph (a) :

The Consultative Assembly shall consist of representatives of each Member, elected by its Parliament or appointed in such manner as that Parliament shall decide, subject however to the right of the Member Government to make any additional appointments necessary when its Parliament is not in session and has not laid down the procedure to be followed in that case.

**Financial Control (Article 38)**

Add to Article 38 a clause (c as follows :

(c) The Secretary-General shall also submit to the Committee of Ministers an estimate of the expenditure to which the implementation of each of the recommendations presented to the Committee would give rise. Any resolution the implementation of which requires additional expenditure shall not be considered as adopted by the Committee of Ministers unless the Committee has also approved the corresponding estimates for such additional expenditure.

**MISCELLANEOUS RESOLUTIONS AND RECOMMENDATIONS**

The Committee on the Revision of the Statute recommended that the Committee of Ministers should adopt the following Resolution :

"The Committee of Ministers,

"Having regard to the Recommendation of the Consultative Assembly for the creation, within the Governments of Member States, of a Ministerial post for European Affairs,

"Resolves :

"Each Member may, subject to the terms of Article 14 of the Statute, nominate a Ministers, Secretary or Under-Secretary of State who shall be responsible for the affairs of the Council of Europe in his Government."

**Appointment of Senior Officials responsible for the preparatory work of the Council of Europe - (Recommendation 11, Doc. 74, 1950, Para. 10)**

The Committee on the Revision of the Statute recommended that the Committee of Ministers should adopt the following Resolution :

"The Committee of Ministers,

"Having regard to the Recommendation of the Assembly for the appointment, in the Ministries concerned, of Senior Officials responsible for the preparatory work of the Council of Europe,

"Resolves :

"Each Member may appoint in the Ministry or Ministries concerned a senior official who shall be responsible for the preparatory work of the Council of Europe with regard to questions which are the concern of that particular Ministerial Department."

The Committee agreed that no further action was necessary on the second part of Recommendation 11, 1950, since it had already been implemented by the Governments.

Further, the Committee recommended the Committee of Ministers to adopt the following Resolution :

"The Committee of Ministers,

"Considering that it is in the interests of the Council of Europe to facilitate liaison between the Governments and the Secretariat- General,

"Resolves :

"In order to facilitate liaison between its Government and the Secretariat-General of the Council, each Member may, if it so desires appoint an official to act as its permanent Representative at the seat of the Council of Europe."

**Reference back to the appropriate Committee of the Assembly of Recommendations that are not approved by the Committee of Ministers - (Recommendation 15, Doc. 74, 1950, Para. 6)**

The Committee on the Revision of the Statute recommended that a new Article be inserted in the Rules of Procedure of the Committee of Ministers, to the following effect :

"Where a recommendation of the Consultative Assembly is only partially acceptable to the Committee of Ministers, the latter shall refer it back to the President of the Assembly for further consideration and shall at the same time append its comments."

**Written Questions - (Rule 48 of the Rules of Procedure of the Consultative Assembly)**

Written Questions (Rule 48 of tho Rules of Proceduro of the Consultative Assembly)

"Such questions should first be examined by the Ministers' Representatives who meet immediately before the sessions of the Committee of Ministers. These Representatives should then determine which questions should be included in the Agenda of the Committee of Ministers, and should decide what other action should be taken. This procedure might be modified in the light of experience.'

**Relations with the Countries of North America - (Recommendation 20, Doc. 74, 1950, Para. 1 (iii))**

During, its seventh session the Committee of Ministers adopted the following Resolution :

"The Committee of Ministers takes note of Recommendation 20, 1950, adopted by the Consultative Assembly on the 18th August, 1950, and affirms its desire to establish close liaison between existing European Organisations and the countries of North America. It suggests that the Consultative Assembly should study the terms and conditions of such liaison and give the Committee its opinion on this question. The Committee recommends that the Member Governments should submit concrete proposals on this subject, these proposals to be examined by the Ministers' Advisors at their next meet-ing."