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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Consideration of any necessary changes in the political structure of Europe to achieve a greater unity between the Members of the Council of Europe and to make an effective European cooperation in the various spheres specified in Article 1 of the Statute

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr Guy MOLLET, France

1. SUMMARY OF REPORT

The Committee on General Affairs was instructed to draw up a report on:

"Proposals relative to any necessary changes in the political structure of Europe to achieve a closer union between the Members of the Council of Europe, and to make effective European cooperation in the various spheres specified in Article 1 of the Statute."

During the Debates of the Assembly on the 16th and 17th August 1949, it was decided to submit to the Committee for its Report various proposals for modifying the present Statute of the Council of Europe and, in addition, all other Proposals of a political nature.

The Committee considered all the Proposals which were submitted to the Assembly and has reduced its conclusions to four different Resolutions:

1. It appeared to the Committee that, in order to make a thorough and objective study of the changes which might be necessary in the political structure of Europe, the Committee entrusted with this task should be allowed sufficient time and the opportunity to secure detailed information. For this reason it recommends the adoption by the Assembly of the first Resolution.
2. The proposed Recommendations to the Committee of Ministers aim chiefly at amending the Statute of the Council of Europe and show a particular desire to define more clearly and consolidate the powers of the Assembly, in order to facilitate and speed up its work, and to establish adequate relations between the Assembly and the Committee of Ministers. It appeared to your Committee that, if a Standing Committee were set up with definite terms of reference, such a Committee would, by assisting the President and the Bureau, greatly facilitate the work of the Assembly and relations between the Assembly and the Committee of Ministers between Sessions. It is for this reason that it recommends the adoption of the second Resolution by the Assembly.
3. The Recommendations to the Committee of Ministers deal essentially with proposed Amendments to the Statute, except the last one, which is of a general nature.
4. Finally, a fourth part contains various Recommendations which the Committee has thought advisable to submit to the Assembly.

1. See: Doc. Nos. 4, 7, A to U attached hereto, Motions 60 to 63, 65 to 68, Amendments and Official Report No. 15.

2. RESOLUTION REGARDING THE COMMITTEE ON GENERAL AFFAIRS

The Assembly,

Desiring that a detailed and objective study be made of the Proposals to achieve a closer political unity between the Member States, Decides that its Committee on General Affairs should be instructed to examine:

a. The general position of the Member States of the Council of Europe considered as a whole;

b. The present situation with regard to existing inter-gbvernmental organisations;

c. The different Proposals for extended collaboration in in the political, economic, social and cultural fields;

d. The modifications in the political and constitutional structure of the Member States which such a collaboration would entail;

e. Federal, as well as other Proposals, for the future political development of Europe; and

f. The effects on each Member State of any such measures as these proposals imply.

The Committee shall formulate precise and definite Proposals in respect of the matters referred to it and shall make definite Recommendations concerning the modifications, in the political structure of the Member States, which it considers desirable with a view to a closer unity between them.

The Committee shall have the power to appoint Sub-Committees, to obtain the assistance of experts and to hear witnesses.

The Committee will send its Report to the President of the Assembly by tho 30th April at the latest. This Report will be transmitted by the President lo the Committee of Ministers and to every Representative to the Consultative Assembly.

The Assembly now expresses the wish that this Report shall be placed on the Agenda of the 1950 Session, and that the Committee of Ministers will propose to the Members of the Council of Europe that the Recommendations, then adopted, by the Assembly, shall bo immediately discussed by the respective Parliaments.

(This Resolution ivas adopted unanimously.)

3. RESOLUTION REGARDING THE STANDING COMMITTEE OF THE ASSEMBLY

The Committee proposes:

That a Standing Committee, consisting of the President, the four Vice-Presidents, and eighteen Members of the Assembly, shall immediately be constituted by a Resolution of the Assembly, on the recommendation of the Bureau.

The aforesaid Standing Committee will be convened by tho President of the Assembly whenever he considers it necessary, and not less than four times a year.

Its duties will be:

To co-ordinate the different Resolutions of the Assembly, and the Reports or Recommendations produced by the various Committees;

To consider the steps to bo taken lo prepare the work of the Assembly for the following Session;

The President of the Assembly, acting on behalf of the Standing Committee, will consult with the Committee of Ministers as to the advisability of convening an extraordinary Session, and also in regard to any matter arising out of the Agenda of the previous Session;

Lastly, between the Sessions of the Consultative Assembly, the Committee will, in general, take any measures that appear calculated to facilitate and expedite the work of the Assembly.

The Committee next agreed unanimously to propose that, in constituting the Standing Committee of the Assembly composed as above (18 Members besides the Bureau), the Rules of Procedure, laid down in Article 37 in regard to Committees of 18 Members, should be applied.

(The 1st sub-paragraph relating to the composition of the Standing Committee was adopted unanimously with two abstentions. The whole Resolution was adopted unanimously.)

4. RECOMMENDATIONS TO THE COMMITTEE OF MINISTERS

A. The Committee proposes that the Assembly should recommend to the Committee of Ministers the following proposals for Amendment to the Statute of the Council of Europe:

Proposed Amendment to Article 4: Insert after "may" in the first line: "with the approval of the Consultative Assembly, such approval to be by a simple majority";

(Adopted unanimously.)

Proposed Amendment to Article 5: Insert after "may" in the second line: "with the approval of the Consultative Assembly, such approval to be by a simple majority".

(Adopted unanimously.)

Proposed Amendment to Article 23: Substitute a new Article to read as follows:

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

(Adopted unanimously except for 4 Votes.)

Proposed Amendment to Article 36: Substitute the following paragraphs for paragraphs (a) and (b):

"(a) The Secretariat shall consist of a Secretary General, a Deputy Secretary General for the Committee of Ministers, a Deputy Secretary General for the Assembly, and such other staff as may be required."

"(b) The Secretary General and both the Deputy Secretaries General shall be appointed by the Assembly on the recommendation of the Committee of Ministers."

(Adopted unanimously.)

Proposed Amendment to Article 37: Substitute the following paragraph for paragraph (b) :

"(b) The Secretary General is responsible to the Committee of Ministers and to the Consulta-vite Assembly for the work of the Secretariat. Amongst other things, he shall, subject to Article 38 (d), provide, in agreement with the Deputy Secretary General for the Assembly, such secretariat and other assistance as the Consultative Assembly may require.

"The Deputy Secretary General for the Committee of Ministers is responsible to the Committee of Ministers.

"The Deputy Secretary General for the Consultative Assembly is responsible to the Assembly and to its Bureau."

(Adopted unanimously.)

Proposed Amendment to Article 41: Delete the last sentence of paragraph (d).

(Adopted unanimously.),

B. The Committee proposes that the Assembly recommends whatever further consequential Amendments may be necessary to any other Articles of the Statute to bring them into line with the adoption of the Amendments listed above. It recommends, here and now, the following Amendments:

Article 24: Delete "under Article 23" in line 3.

Article 29: Delete "Subject to the provisions of Article 30" in line 1, and insert: "Subject to the provisions of Articles 4, 5 and 30. "

Article 29: Delete sub-paragraph (ii) and insert: " determining matters for discussion in the Assembly ».

Article 31: Delete "Debates on proposals to be made to the Committee of Ministers that a matter should be placed on the Agenda" and insert: "Debates on Proposals for a matter to be placed on the Agenda."

Article 34: Insert after "The Committee of Ministers,..." "on its own initiative or at the request of the President of the Consultative Assem-bly, ...»

(All the Proposals were adopted unanimously.)

C. The Committee proposes that the Assembly should request that:

Before the next ordinary or extraordinary Session of the Assembly, the Committee of Ministers should consider the question of the admission of new Members and new Associate Members to the Council of Europe;

And that this question be placed on the Agenda of the next Ordinary or Extraordinary Session of the Consultative Assembly.

(Adopted unanimously.)

5. RECOMMENDATIONS TO THE ASSEMBLY

1. The Committee proposes that the Assembly should refer to the "Standing Committee of the Assembly" the various Proposals for the convocation of an Extraordinary Session early in 1950.

It regards the convocation of such an Extraordinary Session as inevitable, seeing the number and urgency of the problems before the Council of Europe.

It would leave it to the discretion of the Standing-Committee of the Assembly to determine the best time for this Session, and to request the Committee of Ministers that, as provided in Article 19 of the Statute, the different questions transmitted by the Committee of Ministers to the Assembly for its opinion shall in each case be dealt with in precise Reports and clearly worded Proposals.

(Adopted unanimously.)

2. The Committee recommends that, if the absolute majority of the members of the Consultative Assembly requests the President to convene a special Session of the Assembly, the President should communicate to the Committee of Ministers a request for an extraordinary Session.

(Adopted by 15 votes to 6.)

3. The Committee has examined the question of financing the Committee instructed to study the question of political union and, bearing in mind the provisions of Articles 24 and 38 (d) of the Statute of the Council of Europe, it recommends the Assembly to request the Secretary General to refer to the Committee of Ministers the request of the Assembly for suitable provision to be made for this Committee.

(Adopted unanimously.)

4. The Committee proposes that the Assembly should refer the following resolution to the Standing Committee of the Assembly, with a recommendation for their favourable consideration:

The Assembly recommends to the Committee of Ministers that it propose to the Governments of Members of the Council of Europe that they should systematically organise the instruction of the great mass of the people, pointing out to them the undeniable advantages of union for Europe and at the same time the dangers inherent in national isolation.

It is especially in the schools, work places, political parties, public meetings, and, of course, through the press, that this campaign should be concentrated. The Members of the Consultative Assembly of the Council of Europe should be requested to give their Governments every assistance in their power in this great work, while at the same time making every effort as individuals to this end.

(Adopted unanimously!)

5. The Committee, having studied two proposed Amendments to Article 13 and various Proposals to create a European political authority with clearly defined aims and definite powers, to endow the Committee of Ministers with intergovernmental or supra-national powers and rights and to create a corps of European civil servants,

Proposes that the Assembly should submit these Proposals to the Standing Committee of the Assembly for study.

(Adopted unanimously.),

6. The Committee, having studied two proposed Amendments to Article 20 of the Statute, foreseeing the case when the Committee of Ministers might feel itself unable to take into consideration the Recommendations of the Consultative Assembly.

Proposes that the Assembly should submit these Proposals to the Committee on General Affairs for study; the latter would include its observations in the Report it must draw up before the 30th April.

(Adopted unanimously.)

7. The Committee, having studied the Proposal which states that "the Assembly, in order to affirm the solidarity of all European peoples and to- stress the hope that the Assembly may one day represent all countries of Europe, decides to set apart, as a symbolic gesture, a certain number of empty seats for European nations which cannot at present be represented",

Decides to transmit this text to the Committee on Rules of Procedure and Privileges, whose business it is, and to make known its consent to the suggestion.

(Adopted by the 13 votes to 7.)