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Proposals relating to privilege

Report
Committee on Rules of Procedure, Immunities and Institutional Affairs
Rapporteur: Mr J. Franz van CAUWELAERT, Belgium

1. REPORT

The motions proposed by Mr. Dalton and Mr. Mackay, though differing in their object, both aimed at the protection of the privileges of the Assembly. They were dealt with separately by the Committee and separate conclusions were reached. By reason, however, of their similarity, the Committee thought they could be presented in a single report.

1.1. MOTION OF MR. DALTON

1. The motion of Mr. Dalton deals with a document distributed privately by the European Movement, in which it was stated that a resolution, submitted to the Assembly for examination by several Representatives, had been inspired by this movement. It referred to the incident during the public Sitting of the Assembly on Wednesday, 24th August. The discussion which followed this intervention greatly facilitated the task of the Committee. It was recognised that the resolution in question had been put forward in due and proper form. It bore only the signatures of duly accredited Representatives, and made no mention of any organisation or any inspiration extraneous to the Council of Europe. The signatories, as far as the Assembly is concerned, are in fact the only recognised and responsible authors of the Motion in question, and the President, affirming the regularity of the forms in which it was proposed, was able to declare that the facts as submitted revealed no motives worthy of reproach in the signatories.

2. The protection of the prestige and independence of the Assembly against unwarranted intervention and unseemly confusion which organisations outside the Council of Europe might attempt as part of their propaganda or for their own special ends is, none the less, of great importance.

3. The Committee was extremely interested in the matter, and considers that the question of the moral protection of the Assembly should be gone into in greater detail as regards its underlying principles and examined from the point of view of its practical application when the question of the definite adoption of the Rules of Procedure relative to the Privileges of the Assembly arises. It is no part of our intention to interfere in any way with the independent action of organisations pursuing aims similar to those of the Council of Europe and its Consultative Assembly, and whose merits we have no wish to disparage. We merely wish to defend the prestige and independence of the Assembly from unjustified interventions and claims liable to prejudice its mission. It is this preoccupation with the future of the Assembly which alone has been accepted by the Committee.

4. As regards the particular case submitted to it, the Committee found, on the evidence, that no case was made out establishing a breach of its privileges.

1.2. MOTION OF MR. MACKAY

5. The Motion of Mr. Mackay proposes that any action or attempt made by persons not members of the Assembly, with a view to influencing Assembly Representatives or Substitutes on questions concerning the internal affairs of the Assembly, and election to its high offices in particular, should be considered as an infringement of the privileges of the Assembly. It proposes that persons guilty of such a breach of privilege might possibly be denied access to the building where the Assembly is in Session, and he emphasises that complete privacy must be assured to Representatives and Substitutes in the premises allocated for their meetings or for their private work.

6. The Committee has carefully examined the drawbacks of the present situation. It hopes that improvements may be made in the matter of the privacy of the building, some parts of which should be reserved exclusively for Representatives and Substitutes, and in controlling public access thereto. But it feels that up till now there has been no abuse marked enough to warrant provisions being incorporated in the Rules concerning the abuse of influence to which Mr. Mackay and his fellow-signatories refer.

2.

In conclusion, the Committee on Rules of Procedure and Privileges recommends the following Resolutions to the Assembly:

A. On the Motion submitted by Mr. Dalton:

Having considered the explanations given by various Representatives in the Assembly Sitting of 24th August, and having approved the statement made by the President affirming the propriety of the way in which the resolution concerned had been put forward,

1. it holds that the incident whioh took place on that occasion can be regarded as closed;
2. it confirms that Motions and Resolutions submitted to the Assembly can only be put forward on the sole responsibility of the signatory Representatives, and
3. it entrusts to the Committee on Rules of Procedure and Privilege the task of examining whether it would be useful to supplement the existing Rules of Procedure with a view to protecting the authority and the independence of the Assembly against prejudicial interference from outside.

B. In the matter of the Resolution moved by Mr. Maclcay and some of his colleagues:

The Assembly:

1. holds that the reality or danger of the abuse which motivated this Resolution have not been sufficiently established by experience to justify regulations being considered;
2. entrusts to the Committee on Rules of Procedure and Privileges the task of making such proposals as it may judge adequate when it comes to deal with that Article of the Provisional Rules of Procedure concerning access to the meeting hall and the premises where the Assembly is in Session.