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## **Principles which should govern relations between the Council of Europe and non-governmental organisations**

### **Report<sup>1</sup>**

Committee on Legal Affairs and Human Rights  
Rapporteur: Mr Jan J.R. SCHMAL, Netherlands

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1. 1953 - 5th Session - Third part



## A. Explanatory Memorandum

### 1.

1. On the 11th May, 1953, the Consultative Assembly referred to the Committee on Legal and Administrative Questions the request of the Committee of Ministers for an Opinion on the principles which should govern relations between the Council of Europe and nongovernmental organisations, [Doc. 141](#).

2. The Committee on Legal and Administrative Questions has given careful consideration to this document. It recalled in this connection that the Committee of Ministers had previously sought the Assembly's views on the granting of consultative status to certain trade union organisations, [Doc. 43](#), and that, on the proposal of its Committee on Social Questions, the Assembly had come to a favourable opinion (Opinion No. 2, approved on 26th September, 1952).

3. The Committee is agreed that the establishment of official relations with certain non-governmental organisations may be of assistance to the Council of Europe in achieving the aims defined in Article 1 of the Statute. It is of opinion that such relations might be beneficial to both the Council of Europe, which would receive technical advice and information, and to the non-governmerital organisations, which will thus be able to make their views known to the Council of Europe..

4. For these reasons it welcomes, subject to certain proposals for amendments, the Memorandum prepared by the Secretariat- General and transmitted by the Committee of Ministers which contains detailed suggestions on the subject of relations with non-governmental organisations. It submits to the Assembly the following Draft Opinion, which was unanimously agreed to by the Committee on Legal and Administrative Questions at a meeting held on 18th September, 1953.

## B. Draft Opinion

The Assembly,

Having received the request of the Committee of Ministers for an opinion concerning the principles which should govern relations between the Council of Europe and international non-governmental organisations, [Doc. 141](#) ;

Having given careful consideration to the memorandum prepared by the Secretariat- General and transmitted by the Committee of Ministers on the subject of relations with the above-mentioned organisations,

Considers that the establishment of official relations with non-governmental organisations may be of assistance to the Council of Europe in achieving the aims set out in Article 1 of the Statute;

Agrees, in particular, that flexibility is necessary in the arrangements for granting consultative status to non-governmental organisations and that the proposed arrangements should be as simple as possible; and

Approves the proposals contained in the memorandum of the Secretariat-General subject to the following proposed amendments

### 1. Chapter 2, Paragraph (a), Sub-Paragraph 1

The Assembly is not agreed that the words " inter-governmental organisation " are the most suitable for describing the Council of Europe. It therefore requests that the word " other " be deleted and the words " a number of " be inserted instead thereof.

### 2. Chapter 2, Paragraph (a), Sub-Paragraph 3

Contrary to the view expressed in the Memorandum, the Assembly is in need of and welcomes any technical advice and information which may be tendered to it. It is therefore recommended that this paragraph be re-drafted.

### 3. Chapter 2, Paragraph (b), Sub-Paragraph (v)

The Assembly considers that the wording of this sub-paragraph is not sufficiently clear and that it should be improved to read as follows :

" (v) The organisation shall have an established headquarters with an Executive Officer. It shall have a conference, convention or other policy-making body. The organisation shall have authority to speak for its members. Evidence of this authority shall be presented, if required. "

### 4. Chapter 2, Paragraph (c)

The Assembly wishes to make some objections to this paragraph. Having recognised that owing to the character of the Council of Europe, non-governmental organisations would " act principally as consultants of the Assembly itself, through the intermediary of its Committees ", (See Chapter 2, Paragraph [a], Sub-Paragraph 5), the Memorandum proceeds to assign to the Committee of Ministers the function of determining who shall be the Assembly's consultants. The Committee of Ministers proposes that it should first investigate an application by a non-governmental organisation for consultative status. In the case of a favourable decision, the relevant documents would be transmitted to the Assembly for an opinion. In the case of an unfavourable opinion, the Assembly would be informed, reasons being given. The Assembly considers that it must be placed on an equal footing with the Committee of Ministers in any decision to establish relations with non-governmental organisations. It therefore proposes the following procedure (which is in accordance with the general pattern of relations between the Assembly and the Committee of Ministers.

The Secretary-General would assemble the necessary documents and submit them simultaneously to the Assembly and to the Committee of Ministers. The Assembly, on the basis of a report of its appropriate committee or committees, would send a recommendation to the Committee of Ministers proposing either the acceptance or the rejection of the application for consultative status, as the case might be. In case of disagreement, the matter would be referred, as suggested in the memorandum of the Secretariat-General, to the Joint Committee before any final decision was taken.

### 3. Chapter 3, Paragraph (b), Sub-Paragraph (1) (Categories A, B and C)

The Assembly does not think it justified to encourage representatives of nongovernmental organisations to attend the sessions of the Assembly, in so far as the subjects under discussion are not of immediate interest to their organisations.

The Assembly considers that it is sufficient to provide that a non-governmental organisation may be consulted in writing by the Assembly Committees and that, if necessary, it may be invited to make a brief oral statement of its views to the appropriate Committee.

The Assembly therefore requests the deletion of sub-paragraph (i) of paragraph (b) of Chapter 3.