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Procedure to be followed as regards the draft programme of work submitted to the Assembly by the Committee of Ministers

Communication

Committee on Political Affairs and Democracy

Mr Karl MOMMER, Germany

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1. On 24th June, 1953, the Assembly placed on its Agenda the following item and referred it to the Committee on General Affairs : " Reconsideration, as far as possible in collaboration with the Committee of Ministers, of earlier recommendations and resolutions of the Consultative Assembly which might be applied within the programme of work determined by the Committee of Ministers. "

In agreeing to the request that this item should be included in the Agenda, the Assembly adopted the view that, at the time when the Committee of Ministers was preparing its programme of work, it should itself draw up a balance-sheet of its earlier activity, and at the same time examine its conscience.

2. In order to emphasise the fact that the Report to be submitted would be more than a mere list of recommendations adopted, rejected or left in abeyance by the Committee of Ministers, the Committee on General Affairs decided to include consideration of texts adopted by the Assembly in the general framework of a study on " the role of the Council of Europe in the new pattern of organization of Europe." This item was included in the Agenda of the Assembly and referred to the Committee on General Affairs on 24th May, 1952, as a result of a request received from the Committee of Ministers for an opinion on "the best means of giving effect to the United Kingdom proposals" (Eden Plan). It has remained on the Agenda since that time.

At the same time the Committee appointed M. Mommer as its Rapporteur.

3. Your Committees considered that the Report to be presented should therefore consist of three quite distinct parts. As a whole it would constitute not only an appreciation — critical, if necessary — of the work of the Assembly and the Council of Europe in the past, but also an opinion as to how these activities could be developed in the future.

4. One part of the Report would thus summarise the debit and credit balance presented by the activity of the Council of Europe during the first five years of its life. It is against this background that previous recommendations and resolutions of the Assembly will be considered, together with the action taken upon them by the Committee of Ministers. As a result it should be possible, on the one hand, to obtain an overall picture of the work achieved by the Assembly and of the part played in this connection by the Committee of Ministers, and, on the other hand, to ascertain what elements of earlier recommendations and resolutions should be incorporated in the new programme of work.

In the light of this consideration, the draft programme of work of the Committee of Ministers will itself be examined. When comparison has been made between the proposals of the Committee of Ministers and those of the Assembly, this section of the Report would appropriately close with the draft Opinion of the Assembly concerning that programme.



5. It should be noted that this programme, which lists the objectives that the Committee of Ministers intends to compass in the near future, obviously cannot restrict the absolute freedom of the Assembly to address recommendations to the Committee of Ministers, as in the past, on all subjects coming within its competence. In its Reply to the Fourth Report of the Committee of Ministers, the Assembly defined its attitude towards the programme of work in the following terms : "While continuing to make its own contribution to the success of the Comicii, the Assembly will co-operate loyally with the Committee of Ministers in the execution of the programme of work. " This assertion is just as valid today.

6. Consideration of the subjects treated by the Assembly is to be completed in the second part of the Report by a study of the Avork-ing methods used. It would seem, indeed, that such relative lack of success obtained by the Assembly as is revealed by this examination has been caused, at least in part, by methods of work which are still not fully developed. During the first years of its existence, when no precedent existed, our Assembly perforce fell bacie on empirical and makeshift procedures, which deserve to be reconsidered and regularized nonly that the Assembly is entering upon the second half of its first decade.

The policy to be advocated in this part of the Report will be as follows : before having recourse to any revision of the Rules of Procedure or even of the Statute, it is necessary to exhaust all the possible courses of action embodied in the texts which govern the work of the Assembly.

7. Finally, the Report will contain a third part, in which, in the light of the two factors we have just mentioned (i.e. first, the enhanced importance with which the programme of work will imbue the basic tasks of the Council, and, secondly, the greater efficiency resulting from improvements in the working machinery) the conclusions to be drawn therefrom as regards the future role of the Council of Europe will be summarised. This role will be compared with that which, the Assembly has assigned itself in its past recommendations of a political nature in order to ascertain the trend of its present aims.

8. Your Committee did not feel that it could request consideration of this Report during the first part of the Sixth Session, in view of the very full Agenda. The fact that the Assembly did not receive the draft programme of work of the Committee of Ministers until this month was also an argument in favour of deferring presentation of the Report of the Committee on General Affairs until the Second Part of the Sixth Ordinary Session in September. Your Committee therefore requests the Assembly to decide upon the discussion of the Report at that time.

9. In addition, your Committee feels bound to state that it will be unable to complete the Report without a contribution from the other Committees, each in its respective field.

It therefore makes the following suggestions as to procedure :

- a. The draft programme of work transmitted by the Committee of Ministers will be referred for discussion to the appropriate committees, which will be called upon for an opinion on the chapters concerning them, and requested to add such parts of earlier recommendations and resolutions as they may wish to see followed up, having reviewed the whole of the work previously undertaken.
- b. The Committee on General Affairs will be entrusted with the additional task — apart from the opinion which it must pronounce on the political sections of the programme — of co-ordinating the replies of the other Committees. Further, as part of the wider report which it has been instructed to prepare, it will be required to draft the Opinion of the Consultative Assembly on the draft programme. The Rapporteur of the Committee on "General Affairs would thus be considered as general Rapporteur for the draft programme of work as a whole.
- c. When the Rapporteurs have prepared their draft Reports on those parts, of the draft programme of work which affect their own Committees, it would be desirable for them to contact one another with a view to co-ordinating and harmonizing the different sections of the opinion to be submitted.
- d. At the time the Report of the Committee on General Affairs is debated in the Assembly, the Rapporteurs of Committees will themselves present such parts of the draft Opinion of the Assembly on the programme of work as come within the province of their particular committee.

10. Lastly, your Committee draws the attention of the Assembly to the fact that, if the tenor of its Report is to concord with the foregoing considerations, the wording of the two items in which it appears on the Agenda would appear unsuitable. The members of the Committee therefore move that these two items on the Agenda be replaced by the following text (Doc. 243) :

"Programme and methods of work of the Committee of Ministers and of the Consultative Assembly, for achieving the aims of the Council of Europe."

11. The Committee, which has adopted this Communication unanimously, requests the Assembly to take formal note of, and to approve, the proposals on procedure contained therein.