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Organisation of the Western European Union Assembly and links to be established between Western European Union and the Council of Europe

Motion for a resolution[1]
Committee on Political Affairs and Democracy
Mr John MACLAY, United Kingdom

1. 1954 - 6th Session - Third part

A. Draft Resolution

The Assembly,

Having regard to Protocol No. I modifying and completing the Treaty of Brussels, signed at Paris on 23rd October, 1954 ;

Considering that, apart from its special responsibilities in connection with the control of armaments, the aim of Western European Union as set forth in the Preamble and in Article VIII of the modified Brussels Treaty is " to promote the unity and encourage the progressive integration of Europe", an aim which is in accordance with that of the Council of Europe as defined in Article 1 of the Statute;

Having regard to the new Article IX of the modified Treaty of Brussels, which reads :

" The Council of Western European Union shall make an annual report on its activities, and in particular concerning the control of armaments, to ' an Assembly composed of the Representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe " ;

Believing it to be in the interests of European unity to link the activities of Western European Union and of the Council of Europe to the greatest possible extent, and to establish links between the W.E.U. and the Coal and Steel Community ;

Recalling the principles underlying Opinion No. 3 (1952) on the best means of giving effect to the proposals put forward by the United Kingdom in May, 1952 ;

In the hypothesis of the ratification of the Paris Agreements signed on 23rd October, 1954, expresses, with regard to the organisation of the W.E.U. Assembly and the links to be established between Western European Union and the Council of Europe, the following Opinion :

A. ORGANISATION OF THE W. E. U. ASSEMBLY

I

The provisions which determine the powers, the organisation and the working methods of the Consultative Assembly shall apply mutatis mutandis to the W.E.U. Assembly, without prejudice to the following provisions arising from the special responsibilities of the latter Assembly.

II

1. The W.E.U. Assembly shall meet in Ordinary Session once a year. Its Sittings shall be held as far.as possible immediately before or immediately after the sittings of the Consultative Assembly. It may meet in Extraordinary Session whenever necessary.

2. The President and Vice-Presidents of the W.E.U. Assembly may be elected from among those members of the Bureau of the Consultative Assembly who are Representatives to the W.E.U. Assembly.

3. Representatives to the W. E. U. Assembly who are nominated to Committees of the Consultative Assembly shall serve as members of the corresponding Committees of the former Assembly which are established to consider questions falling within the competence of both Assemblies.

4. The annual Report on the activities of the Council of Western European Union shall be presented to the W.E.U. Assembly by the Chairman or by one of the other members of the Council.

5. The Reports of the Council of Western European Union and of the European Commissioner for the Saar shall be communicated to all Representatives to the W.E.U. Assembly not less than three weeks before the opening of the Ordinary Session of the Assembly at which the Reports are to be presented.

6. In order to enable the W. E.. U. Assembly to reply to these Reports in the light of a full knowledge of the circumstances, the Committees of the Assembly may request the Council to authorise high officials of Western European Union, and spokesmen of any subsidiary bodies (including Committees of Experts) established by the Council.under the new Article VIII (2) of the modified Treaty of Brassels, to appear before them in accordance with regulations to be laid down by agreement between the Council and the Assembly.

7. Proposals for the annual budget of the administrative expenditure of the W.E.U. Assembly shall be submitted by the President of the Assembly to the Council for approval. The President of the W.E.U. Assembly shall be responsible for authorising expenditure on behalf of the Assembly within the limits of the credits specified in the budget mentioned above, once the latter has been approved.

8. The Council shall communicate the annual budget of Western European Union to the W.E.U. Assembly, for an Opinion, before its final adoption.

9.

a. The W.E.U. Assembly shall appoint its Clerk.

b. The W.E.U. Assembly and the Consultative Assembly shall be serviced by a single Secretariat. To that end, the Clerk of the Consultative Assembly shall be assisted by the Clerk of the W.E.U. Assembly, who shall rank as Deputy Clerk of the Consultative Assembly.

B. LINKS TO BE ESTABLISHED BETWEEN WESTERN EUROPEAN UNION AND THE COUNCIL OF EUROPE

The Agreement between the Secretary-General of the Brussels Treaty Organisation and the Secretary-General of the Council of Europe shall continue to govern the mutual relations of the two organisations, it being understood that the provisions contained in that agreement in respect of the social and cultural activities of the Brussels Treaty Organisation shall apply pari passu to all future activities of Western European Union which fall equally within the competence of the Council of Europe.

C. LINKS TO BE ESTABLISHED BETWEEN WESTERN EUROPEAN UNION AND THE EUROPEAN COAL AND STEEL COMMUNITY

The Assembly of the W.E.U. shall submit a report on its activities each year to the Common Assembly of the E.O.S.C.

All other forms of liaison to be established between the W.E.U. and the E.C.S.C. shall be elaborated in an agreement to be made between the two organisations.

B. Explanatory Memorandum

1. GENERAL PRINCIPLES

1. In accordance with the instructions of the Bureau, your Committee on General Affairs has considered the question of the organisation of the W.E.U. Assembly and of the links to be established between Western European Union and the Council of Europe : as Rapporteur to the Committee, I have the honour to submit the following Explanatory Memorandum, to accompany the draft Resolution on the question which is before you.

2. In its approach to the problems raised by its terms of reference your Committee has been guided by the following prime considerations: the determination to make certain that the maximum advantage is taken of the creation of Western European Union and of its Assembly to further the cause of European unity; the desirability of establishing a flexible system capable of development to meet changing needs; recognition of the autonomy of the new Assembly; the essential importance of ensuring efficient working, and of avoiding overlapping, with all its attendant risks of duplicated effort and umieeessary expenditure.

3. Your Committee recognises that, although the W.E.U. Assembly will have certain specific functions which are its sole responsibility, its more general functions will cover activities which fall equally within the competence of the Consultative Assembly. Emphasis was placed, moreover, on the fact that 92 of the 132 Representatives to the Consultative Assembly will constitute the W.E.U. Assembly.

4. Accordingly, your Committee proposes that the organisation, procedure and practice of the W.E.U. Assembly shall be based on that of the Consultative Assembly, thereby avoiding the need for much detailed drafting, which, in turn, might lead to renewed argument over what has already been agreed in the case of the Consultative Assembly. Your Committee's proposals do not close the door to the future development of the W.E.U. Assembly as circumstances demand and permit.

5. Your Committee was further concerned to ensure that the logical conclusion should be drawn from the fact that the two Assemblies have identical membership as far as the " Seven " and the Saar are concerned. It is therefore proposed that the same Representatives of those countries should sit in the Committees of the two Assemblies which are established to study questions falling within the competence of both Assemblies.

6. I would draw the attention of the Assembly to the following detailed comment on each paragraph of the draft Resolution.

2. DETAILED COMMENT

2.1. ORGANISATION OF THE W. E. U. ASSEMBLY

2.1.1.

I

This is the key paragraph on the organisation of the W.E.U. Assembly. Its provisions, if adopted, mean that that Assembly will start with the powers, competence, organisation, and working methods granted to the Consultative Assembly by Statute or developed by precedent. By

By applying this formula, it has been possible to avoid having to draft a series of detailed provisions, which might well give rise to indefinite discussion concerning the present and future functions of the W.E.U. Assembly. The solution it contains in no way prejudices the development of the W.E.U. Assembly, and any argument concerning Assembly's future can in this way be postponed until the need for reconsideration arises in practice.

In detailed terms, the solution proposed provides. that the rules and regulations which govern the activities of the Consultative Assembly shall be applied to the W.E.U. Assembly, with the necessary addition of certain special provisions (set out in Part II of the draft Resolution) required to meet the responsibilities which specifically belong to the W.E.U. Assembly and are not shazed by the Consultative Assembly.

Thus, by the rise of the phrase mutatis mutandis, it is intended for example, that the W.E.U. Assembly shall have the power to adopt Recommendations, Resolutions, Opinions and Replies to Reports, and to transmit them to the Council of Western European Union.

Similarly, the provisions relating to the structure and organisation of the Consultative Assembly which shall apply also to the W.E.U. Assembly include those which refer to the Seat of that Assembly (at Strasbourg : Articles 33 and 11 of the Statute of the Council of Europe) ; the date and duration of its Sessions (Article 32) ; its membership and the question of Substitutes (Articles 25 and 26) and its rights to establish Committees (Article 24) and, if necessary, a Joint Committee.

Finally, the rules which govern the proceedings and the working methods of the Consultative Assembly shall apply also to the W.E.U. Assembly, for example, in respect of the presence of Ministers before the Assembly (Article 27) and before Committees (as has been the practice in connection with the discixssion of the Report presented to the Consultative Assembly by O.E.E.C.) ; the adoption of Rules of Procedure (Article 28) ; voting by two-thirds majority (Article 29) except in respect of matters of internal procedure, for which a simple majority is required (Article 30) ; secret Sittings (Article 35); and parliamentary privilege in respect of what is spoken and of the votes cast in the Assembly or in Committees (Article 40 (a)).

On one point connected with the working methods of the Assembly a member of your Committee expressed the view that the W.E.U. Assembly should reconsider the question of simultaneous interpretation during debates in that Assembly, and should not apply automatically the present practice in the Consultative Assembly

2.1.2. II

Paragraph 1

Tliis paragraph calls for no comment.

Paragraph 2

Both in the discussion in the Working Party and in the full Committee on General Affairs, considerable attention was paid to the question of whether or not it was desirable to make it mandatory that the membership of the Bureaux.. of the two Assemblies should be identical as far as the Representatives of the "Seven" and of the Saar are concerned. The argument lay between those members of your Committee who placed the main emphasis on the need to provide for the closest possible links between the W.E.U. Assembly and the Consultative Assembly, and those whe gave first importance to the rights of the W.E.U. Assembly as an autonomous body. The initial text proposed by your Rapporteur read as follows :

"The President and Vice-President of the W.E.U. Assembly shall be elected from among those members of the Bureau of the Consultative Assembly who are Representatives to the W.E.U. Assembly."

In the text of the paragraph now submitted to you the word "shall" has been changed to the word "may". The hope was, nevertheless, expressed that the same Representatives of the "Seven" and of the Saar would be elected to both Bureaux.

Paragraph 3

The new Assembly will, of course, have the right to set up such Committees as are required for the efficient conduct of its business. Your Committee on General Affairs, however, unanimously agreed that, as far as Representatives of the "Seven" and of the Saar are concerned, the membership of Committees established to consider questions falling within the competence of both Assemblies should be identical. This was regarded as the only method of preventing overlapping and duplication between the work of the two Assemblies.

Paragraph 4

This paragraph follows the practice of the Council of Europe, with regard, for instance, to the Annual Report of the O.E.E.C., when it is presented by a Minister, who, subsequently, answers questions put to him, either orally or in writing, both in the Assembly and in its Committees. The same procedure should be established with regard to the Annual Report of the Council of Western European Union.

Paragraph 5

The use of the word "presented" at the close of this paragraph indicates that in practice the Reports may well be presented to the Assembly formally in May, but not discussed in detail until such time as the competent Committees have made report thereon, in which case the adoption by the W.E.U. Assembly of its Reply to the Reports in question would take place in September.

Paragraph 6

The proposals in this paragraph are based on the practice which has been gradually evolved in the Council of Europe, by virtue of which the Committees of the Consultative Assembly may, with the approval of the Committee of Ministers of the Council of Europe, hold joint meetings with members of the corresponding Committees of Governmental Experts. They may also, in accordance with the terms of the agreement between the Council of Europe and the organisation concerned, put questions to officials of international organisations, either at special meetings convened for the purpose (O.E.E.C), or in the course of their ordinary meetings which the officials concerned attend as observers (I.L.O., UNESCO., etc.).

Paragraphs 7 et 8

Paragraph 7 reflects the position taken by the Consultative Assembly in connection with the proposals concerning its rights in respect of its own administrative budget.

Paragraph 8 should be read in conjunction with paragraph 7, since it is difficult to reach any valid conclusions concerning certain specific chapters of the budget of an organisation, unless those chapters can be placed in perspective and considered against the background of the resources of the organisation as a whole. In all cases it is the Ministers who must give their agreement to any proposals for expenditure, but it was not, in the opinion of your Committee, unreasonable to propose, that the W.E.U. Assembly should be allowed at least to express its opinion with regard to the budget of Western European Union as a whole.

Paragraph 9

This paragraph gave rise to long and detailed discussion both in the Working Party and in your Committee on General Affairs.

The argument for a single Secretariat was based on the need, unanimously accepted, both for the closest interlinking of the W.E.U. Assembly and of the Consultative Assembly, and for executive efficiency-and economy. The contrary argument was inspired by the reluctance to appear in any way to derogate from the autonomy of the W.E.U. Assembly.

Ultimately, the text of paragraph 9, as now submitted to you, was agreed unanimously, on the ground that the autonomy of the W.E.U. Assembly is preserved by the right to elect its own Clerk (sub-paragraph [a]), but in a way which is not inconsistent with the principle of a single Secretariat, having regard to the wording of sub-paragraph (b).

In the discussion in your Committee of the implications of these arrangements, it was recognised that the officials of the single Secretariat would be required to act in a dual capacity, in that they would be responsible for part of their activities to the Consultative Assembly, and for part of their activities to the W.E.U. Assembly. However, with a certain amount of administrative flexibility and the establishment of the relationship between the two Clerks laid down in sub-paragraph (5), this should not prove difficult to work in practice. It represents a less difficult and much more efficient and economical solution than would be the creation of two separate Secretariats.

2.2. LINKS, TO BE ESTABLISHED BETWEEN WESTERN EUROPEAN UNION AND THE COUNCIL OP EUROPE

It was felt that it would not be appropriate at this stage to express an opinion with regard to the relations between the Council of Western European Union and the Committee of Ministers of the Council of Europe. Your Committee therefore limited itself to proposing that the provisions of the existing agreement between the Brussels Treaty Organisation and the Council of Europe should be maintained and extended to cover not only, as at present, social and cultural activities, but in future, all the activities of Western European Union which are also within the competence of the Council of Europe.

2.3. LINKS TO BE ESTABLISHED BETWEEN WESTERN EUROPEAN UNION AND THE EUROPEAN COAL AND STEEL COMMUNITY

This paragraph was inserted as it was pointed out in the discussions in your Committee that the Common Market for Coal and Steel will necessarily be affected by decisions taken with regard to the production of armaments, and, this being so, it was unanimously agreed that it would be desirable to establish some form Of liaison between the Common Assembly and the W.E.U. Assembly. The decision to submit the text now before you is, moreover, in conformity with the general desire of your Committee to ensure that the relations between all European parliamentary bodies are kept as close as possible.