



Doc. 352

15 June 1955

Election of Representatives by direct universal suffrage

Draft order

tabled by the Committee on Political Affairs and Democracy

Draft Order

The Assembly,

Desirous of studying the problem of the election of Representatives by direct universal suffrage in collaboration with the Common Assembly,

Invites its Bureau to approach the Bureau of the Common Assembly with a view to associating the Committee on General Affairs with the work of the Working Party of the Common Assembly, in so far as that concerns the study of this question.

Explanatory Memorandum - (submitted by M. MOMMER, Rapporteur)

I. Purpose of the motion

1. On 15th September, 1954, during the debate on the preliminary Report of the Committee on General Affairs on the Special Message of the Committee of Ministers, M. Bichet tabled a motion for a Resolution ([Doc. 274](#)) in which :

- a. the six Member Governments of the European Coal and Steel Community were invited within one year to elect Representatives to the Common Assembly by direct universal suffrage, in accordance with the procedure determined by each country, as provided for in Article 21 of the Treaty;
- b. the Member Governments of the Council of Europe—and particularly the six member countries of the European Coal and Steel Community—were invited to adopt a procedure for the election of Representatives to the Consultative Assembly by direct universal suffrage, as provided for in Article 25 of the Statute, and to hold such elections within a period of one year.

2. In his verbal and written statements M. Bichet adduced the following arguments in support of his motion :

- a. The European peoples must develop a consciousness of their community of interests, create supranational institutions and preserve those which already exist. Such a sense of community can only grow up among the peoples if they are directly associated in the life of the European institutions, and this can be achieved through electing Representatives to the existing institutions by direct universal suffrage.
- b. The European institutions would be the stronger for being brought under democratic control.
- c. Election by direct universal suffrage had been demanded for the Assembly of the European Defence Community, which was to have been almost identical with the Common Assembly, and it seems only logical that the same reasons should hold good for the Common Assembly.
- d. Election by universal suffrage is the only method of discovering what the public thinks about European questions, for in national elections public opinion is primarily concerned with domestic questions.



- e. It will be a relatively simple matter to institute such elections, in that both Article 21 of the Treaty instituting the E. C. S. C. and Article 25 of the Statute of the Council of Europe provide for such a procedure, without recourse to now intergovernmental agreements.¹
- f. However desirable it may be that all countries should agree to such elections, these Articles 21 and 25 of the respective treaties leave each country entirely free to take independent action in the matter.
- g. In the member countries of the E. C. S. C. Representatives to the two Assemblies could be elected simultaneously.

II. Motion of the Political Committee of the Common Assembly

3. At the Sitting of 2nd December, 1954, the Political Committee of the Common Assembly (Rapporteur : M. Teitgen) tabled the following motion, which was adopted :

" The Common Assembly

V. Requests its Bureau to transmit to it a motion for the appointment of a Working Party to report to the Assembly on :

(b) a possible procedure for seeking suitable and effective solutions for :

3. problems arising from the election of members of the Assembly by direct universal suffrage. "

It is evident that this motion does not go so far as M. Bichet's motion, in that the Common Assembly was not asked to recognise the principle of direct election of its members, but only to request its Bureau to set up a working party on the problem of direct elections, and submit the proposals contained in its Report.

4. The Common Assembly held a brief debate on the problem of direct elections, during which M. Debré dismissed the idea on the ground that such elections seemed ill-adapted to an Assembly confined to coal and steel questions ; that such elections would arouse little response from the electorate, and that their champions might well be regarding them as a roundabout route to a constituent assembly and a supranational political body. M. Teitgen refuted this statement by pointing out that the Treaty itself left the way open to direct elections and a general expansion of the activities of the European Coal and Steel Community.

5. At the conclusion of the discussion of the Report on this subject presented by M. Pella, the Common Assembly adopted a Resolution, on 9th May, 1955, in the following terms :

" The Common Assembly,

Recalling its Resolution adopted on the 2nd December, 1954, concerning the powers of the Common Assembly and their exercise,

1. Decides to set up a Working Party of approximately 26 members, which shall be accorded the status of a special temporary committee, in order to report to the Assembly on the questions enumerated in Section V of the above-mentioned Resolution;

4. Gives mandate to the Bureau, acting in consultation with the Committee of Presidents, to authorise the Working Party to undertake the detailed study of the questions enumerated in Section V. (b) of the above-mentioned Resolution, if -the-progress of the work uiulei,j taken; justifies this, andj" in that case, to organise relations between the Working Party and the General Committees. "

III. Scope of the motion

6. M. Bichet's motion has two slightly different aims :

1. direct election of the Consultative Assembly;

1. Article 21 of the Treaty instituting the E. C. S. C. reads as follows : " The Assembly shall be composed of delegates whom the parliaments of each of the Member States shall be called upon to designate once a year from among their own membership, or who shall be elected by direct universal suffrage, according to the procedure determined by each respective High Contracting Party. " - Article 25 of the Statute of the Council of Europe reads as follows : "(a) The Consultative Assembly shall consist of the Representatives of each Member elected by its Parliament or appointed in such manner as that Parliament shall decide, subject, however, to the right of each Member Government to make any additional appointments necessary when the Parliament is not in session and has not laid down the procedure to be followed in that case. Each Representative must be a national of the Member whom he represents, but shall not at the same time be a member of the Committee of Ministers. "

2. direct election of the Common Assembly

A positive or negative attitude by the Consultative Assembly will carry more or less weight according to whether its own or the Common Assembly's elections are concerned. It is important to realise that M. Bichet's motion makes no reference to a question which featured in previous discussions on the revision of the Statute of the Council, namely, direct elections to the Consultative Assembly on the basis of a standard electoral law. Such elections would have necessitated revision of the Statute and raised a number of other problems which were examined in detail in a special study by the then Rapporteur, Mr. Mac-kay. M. Bichet's motion takes into account the majority view that revision of the Statute should be resorted to only as an extreme measure, which is unlikely to be accepted unless events prove it to be absolutely imperative.

7. Is M. Bichet's proposal consistent with the present Statute? The proposal for direct election of Representatives to the Common Assembly is certainly consistent with the E.C. S. C. Treaty, for the text is crystal-clear on the subject. It reads : " ... or who shall be elected by direct universal suffrage, according to the procedure determined by each respective High Contracting Party. "

Compared with this unequivocal statement, Article 25 of the Statute of the Council of Europe is not less clear concerning the possibility of direct elections for, having stated that the procedure for appointing Representatives shall be established by the national Parliaments, it continues : " ... subject, however, to the right of each Member Government to make any additional appointments necessary when the Parliament is not in session... "

This reservation might mean that each Government may fill any seats falling vacant while the Parliament is not in session. However, this concession in the Government's favour has itself been restricted, and this time in favour of Parliament, by the addition of a further clause : " ... and has not laid down the procedure to be followed in that case. "

If, therefore, Parliament has fixed an appropriate procedure, this must stand. An electoral law adopted by a Parliament would fulfil the above condition, for it is normal for electoral laws to lay down the procedure for filling vacant seats.

We may thus conclude that, although Article 25 does not specifically mention the possibility of direct elections, as does the E. C. S. C. Treaty, there is nothing in the text to prevent any Parliament introducing an electoral law which would apply to the territories under its jurisdiction.

8. There is no need to go into details of the electoral system or the time of the election since, on the one hand, M. Bichet's motion only covers action within the terms of the Statute of the Council of Europe and the Treaty of the E. C. S. C. and, on the other, the Consultative Assembly is—so far, at any rate—merely asked to decide whether it accepts the principle, of direct elections and, if so, whether it prefers to bring the matter to the attention of the member countries in the form of a Resolution involving no commitments, or in the form of a Recommendation via the Committee of Ministers, which might carry rather more weight. Not until all or several Member States of the Council or the Community show themselves prepared to hold direct elections to either or both of the Assemblies would it be desirable to determine, so far as possible, the system and date of such elections.

9. Before deciding whether to recommend direct election to either or both of the Assemblies, the Consultative Assembly must make sure whether it would be better first to transmit a Recommendation to this effect to the Member Governments or to reverse the process and induce the member countries—be it only one or two of them—to decide in principle upon the application of the direct methods of election, within the terms of the respective Articles 21 and 25. The validity of such a decision could be made subject to some or all other Member States being prepared to do likewise. However, if political circumstances highly favourable to the adoption of the direct system existed in a particular Member State, this State might set an example by applying the method of " unilateral action " referred to in Doc. 264 (1954) and thus might help the others to make the same decision.

The Assembly must therefore make up its mind whether it should adopt the Bichet motion and recommend that Member States proceed with a system of direct election, or whether it would prefer to draw the attention of its authors and signatories to the advantages of unilateral action, by asking them to table motions in their own respective Parliaments calling for the fullest exploitation of the possibilities of Articles 21 and 25.

10. Should the Assembly take the latter course, it would avoid the risk of forfeiting prestige by recommending a measure doomed to be rejected in the national Parliaments. Hitherto, no Member Government or parliamentary majority has shown itself in favour of the principle of M. Bichet's motion.

IV. Advantages and disadvantages of the motion

11. A certain correlation exists between the method of appointing the members of an Assembly and their political influence. An indirectly elected political Assembly has never the same authority as one directly elected by a sovereign people. The fundamental aim of the Bichet proposal is to make sure that this state of affairs is beneficial to the cause of European unity. Without any change in their statutory powers the two Assemblies would thereby gain in political authority and could use it to pursue an active policy of unity. Should these efforts lead to the transforming of the Assembly of the Coal and Steel Community into a Constituent Assembly, this advantage would, it is true, become a political disadvantage for those who, like M. Debré in his speech to the Common Assembly, feel obliged to reject the idea of supranational institutions. On the other hand, it is arguable that any such increase in authority could be used to the benefit of the European activities in the framework of the Statute of the Council of Europe and the Coal and Steel Treaty without necessarily going as far as M. Debré fears. This, however, raises the question as to whether the powers now possessed by the two Assemblies are in fact strong enough to justify the introduction of general direct elections. Might not the restricted powers of the Consultative Assembly, in particular, cause the important democratic principle of elections to fall into disrepute and lead to apathy and abstention at the polls? In other words, the weight of direct elections would not be proportionate to the authority of the Assembly concerned as is the case in national parliamentary elections. The Assemblies could, certainly, derive benefit from direct election procedure, but the means employed might well suffer from the fact of their being out of all proportion to the standing of the Assemblies thus elected.

12. General elections . are vast propaganda campaigns to encourage active participation in political events. It is M. Bichet's express aim to employ this means for the European cause, and there is undoubtedly no other method so calculated to interest public opinion in European affairs. Here again, however, this propaganda may well seem devoid of reality if it is not preceded and followed by a number of European achievements. If propaganda is incommensurate with the material results, it can, in the long run, give rise only to disillusionment and loss of interest.

13. All these drawbacks could be overcome if, initially, the elections for the two Assemblies could be held jointly, as suggested by M. Bichet. They could even be combined with the national parliamentary elections. This is the only means of meeting the objection that European elections would involve expenses which seem, out of all proportion to the powers of the two Assemblies. A Bundestag election costs the Federal Republic 5 million DM. The costs of the campaign for the political parties concerned are a great deal higher (not to speak of the amount of nervous energy consumed by the rival candidates!). One has only to compare this figure with that of the Budget of the Council of Europe or the Budget of the German Representatives to the Consultative Assembly²

14. One big obstacle to direct elections lies in the disproportion between the number of seats and the size of the populations. Although the Bichet proposal has the advantage of not entailing any amendment to the Statute of the Treaty, it has the disadvantage of maintaining the present numerical weakness of the Assemblies. In the Parliaments of member countries one Deputy represents³:

Country - No. of inhabitants - No. of electors

Belgium - 41,000 - 27,000

Denmark - 27,000 - 17,000

France⁴ - 68,000 - 45,000

German Federal Republic - 110,000 - 77,000

Greece - 31,000 - 18,000⁵

Iceland - 4,000 - 2,000

Ireland - 20,000 - 12,000

2. Budget of the German Representatives to the Consultative Assembly : 20,000,000 French francs. 1954 Budget of the Council of Europe : 899,700,000. French francs.

3. These figures are taken from the study made by Mr. Mackay in May, 1951. Although they may have changed slightly since that date, they correspond broadly to the present situation.

4. Electorate of metropolitan France only (550 deputies, 25,000,000 electors). The National Assembly, however, represents the whole Republic, i. e. including the Overseas Departments and Territories (020 deputies — potential electorate of 45,000,000).

5. At the last parliamentary elections males alone were entitled to vote, the electoral quota being 8,000 per Deputy.

Italy - 80,000 - 51,000

Luxembourg - 6,000 - 4,000

Netherlands' - 101,000 - 49,000

Norway - 22,000 - 14,000

Saar - 19,500 - 12,000

Sweden - 30,000 - 20,000

Turkey - 39,000 - 18,000

United Kingdom - 79,000 - 55,000

In the Consultative Assembly (titular members only) and Common Assembly one elected Representative would represent :

Consultative Assembly

No. of inhabitants : 1,960,000

No. of electors : 1,230,000

Common Assembly

No. of inhabitants : 2,050,000

No. of electors : 1,300,000

There could be no further question of any personal contacts between the elected Representative and his electors; the list of persons to be elected would be far too small—or in other words, under the majority vote system, the constituencies far too large. Any attempt to increase the number of members of the two Assemblies, moreover, would entail changes in the Treaty or Statute, and it would hardly be possible to amend the latter in the near future, at least as far as some member countries of the Council are concerned. Here, again, the answer would appear to lie in combining the European elections with the national ones. This might well remove certain objections but only at the cost of impairing their propaganda value. Compared with the election of several hundred Deputies to the powerful national Parliaments, the simultaneous election of comparatively small numbers of Representatives to the European Assemblies would seem like a side-issue, giving rise to sardonic comment which would be most regrettable.

15. The political significance of the Consultative Assembly and the Common Assembly is reinforced by—and in the case of the Consultative Assembly, indeed, entirely dependent upon—the fact that their members are also members of the national Parliaments. So long as these Assemblies are not given adequate and definite powers under the terms of their Statute, this situation should remain as it is. The direct election of their members raises the question as to how this personal connection between the European Assemblies and the national Parliaments could be safeguarded under the new electoral laws, for it would, in fact, be impossible to make eligibility and continued membership of the European Assemblies dependent on membership of a national Parliament.

16. In defending his proposal in the Consultative Assembly, M. Bichet anticipated the argument as to what authority—and I would add, what cohesion—an Assembly would have whose members had been elected by varying methods. If the representatives of the member countries of the Coal and Steel Community were to be directly elected, while the other member countries were to adhere to their present methods of appointment, how would this affect the Consultative Assembly? M. Bichet pointed out that in certain national Parliaments, such as the Belgian Senate, directly elected members of Parliament sit alongside indirectly elected ones without detriment to the authority of such Assemblies. On the other hand, the Rapporteur wonders whether the introduction of direct elections in one group of member countries, which already enjoy particularly close relationship within the Coal and Steel Community, might not lead to increased tension in the Consultative Assembly.

17. Two further points remain, namely the position of the minor parties and the Communists. Admittedly, European elections could be a threat to parties holding few seats in the national Parliaments, but this threat would apply only if the system of personal majority vote were operating, not if the system of party lists were adopted. Moreover, each national Parliament would still be free to make any arrangements considered

expedient by the Parties. As regards the second issue, consideration would need to be given to Communist participation in European assemblies, once Representatives were elected by universal suffrage. European institutions must sooner or later face up to this aspect of the realities of the European situation.

V. Conclusions

18. (1) The direct election of the members of the European Assemblies would provide a means of familiarising the peoples of member countries with European problems and associating them with the work of building a United Europe.

(2) Under the Statute of the Council of Europe and the Treaty setting up the European Coal and Steel Community, each Member State is allowed to make its electoral arrangements by individual decision.

(3) The disadvantages of direct elections lie in:

- a. The disproportion between the means employed and the limited importance of the European assemblies;
- b. The disproportion between the number of Representatives to be elected and the size of the constituencies;
- c. The advisability of preserving an organic relationship between the European assemblies and the national Parliaments until such time as a genuine European legislature is set up.

4. Any Recommendation adopted by the Consultative Assembly should apply to itself alone and not to the Common Assembly, which is already examining the question of direct elections in the light of its own special problems.

(5) The Assembly should not make any recommendation unless it is assured of the support of a certain number of Governments and Parliaments.

(6) The Assembly should recommend such of its own Representatives as are convinced of the desirability and feasibility of the proposal of M. Bichet to do all they can to gain support for it in their own national Parliaments.

VI. Further action on the proposal

19. Since the Common Assembly intends to set up its own Working Party which will also deal with the problem of direct elections, it would seem advisable to pursue the study of the problem together, and on an equal basis. The Rapporteur therefore proposes that the Bureau be invited, by the provisions of the preceding Draft Order of the Assembly, to approach the Bureau of the Common Assembly, so that practical co-operation may be established in this field.