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Rationalising the constitution and terms of reference of Assembly Committees

Report[1]
Committee on Rules of Procedure, Immunities and Institutional Affairs
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1. 1956 - 8th Session - Second part

A.

B. Explanatory Memorandum

1. Draft Resolution

ARTICLE 1

Paragraphs 1 and 2 of Rule 40 of the Rules of Procedure shall be amended and worded as follows :

1. At the beginning of each Ordinary Session the Assembly shall set up the following general committees :
    1. General Affairs Committee,
    2. Economic Committee,
    3. Social Committee,
    4. Legal Committee,
    5. Cultural Committee,
    6. Committee on Rules of Procedure,
    7. Committee on Agriculture,
    8. Committee on Local Authorities,
    9. Committee on non-represented Nations,
    10. Committee on the Budget.
2. The Assembly may also set up special committees for specific purposes. All motions to set up a special committee shall be included in the register of the Assembly in accordance with Rule 28 above and referred to the Committee oh Rules of Procedure for report. The term of office of a special committee shall end after its report has been dealt with by the Assembly. "

ARTICLE 2

The number of seats in the first five committees enumerated in Article 1 above shall be 30, in the following three committees 24, in the last two committees 16.

ARTICLE 3

The terms of reference of the Committee on Population and Refugees shall be transferred to the Social Committee and those of the Special Committee for the Co-ordination of European Assistance in cases of Natural Disaster to the Committee on Local Authorities.

ARTICLE 4

This Resolution will be effective at the opening of the Ninth Ordinary Session of the Assembly.

2. Background of the question

On 17th June 1955, the Bureau invited the Committee on Rules of Procedure and Privileges to consider the question of rationalising the composition and terms of reference of Assembly Committees. The Assembly confirmed this decision at its Sitting of 6th July and also decided to postpone the creation of new committees or changes in the status of existing committees until it could reach a decision on the conclusions of the Committee on Rules of Procedure and Privileges (Minutes of the third Sitting of the Seventh Session.)

The Committee on Rules of Procedure examined this question at its meetings on 19th October 1955, 23rd March 1956, 17th, 19th and 20th April 1956, and then again on 15th, 16th and 23rd October 1956. The Committee concluded its deliberations with the adoption of the above draft Resolution.

3. Present composition and terms of reference of Assembly Committees

Under Rule 40 of the Rules of Procedure the Assembly appoints seven general committees at the opening of each Session, namely :

the Committee on General Affairs (30 members),

the Committee on Economic Questions (30 members),

the Committee on Legal and Administrative Questions (30 members),

the Committee on Social Questions (30 members),

the Committee on Population and Refugees (29 members)[2]*,*

the Committee on Cultural and Scientific Questions (24 members),

the Committee on Rules of Procedure and Privileges (24 members).

Furthermore, the Assembly may set up special committees during a Session and renew their powers at the beginning of each successive Session. Although in principle such committees have no permanent status, in practice their powers are regularly renewed by the Assembly at the beginning of each Session. There are at present four special committees, namely :

the Special Committee to watch over the interests of European nations not represented in the Council of Europe (13 members) (created on 21st November 1950),

the Special Committee on Agriculture (20 members) (created on 23rd November 1950),

the Special Committee on Municipal and Regional Affairs (20 members) (created on 27th September 1952),

the Special Committee for the Co-ordination of European Assistance in cases of Natural Disaster (16 members) (created on 15th September, 1953, originally to deal with the question of the Greek earthquake victims).

Finally, there is the Committee on Budgetary Affairs and Administration (7 members) (created on 15th September 1954), which is not easy to classify, since its purpose is specific while its permanency makes it general.

It should be noted that two of the Special Committees (Agriculture and Municipal Affairs) are now seeking the status of general committees and that the Committee on Cultural and Scientific Questions is recommending the creation of a Special Committee on Information.

The purpose and functions of the Assembly Committees are defined in general terms by Rule 41 of the Rules of Procedure which states that " Committees shall examine all documents referred to them... and all questions submitted to them... "

The particular competence of a given committee is sometimes defined in the texts recording its establishment and is usually the result of rulings by the Assembly. Precedent provides the following general picture of the distinctive field of activity of each committee :

1. Committee on General Affairs :

   Council of Europe policy and general policy; the organisation of Europe; political aspects of European defence; statutory questions.

2. Committee on Economic Questions :

   Questions of international production, distribution and consumption. Economic development of regions in Europe or politically attached to Europe; 0. E. E. C, E. C. S. C, European Conference of Ministers of Transport; European Conference of Ministers of Posts and Telecommunications; European Civil Aviation Conference.

3. Committee on Legal and Administrative Questions :

   1. Legal questions in general; unification of national legislations ; simplification of frontier formalities; human rights; European civil service ; administrative agreements between the Council of Europe and other organisations.

4. Committee on Social Questions :

   Social policy of the Member States; European Social Charter; closer relations between nationals of the Member States; social security and social and medical assistance; I. L. 0.; W. H. 0. ; E. C. S. C; W. E. U.

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2. This Committee is the product of the Assembly's decision of 8th December 1951 to merge the Special Committee on Refugees, set up on 19th August 1950, and the Sub-committee on Migrant Workers attached to the Committee on Social Questions.

5. Committee on Population and Refugees :

    1. Activities of the Special Representative of the Council of Europe, the United Nations High Commissioner and L C. E. M.

6. Committee on Cultural and Scientific Questions :

    Cultural policy of the member countries; W. E. U.; UNESCO; investigations into means of raising funds (Cultural Fund) ; cultural exchanges between East and West; information questions; cultural prize; higher education and universities; presentation of the European idea.

7. Committee on Rules of Procedure and Privileges :

    All questions connected with the working of the Assembly other than budgetary questions.

8. Special Committee on nations not represented :

    1. Questions to do with countries on the other side of the Iron Curtain; participation of non-Member States in certain activities of the Council of Europe.

9. Special Committee on Agriculture :

    1. Organisation of agricultural markets; agricultural production; relations with international and professional organisations competent in agricultural matters.

10.

11. Special Committee on Municipal and Regional Affairs :

    1. Status of local authorities; local repercussions of the activities of the European Communities; European system for loans to local authorities; fund for inter-municipal assistance; propagation of the European idea by local authorities; participation of local authorities in European institutions.

12. Special Committee for the Co-ordination of European Assistance in cases of Natural Disaster :

    Relief measures between Member States (floods, earthquakes, etc.).

13. Committee on Budgetary Affairs and Administration :

    1. Budget of the Council of Europe.

4. Points raised by the Bureau of the Assembly

In the document which it referred to the Committee on Rules of Procedure, the Bureau stressed certain disadvantages arising from the proliferation of committees :

a. duplication between committees and overlapping of work;

b. overloading of the Assembly's Agenda;

c. the difficulty which small delegations find in ensuring their effective representation on all committees;

d. the tendency of every special committee to become a general committee.

Moreover, the present committee system has three further disadvantages :

1. the difficulty of securing a quorum when a number of committees meet simultaneously, particularly during Sessions;

2. a tendency to create ad hoc committees to examine questions within the province of general committees, which ad hoc committees are easily transformed into special committees;

3. the tabling by more than one committee of reports dealing with related subjects but based on different policies—hence a lack of common purpose in the views of the Assembly

5. Examination of the different cases by the Committee on Rules of Procedure.

In the light of the foregoing, your Committee examined separately the case of each committee whose tasks might be transferred to another or several other committees with a view to reducing the total number of committees.

Attention was drawn to the fact that the work of one of the seven existing general committees, the Committee on Population and Refugees, which played an important role two or three years ago, would in future be on a reduced scale. This case did not therefore raise any great difficulties, and the Committee unanimously decided to propose that the Assembly should transfer the work of that committee to the Committee on Social Questions.

The case of the special committee on Municipal and Regional Affairs was examined thoroughly. One member proposed that this committee be merged with the Committee on Cultural Questions, which should also be entrusted with questions of information and the propagation of the European idea. This would make it possible to set up a general committee on " the propagation of the European idea " or simply " education, " this term being understood in its widest sense. Your committee considered that cultural questions and local questions were too dissimilar to be assigned to a single committee, and accordingly decided by 10 votes to 4, with one abstention, to propose that the Special Committee on Municipal and Regional Affairs should be continued but should, as part of a general plan to simplify titles of committees, be known as the Committee on Local Authorities.

On the other hand the Assembly had decided, by Resolution 94 of 18th April 1956, to create " a broadly-based Sub-committee on information within the Committee on Cultural and Scientific Questions pending receipt of a definite opinion from the Committee on Rules of Procedure concerning committees' structure. " The Committee of Ministers is, at present, considering the question of information, and until a definite position has been adopted on this matter, the Committee on Rules of Procedure has deferred any decision on the possible establishment of a Committee on information.

Several members had proposed that the Special Committee on Agriculture should be absorbed by the Committee on Economic Questions. But the Committee recognised that agricultural questions were quite distinct from economic questions as a whole and that the reasons for which the Special Committee had been set up in 1950 still applied. It accordingly unanimously decided to propose that this committee should continue in existence with the new title of Committee on Agriculture.

Very special attention was given to the question of the transfer of the work of the Special Committee to watch over the interests of nations not represented in the Council of Europe. Several members pointed out that the continuance of this Committee was justified in view of the continued political division of Europe, while others argued that the interests of the non-represented nations could be safeguarded no less effectively by the Committee on General Affairs. Your Committee, finally, considered that the Assembly should dispose of an organ specifically entrusted with questions raised by the enslavement of an important part of the European population. But it was also considered desirable that special committees should in future be allowed to present only one report to the Assembly and that their duration would terminate with the presentation of that report. By reason of this, your Committee felt that it was necessary to transform the present Special Committee into a permanent one; this would in no way mean that the fate of those populations was to be considered as hopeless but rather that the nations behind the Iron Curtain should not feel deserted by the Council of Europe.

With regard to the Special Committee for the Co-ordination of European Assistance in cases of Natural Disaster, the Chairman of that Committee informed your Committee that consideration should be given, jointly with the Bureau of the Assembly, to the question of fulfilling the commitments entered into with regard to the island of Ithaca. The Committee unanimously decided to propose that, in future, all questions on assistance in cases of natural disaster should be referred to the Committee on Local Authorities, subject to the application of Order 73 of 9th July 1955. The Special Committee expressed the wish that the activities of its Chairman, in compliance with Order 73, should be continued by a European Trustee for Ithaca. It is suggested that the present Chairman of the Special Committee would be most qualified for the task of ensuring that proper and adequate effect be given to the adoption of the island of Ithaca by the Council of Europe.

As regards the Committee on Budgetary Affairs, its merging with the Committee on Rules of Procedure was contemplated, but several objections were raised, and it was finally decided that that Committee would be maintained with the name of the Committee on the Budget and that the membership would be increased.

6. Conclusions

In the present scheme, the number of committees has been reduced to 10 without any distinction being made between the present general and special committees.

Special committees would, in future, only be set up on the basis of a report by the Committee on Rules of Procedure and then only to examine a particular question. Their terms of reference would lapse after discussion of their reports and would not be renewable. If the matter required further action, it would be taken over by a general committee.

In view of the fact that the total number of -Representatives and Substitutes is 256 and in order not to alter substantially the present membership of the committees, it is proposed that 5 committees, namely the General Affairs, Economic, Social, Legal and Cultural Committees should each consist of 30 members; 3 committees, namely the Committees on Rules of Procedure, on Agriculture and Local Authorities should each be composed of 24 members; and 2 committees, namely the Committees on non-represented Nations and on the Budget should each have 16 members. The allocation of seats in committees among Member States will not be changed. The committees of 30 members comprise 3 members each for France, Federal Republic of Germany, Italy and the United Kingdom; 2 members each for Austria, Belgium, Greece, the Netherlands, Sweden and Turkey; 1 member each for Denmark, Iceland, Ireland, Luxembourg, Norway, the Saar. The committees of 24 members comprise 3 members for each of the first four Member States, and 1 member for each of the 12 remaining Member States. The total number of seats in committees is thus 254.

The Committee on Population and Refugees and the Special Committee for the Co-ordination of European Assistance would not be continued, and their terms of reference would be transferred respectively to the Social Committee and to the Committee on Local Authorities.

1. These various proposals are submitted to the Assembly in the form of the of regoing draft Resolution, which your Committee adopted naunimously.