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Activities of the Working Party for Liaison with National Parliaments

Report

Working party on relations with national parliaments

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1. Introduction

1. The Consultative Assembly's Working Party for Liaison with National Parliaments was set up as a result of the Assembly's Resolution 104 adopted on 25th October 1956. The members of the Working Party, appointed by the Bureau, are as follows :

- Members
 - Dr Mommer (Chairman) - (Fed. Rep. of Germany)
 - MM. Czernetz - (Austria)
 - Fens - (Netherlands)
 - Lannung - (Denmark)
 - Montini - (Italy)
 - Moutet - (France)
 - Ramsden - (United Kingdom)
- Substitutes
 - MM. Leverkuehn - (Fed. Rep. of Ger- . (many)
 - Strasser - (Austria)
 - de la Vallee Poussin - (Belgium)
 - Kraft - (Denmark)
 - Santero - (Italy)
 - Ninine - (France)



- Lawson - (United Kingdom)

2. The Working Party has so far met four times, and has set about fixing its organisation and working methods. The present paper is in the nature of an interim report, since too little time has yet elapsed for it to be possible to give a detailed picture of the results of the Working Party's efforts. It can be said, indeed, that the results have been more satisfactory, even in this brief space of time, than might perhaps have been expected; and since, in addition, the Working Party wished to draw the attention of Representatives to the growing importance of its tasks and the considerable amount of organisational work which still remains to be done, it was thought desirable to present an interim report. (The first full annual report will be submitted to the Assembly at the autumn session). The present report will merely sketch out a general picture, and all the detailed information will be found in the form of appendices, which those who wish to have an exhaustive statement of the work that has been done so far may consult¹.

2. Organisation and methods of work

3. Four different forces have been mobilised to stimulate action in national parliaments on the work of the Consultative Assembly. The first of these is the Working Party itself. The personal responsibility of each of its members is engaged. They plan operations, and it is with them that the main responsibility lies for the success of the work as a whole. It is they who suggest possible initiatives (written or oral questions, motions, etc.) to support Assembly texts in national parliaments.

4. The second force is that of the spokesmen (see Appendix I). The function of the spokesmen is as follows. They represent additional support to be deployed in national parliaments in putting into effect the plans established by the Working Party. Their function is to establish liaison with the various groups and personalities in their national parliaments who may be able to assist the Consultative Assembly's efforts. Where the national delegation is not represented directly in the Working Party, the spokesmen are, naturally, of special importance.

5. The third force is that of the secretariats of national delegations. These have provided indispensable help in the Working Party's work. They have sent into the Secretariat at Strasbourg detailed information on interventions in their national parliaments in support of Consultative Assembly texts, have elucidated national parliamentary procedure, and have generally assisted in what is very much a job of team-work by all concerned.

6. The fourth element is that of the Secretariat at Strasbourg, which, apart from servicing the Working Party as it does other Assembly committees, collects and re-diffuses information coming in from various national parliaments, so that delegations are fully informed at all times through their Working Party member or spokesman of what their colleagues in other parliaments are doing.

7. The plan of action is therefore as follows. The Working Party recommends what action is to be taken in regard to any Assembly text approved. The information is then passed to both spokesmen in national parliaments and to secretariats of national delegations, both of whom, in conjunction with their member of the Working Party, if any, take the necessary action (preparation of written or oral question, motion, etc.) in their parliament. They then report back to the Working Party, either independently or through their member. Thereafter, at periodic meetings the Working Party surveys the results achieved and makes recommendations for further appropriate action.

3. The first six months of work

8. What exactly has the Working Party done in the first six months of its existence to carry out its objectives? These are, as Representatives will remember, laid down in Resolution 104 as : " Maintaining close links between the Consultative Assembly and national parliaments ", (paragraph 1), and, in particular : " the selection of texts from among those adopted by the Consultative Assembly for transmission to national parliaments ", (paragraph 3).

9. At its very first meeting the Working Party reviewed a short list of all the texts adopted by the Consultative Assembly up to the second part of the Eighth Session which were considered to be of interest to national parliaments and were thought still to remain live issues. From this list a final selection was subsequently made of texts which it was agreed, through the methods described above, to bring before national parliaments for appropriate action.

1. These appendices can be obtained, upon request, from the Distribution Service of the Council of Europe.

10. Texts adopted by the Assembly at the Third Part of the Eighth Session in January 1957 were also reviewed by the Working Party, and those considered suitable for national parliamentary review or action were selected accordingly. A list of all the texts thus selected up to and including the Third Part of the Eighth Session is attached as Appendix II. A similar process will take place at the end of the present part-session for texts adopted at this time.

11. By the time the Working Party held its third meeting on Thursday, 14th March, sufficient time had elapsed for at least one or two results to trickle through. These were assembled by the Secretariat at Strasbourg, for the convenience of Working Party members, in a Circular (No. 1) listing initiatives taken in national parliaments by each country up to 8th March. The Circular thus stimulated friendly competition among the various national delegations. A second circular has been prepared covering national parliamentary activity recorded between 8th March and the end of April. These first two circulars are reproduced in Appendix III. It has been arranged that the Circular will be published periodically in future in roughly its present form, and the intention is to give it a more general circulation among Assembly Representatives, since it provides in the most readily accessible form a clear and concise picture of the results achieved by the Working Party.

12. The following additional items may be listed to complete this account of what the Working Party has done in its first six months of operations. A handbook of national parliamentary procedure has been prepared, so that Working Party members may be able to see, in connection with any text under consideration, the kind of action which might be undertaken in a given national parliament in support of that text and, conversely, when a report is made on some initiative in a national parliament, to evaluate the significance of that initiative. This manual has been prepared from information received from national delegations, and a copy is attached as Appendix IV.

13. The main compilation of results achieved is the periodic Circular mentioned above. Two other compilations have, however, been agreed upon for particular purposes. The first is a Table showing at a glance the state, at any given moment, of action taken in national parliaments on Assembly texts as well as other general activities concerning the Council of Europe. A specimen is attached as Appendix V. The second is a compilation by subject-matter containing the same information as is found in the Table—Appendix V— but classified according to the subjects affected. It is intended that this latter compilation be circulated to the members of the various Assembly committees, so that they can see what national parliamentary action has been possible on texts emanating from them and be in a position to give their co-operation, as members of the originating Assembly committees, in supporting corresponding action undertaken in their own parliaments.

4. Results achieved

14. The clearest picture of the results achieved is given in the Circular (and in the Table showing the state of action taken at any given moment). From the Circular it can be seen that two kinds of results can be expected from the Working Party's efforts. The first is action taken in national parliaments to support individual Consultative Assembly texts. The second is the stimulation of debates on what may be described generally as " Council of Europe affairs ". (It is fair to say that even the modest results shown in the first two circulars exceeded the expectations of some members of the Working Party).

15. One or two comments, however, on the results achieved may be made already. It is clear that parliaments are only likely to take interest in Consultative Assembly texts which are of real topical significance. It is not accidental that of the thirty-nine texts passed by the Working Party as suitable for action in national parliaments relatively few were the subject of action in more than one parliament. The most notable example of general support for an Assembly text is the simultaneous move in several parliaments to press Governments not to agree to the creation of a fourth Assembly (Assembly Recommendation 117).

16. A second comment relates to the difference between national parliamentary action on individual Assembly texts and general discussion of " Council of Europe affairs ". The first aim of the Working Party will always be to press, where appropriate, for action in national parliaments on specific texts adopted by the Assembly, since this is the most effective way of putting the expressed wishes of the Assembly into practical effect. General discussion of problems of concern to the Council of Europe form an appropriate background for this concrete action, and create an atmosphere in which such action is more likely to be successful; but such general discussion can never be a substitute for endowing the will of the Consultative Assembly with the only legislative force it can at present obtain, that of the acceptance by national parliaments of specific Assembly texts.

5. Problems still to be solved

17. There are a number of problems of organisation, working methods, and general policy still to be solved. The Working Party wishes to bring these problems to the notice of the Assembly so that in the debate which will take place on the Interim Report Representatives can give their suggestions on possible solutions.

18. The most important problem of all is the selection of texts, or rather, the texts themselves. The Working Party, in its examination of texts, found that far too many of these were unsatisfactory. There were in the first place too many texts, and many of them were drafted in far too general terms, dealing only with questions of principle instead of containing practical, concrete proposals the future implementation of which could have been seriously considered. A situation was revealed in which members, both in Assembly committees and in the Assembly itself, voted for texts which, perhaps because they were no worse in quality than many of those which the Assembly has passed in earlier years, aroused no objection. When, however, these texts were subjected to the Working Party's scrutiny, and Working Party members asked themselves whether these texts were ones to which they could confidently put their own names in their national parliaments, considerable diffidence could be seen. It looks indeed as if there may be a double standard of judgement— in casting a vote for an Assembly text, on the one hand, and in sponsoring a motion to the same effect in one's own national parliament, on the other. The Working Party will only be satisfied when one and the same strict standard of merit is applied to texts in both the Assembly and in national parliaments. This may well involve a drastic reduction in the number of Assembly texts adopted, and a far more searching analysis, both in Committee and in the Assembly, of the value of the points made and of the technical standards of the drafting. It is worth mentioning that a specific reason for the lack of clarity in many Assembly texts is the fact that the process of adopting them in committee often involves the reconciliation of widely differing points of view. The process of reconciliation frequently takes the form of weakening the sense of parts of the original text, and it is this weakening of the text which produces forms of wording which, even though clear to the Committee at the moment of adoption, do not convey clear sense subsequently to the general reader.

19. A second, and hardly less important, problem is the membership of the Working Party itself. The heavy tasks falling to each member made necessary the appointment of substitutes in any case, but there remains the problem of those Member States which are not represented on this Working Party. On the one hand, the principle of engaging the personal responsibility of one member of each national delegation for the success of operations as a whole in his parliament is indispensable, and in addition, the spirit of friendly competition between national delegations is a distinct advantage. These two desiderata are only met if all the nations represented in the Council are members of the Working Party. On the other hand, a Working Party composed of more than seven members inevitably runs the risk of its efficiency being impaired. This is a problem which the Working Party will continue to consider—and it hopes to be able to make a specific recommendation on the problem in presenting its first Annual Report next autumn.

20. A further question connected with that mentioned above is that of the relationship between spokesmen and members of the Working Party. In one or two cases it will be found that the duties of both are combined in one and the same person. In the initial stages at least, this system has carried with it no clear disadvantage, and might well be thought, according to the circumstances of each particular case, to make for efficiency. The Working Party feels that the differences of practice which exist in this matter at present should continue until further experience has been gained. On this point too, further comments will be forthcoming in the light of the next six months' experience.