Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 148
22 November 1950

Changes in the political structure of Europe necessary to achieve a greater unity between the Members of the Council of Europe and to bring about effective cooperation in the various fields specified in Article 1 of the Statute

Report
Committee on Political Affairs and Democracy
Rapporteur: Ms Margaretha Albertina Maria KLOMPE, Netherlands

A. Explanatory Memorandum

1. INTRODUCTION

1.1.

1. On August 28th last (Resolution n° 124) the Assembly instructed the Committee on General Affairs :

" To submit to the next Meeting of the Assembly a plan for the reform of the Statute of the Council of Europe relating particularly to the suppression of the right of veto of the Committee of Ministers ;

To define the kind of European authority which might be endowed with limited functions but real powers. "

2. The Committee has been greatly assisted in its work by the important contribution represented by the reports which MM. Mackay, Cappi and Guy Mollet were so good as to communicate to it in the period between Sessions and when it began its work.

The Committee has held eight meetings, during which some of the essential problems of European policy have been boldly tackled with the result that precise and important votes have been taken — votes which are perhaps more important than the actual texts which have emerged from them.

1.2. Opening of proceedings.

3. The Committee first considered the definition of a European Authority for which it had been asked; this definition was to condition the whole of its Report.

With the natural purpose of clarifying the problem, a preliminary question was stated at the outset, namely whether the Committee should ask for the immediate setting up of a complete federation between those Member States of the Council of Europe which would be prepared to bind themselves by a Federal Pact, in order to constitute " the basic Federal State " in Europe?

Eleven Members of the Committee declared in favour of an affirmative reply, ten voted against and there were four abstentions.

4. It is important that the conditions under which this vote was taken should be clearly understood. Some of the Members who voted in favour of a Federation which would include only some of the Member States of the Council of Europe expressly stated that they themselves were not in favour of their own country joining such a Federation, but that they were simply anxious to do nothing to hamper the efforts of those who were prepared to bind themselves by a Federal Pact.

On the other hand, some Representatives abstained, although they personally favoured the idea, because they thought the proposal to set up such a Federation, at the present moment, had no chance of being accepted by their own Parliaments.

It was suggested that action should be taken on this vote. However, in view of the conditions of the vote, it did not seem that a discussion on this basis would be likely to lead to any positive result. The Committee therefore continued its work on the basis of the Preliminary Reports submitted to it (see Paragraph 2).

5. Your Committee next considered a proposal from Mr. Mackay, which had also been distributed in the Assembly, for 'the creation of à European Political Authority, based on the Council of Europe. The Committee appreciated the value of Mr. Mackay's work (his conclusions are given in the Appendix to this Report), but noted that, on the author's own admission, it was only after " five or ten years " that the Council of Europe would be able to obtain real powers on certain questions.

The Committee therefore considered that, to fulfil its mandate, it should base its action, for immediate purposes, on -Recommendations Nos 121 and 123 which had been adopted on 28th August 1950 and which called for the creation of Specialised authorities. Some of the members felt that it was particularly necessary to decide which of the specialised authorities it was desiràble to establish as early as possible.

1.2.1. A general policy.

6. Finally the Committee pointed out that the Recommendations already adopted by the Assembly, both on the specialised authorities and on the amendment of the Statute, form part of one and the same general policy.

It is expressly provided that the specialised Authorities must be created within the framework of the Council of Europe and it would be the task of the Council of Europe to maintain the essential co-operation between the States which accepted those specialised authorities and other European States, and thus to guarantee the possibility of progress toward the union of Europe as a whole.

7. It was from this standpoint, which was brought out during the general debate, that your Committee examined in turn the specialised authorities, and the reform of the Statute. Its conclusions are, I believe, in harmony with the policy pursued so far—too much so, perhaps, for the liking of some of its Members.

1.2.2. European Security

8. The Committee on General Affairs also continued its study of the political problems of European defence. These problems are referred to in more general terms in ithe Draft Hecom-mendation on Specialised Authorities (Paragraph 12 below). They were also the subject of a second Debate 'based on a special Report by Mr. Duncan Sandys, and dealing chiefly with the progress of European defence since August last.

9. The texts adopted constitute the second part of this Report. The Committee saw fit to entrust its Rapporteur with the responsibility of drafting the present " Explanatory memorandum " and submitting it in its name. This document has carefully endeavoured to take into account, so far as possible, the different comments made during the discussions and to present the few " factual data " which may be found useful 'for the study of the Resolutions.

10. Lastly I trust that I may be allowed at the beginning of this Report to tell the Chairman, M. Bidault, how great is the debt of gratitude owed to :him by the Committee for the good-humoured authority with which he has directed its discussions, and how grateful I myself am to him for his useful advice—and "to tell the Vice-Chairman, M. Guy Mollet, whom I have the crushing responsibility of succeeding in his functions as Rapporteur, how 'his earlier investigations have served me as models which I dare not hope to have followed very successfully—and finally to express to all my colleagues my warmest thanks for the kindness which they have shown me, and for having made the task of their new Rapporteur such an easy and pleasant one.

1.2.2.1. I - The Specialised Authorities

11. After its discussions on the Specialised Authorities the Committee adopted [1], by 22 votes to 2, with 3 abstentions, the draft Recommendation appearing in the Second Part.

May I now say a few words as to what this text contains and also on what it does not contain, or no longer contains...

Liaison between the Council of Europe and the Specialised Authorities.

12. Recommendations N03 121 and 123 of 28th August 1950 had already emphasized the necessity of a liaison—or even of organic links— to be established between the Authorities and the Council of Europe The Committee has wished to repeat once more, in very express terms, the indications already contained in those texts (cf. paragraphs (i) to (iv) of its draft Recommendation).

The proposals which it formulates are perfectly explicit, and do not seem to require comment. It should be noted that those in paragraphs (i) and (iv) are directly based, in the first case on the practice followed in the negotiations concerning the Schuman Plan, and in the other case on the Recommendation Nos 132 adopted last August, also concerning the Schuman Plan.

Present realisations.

13. Certain Specialised Authorities are already the subject of negotiations and in that connection the Schuman Plan immediately occurs to one's thoughts. Your Committee have emphasized the great importance which they attach to the early inauguration of the High Authority for coal and steel. The signature of the Treaty which will establish it will certainly be an important date in the history of Europe.

---

1. This text was voted on paragraph by paragraph ; the results of these successive votes are shown after each paragraph of tho Report.

The Assembly has already formulated practical suggestions for the creation of other Authorities (Refugee's Office, Transport, etc.). I certainly cannot fail to mention the plans which are being studied in the domain of agriculture (Pflimlin Plan and Mansholt Plan)—and finally the Pleven Plan, which traces its origin to a recommendation of the Assembly in the sphere of common defence.

Some Members of the Committee have expressed the opinion that international cooperation might, in certain cases, assume the character of Specialised Authorities not of a supra-national nature.

Structure of Specialised Authorities.

14. It has seemed premature to try to give any abstract definition of the rules which might be best suited for the organization of Specialised Authorities (structure, financing, etc.) or for the nature of their liaison with the Council of Europe or with the Member States which might not be associated with it. Moreover, the Recommendation contained in Doc. 123 already provides certain general rules on this subject. Again, in paragraph (iv) of the present Recommendation, it is pointed out that it is very desirable that each Authority should possess, in particular, an inter-parliamentary organ of control.

Finally, adopting once more the procedure that was followed in August, your Committee proposes that we should launch an appeal to the national Parliaments with a view to the expediting of the different measures outlined above.

Explanations of votes.

15. Some members of the Committee have explained that they were voting against the project, or that they would abstain from voting because of the reference made therein to " common defence as in their view such a reference was not authorised by the Statute of the Council of Europe.

One member has said that he would abstain because he considered that the proposal went beyond the mandate given to the Committee in the Resolution N° 124 of 28th August 1950 and had in fact no connection with the definition of a European Authority possessing limited functions but real powers.

Proposal to create a European organization for Foreign Policy.

16. Several members of the Committee, and your Rapporteur herself, would have preferred that the decision on specialised Authorities, the creation of which might be regarded as essential, should have been the subject of a specific proposal.

The Assembly has already opened the way by calling for " the immediate creation of a unified European army, under the authority of a European Minister of Defence who would be subject to democratic European control. »

It was emphasized that the unification of the armed forces of States participating in the Defence Authority might make it desirable to co-ordinate the foreign policy of those States, at least in certain clearly defined sectors.

17. In the latter field there would, of course, be no question of total unification. Just as, if a European Defence Authority were created, it might be admitted that certain States should retain part of their own armed forces at then-own disposal, in view of particular circumstances, so in this case it would be desirable to limit the scope of the Authority and to allow the participating countries, if they so desired, entire freedom of action in certain domains (for instance, in regard to relations with overseas countries).

In the light of these observations it was proposed that there should be appointed a " High Commissioner for External Relations " who would receive his general directives from a " bod y of Ministers for Foreign Affairs ", and would be subject to an appropriate form of democratic control.

This proposal was rejected by 13 votes to 8, with 5 abstentions.

18. Certain members who voted against this proposal felt that it went so far towards a true Federal Union that they could only accept it on condition that it was approved by all the Member States of the Council. Other Representatives justified their ^opposition on the ground that the proposal, in its present form, did not appear to them to be sufficiently precise.

1.2.2.2. II - Reform of the Statute

19. The Committee has studied the draft Reform of the Statute requested by the Assembly, on the lines indicated in paragraph 7 above. It kept in view the two-fold aim of improving the functioning of the Council of Europe and of increasing its efficiency, while respecting the fundamental principles which enable the fifteen Member States to pursue a common action.

As has beenmentioned (paragraph 5), Mr. Mackay had submitted an important protocol, which aimed at radically transforming the Statute with a view to conferring legislative and executive powers on the Council -of Europe. The Committee, with the exception of two its members who gave, a contrary;opinion, was in,agreement with the general principles of this protocol, but it was not able to carry out a detailed examination :of them. While confining itself to the examination of amendments of more limited scope, it was of opinion that it would be desirable that the Assembly should transmit Mr. Mackay's proposals to the iCommittee of Senior Officials appointed for the Reform of the Statute, explaining that it accepted their principle but did not commit itself in regard to the form.

The proposals of Mr. Mackay appear in the document appended to the present Report. They are also referred to in the fourth paragraph of the draft Recommendation which the Committee is submitting to the Assembly,

Renewal of earlier Recommendations.

20. It is proposed that the Assembly should renew in particular those of its earlier Recommendations which referred to the Reform of the Statute. In the present case, this would mean the Recommendations contained in Doc. 74, § 7 (Free settlement of the Orders of the Day of the Assembly, Conditions of Admission of New Members), § 8, ii (Organisation of Sessions), § 5, ii (Granting of the power of decision to the Committee of Ministers) and Doc. 123 (Specialised Authorities).

Scope, of the Council of Europe.

21. The Assembly has already given its opinion that the Council of Europe might hold debates " on political problems of a non-military character linked with the necessity of ensuring the security of Europe " and has held important debates on this subject.

Various steps undertaken by the Committee of Ministers, in addition to the recent Peace Declaration which it submitted to the Assembly, have in fact confirmed this point of view, which your Committee now proposes to make official by the following amendments to the Statute.

In Article 1 (b), the words political matters would be added to the list of sectors in which the Council may operate.

At the same time Article 1 (d) would be deleted. (Matters relating to National Defence do not fall within the scope of the Council of Europe).

Voting in the Committee of Ministers.

21. The Assembly had' already expressly requested that the right of veto in the Committee of Ministers should be abolished.

It is proposed that Recommendations to Governments be approved by a two-thirds majority of votes cast (and by a majority of Representatives entitled to sit).

In this way, provided that there were a sufficient majority in the Committee of Ministers, it would transmit the Recommendations of the Assembly to Governments, also in the form of Recommendations, and this would leave each State free to take a final decision on each individual Recommendation.

This procedure is very similar to what which has been used with success by the International Labour Organisation. It would also favour the development of specialised Authorities within the framework of the Council of Europe.

Secrecy of discussions in the Committee of Ministers.

23. It is proposed to make Article 21 (b) of the Statute more flexible. This Article lays down that " The Committee shall determine what information shall be published regarding the conclusions and discussions of a meeting held in private. " The amendment would make it possible for the Representatives of the respective Member States to make their own attitude known.

Composition of the Assembly.

24. It is proposed to transform the Recommendation N° 74, § 8 (i) of 18th August 1950, concerning the appointment of Representatives to the Consultative Assembly into a proposal for the amendment of the Statute. The Recommendation provides that Representatives would be appointed, either by their Parliaments or by a procedure, settled by the latter, which would leave open the possibility of appointment by universal suffrage.

The Re-fashioning of European Organisation.

25. It is proposed that the Recommendations already formulated on the liaisons to be established between the Council of Europe and 0. E. E. C, as well as with the social and cultural organisms of the Brussels Treaty Powers (Recommendation, Doc. 74, § 1 of 18th August 1950) should be renewed.

At the same time certain practical provisions are suggested which might allow for transitional measures, and would at once facilitate a certain control by the Assembly over the different intergovernmental organisations. This control would constitute a limited but not negligible method of influencing the joint action of the Governments.

Secretaries of State for European Affairs.

26. It is proposed that the Recommendation contained in Doc. 74, § 4, requesting the creation within the Governments of Member States of ministerial posts for European affairs, should be renewed. The Parliaments are invited particularly to emphasize the need of giving effect to this Recommendation.

The Committee of Senior Official for the Reform of the Statute.

27. The Committee of Ministers has decided to entrust to a Committee of Senior Officials the examination of the propositions of the Assembly on the reform of the Statute. Recurring to the proposal of the Standing Committee, your Committee suggests that you should ask that this Committee should include also Representatives of the Assembly. It nevertheless considered that it would be impracticable to request that the Senior Officials and the Representatives should be equal in number.

It will be recalled that the Study Group for European Unity which contributed largely to the drafting of the Statute, made a similar proposal. Several of our colleagues took part in this work.

Comment on Recommendation N° 74, § 5 (i)i, of 18th August 1950 (Granting of powers of decision to the Committee of Ministers).

28. It has been pointed out that the drafting of a new Article 15, which is implied by the Recommendation contained in Doc. 74, § 5 (ii), of 18th August 1950, raises a number of legal and constitutional difficulties. Accordingly, yourts Committee asks you submit the matter to the Legal Committee, which would be requested to communicate its own conclusions to the Committee of Senior Officials cither directly, or if possible after ratification by the plenary Assembly.

1.2.2.3. Ill - Declaration on Peace transmitted by the Committee of Ministers

29. The Assembly had requested that a new text of the Declaration on Peace drawn up by the Committee of Ministers at Rome should be prepared.

Your Committee is of the opinion that it sufficed for the Assembly to take note of the Declaration of the Committee of Ministers. The Assembly will remember, in point of fact, that on August 28th last, it adopted a solemn Declaration, which has lost nothing of its topicality.

Accordingly it is proposed that the latter Declaration should be simply renewed.

2.

B. I. Draft recommendation on Specialised Authorities

30. The Committee on General Affairs submits to the Assembly the following recommendations :

" The Assembly,

" Considerin g that its objective of instituting a European political authority comprising all democratic nations cannot but be furthered by the development of Specialised Authorities, provided they remain within the framework of the Council of Europe,

(Approved unanimously, with 2 abstentions.)

" Renew s its former Recommendations, especially the Recommendation contained in Documents 121 and 123 of 28th August 1950, and particularly recommends that the following measures be adopted :

" That during the negotiations on a convention for the establishment of a Specialised Authority, Member States who so wish shall be kept regularly informed of developments ;

" That the Authority shall remain open to accession by all Member States,

" That reports be submitted regularly by the Authority's supervisory organs to the Assembly and the Committee of Ministers of the Council of Europe, so that the latter may be enabled to make suggestions or Recommendations on the operation of the Authority ;

" That insofar as appears desirable, the Authority should include a parliamentary control organ, the parliamentary members of this body being selected from among the Representatives of the participating countries, members of the Consultative Assembly;

(Approved unanimously, with 2 abstentions.)

" Recommend s that every effort be made to ensure that existing proposals are brought to a successful conclusion—such as the High Authority for Coal and Steel—and to encourage the establishment of other authorities for cultural social, economic (agricultural as well as industrial matters) and for joint defence;

(Approved by 24 votes to 3.)

" Request s the Parliaments of Member States to decide themselves, as speedily as is reasonably possible, on the principle and methods to be employed for the participation of their countries in such of these measures as they are willing to adopt. "

(Approved by 18 votes to 1, with 8 abstentions.)

The Draft Recommendation was approved in its entirety by 22 votes to 2, with 3 abstentions.

C. II. Draft Recommendation on the Reform of the Statute

31. The Committee on General Affairs submits the following Recommendation to the Assembly :

" Th e Assembly,

" Considering that its Resolution N° 124 of 28th August 1950 called for the submission of a plan for the Reform of the Statute, including the suppression of the right of veto within the Committee of Ministers ;

" Considering that the Committee of Ministers, at its Session of 3rd and 4th November 1950 decided to appoint a Committee of Experts to study possible changes in the Statute and in the general working of the Council of Europe,

"1. Urgently requests the Committee of Ministers that the proposed Committee of Experts be replaced by a " Joint Committee " composed of Representatives of the Ministers, or Senior Officials, and of Representatives of the Assembly;

(These paragraphs were approved by 22 voles to 2.)

"2. Submit s to the Committee of Ministers for transmission to the Committee of Senior Officials :

(a) the resolution in Appendix I, and

(b) the draft protocol in Appendix II,

the principles of which documents the Assembly has agreed upon without in any way being committed to the details in any individual paragraph; "

(Approved unanimously.)

"3. Renew s the previous requests for amendment contained in Recommendations N° 74, §§ 7, 5 (ii), 8 (ii) of 18th August 1950 and N° 123 of 28th August 1950, or implied by them;

"4. Recommend s the following amendments to the Committee of Ministers :

(a) Proposed Amendment to Article 1 :

(i) In paragraph (b) after the words " of common action " add the word " political ". (Approved unanimously, with 1 abstention.)

(ii) Delete paragraph (d).

(Approved by 19 votes to 5.)

(b) Proposed Amendment to Article 20 :

Replace Paragraphs (a) and (d) by the following :

(a) With the exception of the Resolutions enumerated in paras, (b) to (d) below, all Reso-solutions of the Committee shall be taken by a two thirds majority of votes cast and by a majority of Representatives entitled to sit on the Committee of Ministers; this shall apply in particular to :

Recommendations under Article 15 (b);

Questions under Article 19;

Resolutions relating to the amendments of Articles of the Statute other than those mentioned in paragraph (d) (iii) below;

Resolutions concerning the adoption of the Budget Rules of Procedure and Financial and Administrative Regulations;

Resolutions concerning the adoption of the Budget Rules of Procedure and Financial and Administrative Regulations;

Decision in case of doubt as to which paragraph of this Article applies;

Resolutions of the Committee relating to the following questions shall require the unanimous vote of the Representatives casting a vote and of a majority of the Representatives entitled to sit on the Committee :

Questions under Article 21 (a) (i) and (6);

Questions under Article 33;

Recommendations concerning amendments to Articles 1 (d), 7, 15, 20 and 22.

(Approved by 20 votes to 3, with one abstention.)

(c) Proposed Amendment to Article 21 :

Add the following sentence to paragraph (b) :

" Each Member of the Committee of Ministers shall be entitled to make known his attitude in the Committee in regard to Recommendations from the Assembly. "

(Adopted unanimously, with one abstention.)

(d) Proposed Amendment to Article 25 :

Replace the first sentence of the paragraph (a) by the following :

" The Consultative Assembly shall consist of Representatives of each Member elected by its Parliament or appointed in such manner as that Parliament shall decide. "

(Adopted unanimously.)

"5. Reaffirm s its Recommendation No. 9 and calls upon National Parliaments to use all their influence to have the above mentioned Recommendation implemented. "

(Adopted unanimously, with one abstention.)

The draft Recommendation was adopted in its entirety by 20 votes to 1, 1 member having abstained.

D. III. Draft Recommendation on the re-fashioning of European organisation

32. The Committee on General Affairs submits the following Recommendation to the Assembly :

" The Assembly,

" Considering it to be of the greatest importance that it shall be able to follow the work of the chief European or international intergovernmental organisations and to submit suitable Recommendations to the Committee of Ministers concerning the direction of their work;

" Request s that all practical steps be taken to enable it to undertake this task, particularly by placing adequate means at the disposal of the Secretariat-General and by the establishment of organic links with the organisations referred to above;

" Request s that the representatives of its competent Committees be invited to take part in any governmental conference organised to discuss subjects appearing on the Agenda of the Assembly;

" Renew s its Recommendations contained in Doc. 74, Paras 1 (iv) and 2, of 18th August 1950,

" Considerin g that the final aim is the integration of 0. E. E. C. and of the social and cultural organisms of the Brussels Treaty Powers within the Council of Europe, but that immediate action is necessary;

" Draw s particular attention to the urgent need of taking suitable action on its Recommendations contained in Doc. 74, para. 1 (i) and (ii), of 18th August 1950. "

(Approved unanimously, with one abstention.)

E. IV. Draft Resolution on the examination of an amendment to Article IS of the Statute

33. The Committee on General Affairs submits the following resolution to the Assembly :

" The Assembly,

" Considering that the implementation of its Recommendation N° 74, § 5 (ii) of 18th August 1950, requesting that " Article 15 of the Statute be amended, so that the conclusions of the Committee of Ministers may assume the character of decisions taken by mutual agreement among the Members, and to be carried out by the Members ", may raise certain difficulties of a constitutional character within the Member States;

" Request s the Committee on Legal and Administrative Questions to examine the implications of this Recommendation;

" Request s the President of the Assembly to transmit, if necessary, directly the conclusions of the Committee to the Committee of Experts for the reform of the Council of Europe. "

(Adopted by 20 votes to 1, 1 Representative having abstained.)

F. V. Draft resolution concerning the " Declaration on Peace" transmitted by the Committee of Ministers

34. The Committee on General Affairs submits the following resolution to the Assembly :

" The Assembly

" Take s note of the Declaration on Peace adopted by the Committee of Ministers at its Session on 3rd and 4th November 1950,

"Solemnly renews the Declaration N° 118 it had itself adopted on 28th August 1950. "

Appendix 1 APPENDIX I

Resolution relating to a protocol amending the Statute of the Council of Europe

The Assembly,

(a) Having been asked by the Committee of Ministers in September 1949 to consider any necessary changes in the political structure of Europe to achieve a greater unity between the Members of the Council of Europe and to make an effective European co-operation in the various spheres specified in Article 1 of the Statute;

(b) Having unanimously resolved in September 1949 that the aim and goal of the Council of Europe is the creation of a European authority with limited functions but real powers;

(c) Having resolved in August 1950 that the Committee on General Affairs :

> *submit to the next meeting of the Assembly a plan for the reform of the Statute of the Council of Europe relating particularly to the suppression of the right of veto of the Committee of Ministers;*
>
> *define the kind of European authority which might be endowed with limited functions but real powers.*

(d) Conscious that any definition of such a European authority must be one which provides something more than cooperation at Government level as it exist in Europe at present and something less than a full supranational authority ;

Resolves :

That the definition of such a European authority be as follows :

(i) Functions.

The functions should include those conferred by Articles 1-4 of the Brussels Treaty and by Articles 1-9 of the O.E.E.C. Convention on the councils established by those treaties; and the organisations created under the two treaties should be an integral part of the organisation of the Council of Europe and responsible to it.

(ii) European Authority.

That the European authority should be a Parliament of two houses comprising the Committee of Ministers and the Assembly; that the Committee of Ministers should represent the Governments of the Member States and that its decisions should remain unanimous; that the Governments should retain the final say but that a parliamentary authority should be created. Legislation in the form of a Bill would be introduced in the Assembly, and when it had passed the Assembly it would go for approval to the Committee of Ministers.

(iii) Legislative Powers

The Council of Europe should not be given in advance any executive power to legislate. It should acquire such powers to legislate in respect of its different aims and functions from time to time. Such powers would be conferred on it by individual Bills for each specific matter, when such Bills had passed the Assembly and the Committee of Ministers. The powers which the Council acquires and the way in which those powers are exercised by it will be set forth in legislation approved in both Houses.

(iv) Executive Powers

The Council of Europe should have an executive small in numbers responsible to both Houses to take the place of the present large Standing Committee. Such an executive would meet regularly. It would organize the Agenda of the Assembly and prepare its legislation. It would also control all the administrative organizations of the Council of Europe and create departments such as defence, customs, finance as it may require.

Appendix 2 APPENDIX II

Protocol for the amendment of the Statute of the Council of Europe

The Assembly of the Council of Europe recommends, and has caused its recommendations to be embodied in this Protocol, that the Statute of the Council of Europe be amended so that the aims and functions of the Council of Europe be enlarged to include all the functions and powers of the Councils created by the Brussels Treaty and the Convention for European Economic Co-operation; so that the organizations established under those treaties be transferred to the Council of Europe; so that executive authority and legislative power be vested in the Council of Europe; and so that the Council of Europe be converted into a European political authority with a Parliament of two Houses and for other purposes connected therewith.

Part 1 - Aims and Functions

ARTICLE I

1. Article 1 of the Statute shall be omitted and the following article inserted in its place :

2. (i) The aim of the Council of Europe shall be to achieve a greater political and economic unity between its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage and facilitating their political, economic and social progress. Forthis purpose the Council shall formulate and carry into effect a common policy for the defence of the member states and take steps to bring about the economic integration of the economies of the member states by securing a common currency and financial system, by abolishing all barriers to trade between the member states and by securing throughout the whole of the territory of the member states an area in which the movement of goods, services and peoples shall be quite free.

3. Without in any way limiting the generality of the provisions of the previous sub-paragraph, the Council of Europe

4. (i) shall dedicate the economic resources of the Member States and their powers of reconstruction to the common good and to the development of a common civilization based on the best attainable standards of living for all citizens;

5. (ii) shall integrate the industrial and agricultural production of the member states taken as a whole so as to provide sufficient food, raw materials and manufactures for the internal and external trade of the Member States;

6. (iii) shall use the raw materials, basic industries and essential services of the Member States for the purposes herein set out and in such cases as may be appropriate under public ownership or public control, and

7. (iv) shall prevent by such economic and social re-organization as may be necessary in any of the Member States the exploitation for private gain of the labour of any citizen by any other citizen.

8. The Council of Europe shall perform all the functions set out in Articles 1, 2, 3 and 4 of the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, signed at Brussels on the 17th March 1948, as if the whole of such articles were set out in this subparagraph, and the Council shall exercise such functions as if it were the high contracting parties referred to in the different articles, acting both individually and collectively, and the Member States shall comply with all the requirements of the Council of Europe which may be necessary to give effect to this paragraph.

9. The Council of Europe shall in addition perform all the functions set out in Articles 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the Convention for European Economic Co-operation signed at Paris on 16th April 1948, as if the whole of such articles were set out in this sub-paragraph, and the Council shall exercise such functions as if it were the high contracting parties referred to in the different articles, acting both individually and collectively and the Member States shall comply with all the requirements of the Council of Europe which may be necessary to give effect to this paragraph.

10. So soon as the parties to the treaties referred to in paragraphs 3 and 4 above shall agree, the Council of Europe shall take over the organisations created under the two treaties and incorporate such organisations as part of the executive arid administrative services of the Council of Europe.

Part 2 - European Political Authority

ARTICLE II

1. The political authority of Europe shall be the Council of Europe which shall consist of the Committee of Ministers and the Consultative Assembly which is hereinafter to be called the Legislative Assembly.

2. Each member of the Council of Europe shall nominate a Minister, Secretary or Under-Secretary of State who, without prejudice to the responsibility of the Ministers for Foreign Affairs, should be charged with the supervision of European Affaires.

3. The special task of the holder of this post should be :

to co-ordinate the activities.of his Government in the,field of European co-operation ;

to ensure the diffusion of decisions or suggestions made by the various organs of the Council of Europe amongst members of Parliament and the public in the participating countries;

to act, in place of the Ministers for Foreign Affairs, as the representatives of the Member State to the Committee of Ministers.

4. The representatives of each Member State in the Legislative Assembly shall be elected in the first instance by the Parliament of the member state until a protocol has been agreed to by the Legislative Assembly and the Committee of Ministers providing for the direct election of members of the Legislative Assem-bly.

Part 3 - The Legislative Powers

ARTICLE III

All legislative powers herein granted shall be vested in the Council of Europe, which shall consist of the Committee of Ministers and the Legislative Assembly.

ARTICLE IV

The Legislative Assembly shall debate matters within its competence under the Statute and upon any matter within the aim and scope as defined in Chapter I of the Statute as amended or which is referred to it by the Committee of Ministers or presented by • the Executive Council and shall make and present recommendations to the Committee of Ministers in the form of a Bill.

ARTICLE V

In any Bill presented by the Legislative Assembly to the Committee of Ministers or by the Executive Council to the Legislative Assembly after the title there shall be written :

" B e it enacted by the Council of Europe, the Committee of Ministers and the Legislative Assembly of the Council, as follows: "

ARTICLE VI

Every Bill so presented shall be placed on the agenda of the Committee, who may, after debate, reject or receive the Bill. A resolution to pass a Bill shall require the unanimous vote of the Representatives casting a vote, and of a majority of the Representatives entitled to sit on the Committee.

ARTICLE VII

Any Bill which has been received by the Committee shall, before it be finally approved by them be submitted with or without amendment, at a date to be determined by the Committee to each member Government for its consideration.

The Bill shall after submission to each Member be re-placed on the agenda of the Committee, and shall be debated by them not later than six months after the date of submission to each Member.

Each Member Government shall at the expiry of the six months as aforesaid be deemed to have considered the Bill.

ARTICLE VIII

Any Bill which has been re-placed on the agenda and reconsidered by the Committee, shall, if different from the Bill as first presented to them by the Legislative Assembly, be returned to and placed upon the agenda of the Assembly.

The Legislative Assembly shall with all due expedition debate and present the Bill with or without amendment or recommendation to the Committee.

ARTICLE IX

The Committee shall then have absolute power to pass the Bill with or without amendment or reject the Bill.

ARTICLE X

Any Bill passed by the Committee shall be signed by each approving Member, sealed by the Great Seal of the Council of Europe, and upon a date so specified in the Bill become law, and thereafter it shall be styled : An Act of the Council of Europe.

ARTICLE XI

It shall be within the competence of the Council of Europe to pass any Act to give effect to any matter within the aim and scope of Chapter I of the Statute as amended. Any Act may vest the sole and exclusive legislative and executive power or authority in the Council, and may enact that any Member shall thereafter have no concurrent legislative or executive power or authority in that matter unless such power and authority be specifically provided for in the Act. Any Act shall state whether the measures or provisions therein contained are to confer exclusive legislative or executive power or authority on the Council of Europe, or are to run concurrent with such laws of a Member as may be held to cover the matter legislated upon.

ARTICLE XII

Any Act of the Council of Europe shall repeal the whole part or parts of any Statute Act or other provision of whatever nature forming part of the law of any Member if such law were opposed to or were in conflict with any Act of the Council of Europe.

ARTICLE XIII

Any Act of the Council of Europe shall, upon the date specified in the Act, become in its entirety part of the law of each and every Member and shall have legal and binding effect upon the Members and upon all their subjects or other persons over whom they have jurisdiction or sway.

ARTICLE XIV

The Assembly shall meet in ordinary session at least twice a year, the dates of which shall be determined by the Assembly and shall avoid as far as possible overlapping with parliamentary sessions of Members and with sessions of the General Assembly of the United Nations.

Part 4 - The Executive

ARTICLE XV

The Legislative Assembly shall dissolve the Standing Committee of the Assembly, and shall elect an Executive Council. The Executive Authority shall be vested in the Executive Council which shall be responsible to the Legislative Assembly and Committee of Ministers.

ARTICLE XVI

The Executive Council shall consist of Councillors and each Councillor shall be assigned to and shall become the head of a Department, namely :

a. Finance;

b. Customs and Excise;

c. Defence;

d. Internal and External Trade;

e. Industry;

f. Agriculture and Food;

g. Labour and Social Services;

h. Transport;

i. Culture;

j. Legal Questions.

The Legislative Assembly may increase or decrease the number of Departments and Councillors accordingly, but the Executive Council shall not exceed 15. The expenses of the Executive Council, the Councillors and their departments shall be a common expense within the meaning of Article 38 of the Statute. The first Executive Council shall be nominated by the president of the Assembly and shall be confirmed by the Assembly and the Committee of Ministers.

ARTICLE XVII

Each Councillor shall be a member of the Legislative Assembly and shall be responsible for the creation and supervision of his Department and shall be responsible to give effect to any Act of the Council of Europe.

ARTICLE XVIII

Any Councillor shall have the right to present any measure in the form of a Bill to the Legislative Assembly the provisions of which shall have relation to the scope and sphere of his Department, and he shall do all such other things which lie within this power whicli are incidental or conducive to the attainment of the aims of Chapter I of the Statute as amended.

ARTICLE XIX

1. Each Councillor of the Executive Council shall take the oath in the manner and in the form as that of the Secretary-General as specified in Article 36 (e) of the Statute.

2. No Councillor shall hold any salaried office from any Government or of any national legislature or engage in any occupation incompatible with his duties.

3. Each Councillor shall have the power to appoint the officials of his Department, but if the appointments relate to the creation of a new Department he shall consult the Secretary-General as to the number of officials and staff which is to form the establishment of the new Department, and such establishment shall be approved by the Legislative Assembly and Committee of Ministers.

4. Any Councillor shall be entitled to attend any meeting of the Committee of Ministers, unless the Committee direct otherwise, and shall attend if requested to do so by the Committee.

Part 5 - General

ARTICLE XX

Article 7 of the Statute shall be expunged. A Member desiring to withdraw its membership from the Council of Europe shall submit to the Committee of Ministers a proposal to amend the Statute to give effect to such withdrawal in the form of a Protocol. The Protocol shall come into force when it has been signed and ratified on behalf of a majority of the representatives entitled to sit on the Committee. Such withdrawal will take effect at the end of the financial year in which the Protocol has been approved.

ARTICLE XXI

The Committee of Ministers shall cause an official report to be printed and published of all debates and resolutions of the Committee and Assembly save that the Committee shall determine what information shall be published regarding the conclusions and discussions of a private meeting of the Committee.

ARTICLE XXII

1. That, within the framework of the Council of Europe, specialised authorities should be instituted which would be competent, respectively, in the political, economic, social, legal and and cultural fields;

2. Although the existence of the Council of Europe essentially depends upon the presence within its organisation of all the democratic Nations of Europe, each of them shall nevertheless be free to accede to the specialised authorities, or to one or several of them;

3. These specialised authorities which it is thus intended to create and to maintain, within the framework of the Council of Europe, shall remain open to any Member State which may subsequently wish to accede to them. Their organs of administration and control should be integrated with those of the Council of Europe;

4. Those States which desire from the outset to form closer organic links shall be free to establish them between themselves. The form these links should assume will be settled by them after discussions in which all Member States of the Council of Europe shall take part. The organs of administration and control shall be instituted according to the methods set forth at the end of paragraph 3. The same opportunities as above for the subsequent accession of other Member States shall be maintained.

ARTICLE XXIII

5. By special Conventions concluded between the Member States or between some of them, powers not provided for by the Statute of the Council may be conferred both on special Committees of the Committee of Ministers and on Committees of the Consultative Assembly, composed of Representatives of the States which are signatories of these special Conventions, without thereby binding either the States which are not signatories of these Conventions or their Representatives in the Consultative Assem-bly.

6. The special Committees of the Committee of Ministers and the Committees of the Consultative Assembly indicated above shall regularly submit reports on their activities together with the necessary documentation, the aforesaid Committees to the Committee of Ministers, the Committees to the Consultative Assembly.

7. The Secretariat-General of the Council of Europe may be called upon, by the special Conventions mentioned above, to render assistance to new organs established between the Member States, or between some of them. Any additional expenses of the Secretariat-General which might result from these new duties shall be borne by the Council of Europe, on condition that at least two-thirds of the Member States are parties to the said Conventions. When less than two-thirds of the Member States of the Council are parties to the said Conventions, the possible additional expenses of the Secretariat shall be borne by the signatory States under conditions fixed by the Convention.

ARTICLE XXIV

Leave out Article 23 and insert the following new Article :

The Consultative Assembly may discuss and make Recommendations upon any matter within the aim and scope of the Council of Europe as defined in Chapter I; it shall discuss and may make Recommendations upon any matter referred to it by the Committee of Ministers with a request for its opinion.

ARTICLE XXV

In Article 4, after " may insert: " with the approval of the Consultative Assembly, such approval to be by a simple majority. "

ARTICLE XXVI

In Article 5, after, " may insert: " with the approval of the Consultative Assembly, such approval to be by a simple majority ".

ARTICLE XXVII

The Statute is amended by the provisions of this Protocol and if any part of the Statute is in conflict with any part of this Protocol, the Protocol shall prevail and the part of the Statute to the extent of the conflict is hereby repealed.

ARTICLE XXVIII

Where the Statute of the Council of Europe is amended by the clauses of this Protocol, in order that the provisions in this Protocol shall have full effect over the provisions of the Statute all consequential alterations that are necessary to give effect to the clauses of this Protocol shall be deemed to have been incorporated in this Protocol, and the provisions of the Statute shall to the extent of such consequential alterations so be deemed to be repealed.