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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 304
20 September 1954

Participation of European non-member countries in certain of the Council's activities

Opinion
Committee on Rules of Procedure, Immunities and Institutional Affairs
Rapporteur: Mr G. Morgan THOMSON, United Kingdom, Socialist Group

1. Explanatory Memorandum

The draft Resolution contained in the Report presented, by M. Bögholm on the participation of European non-Member States in certain of the Council's activities (Doc. 276), on behalf of the Special Committee on European nations not represented in the Council of Europe, was referred by the Assembly to the Committee on Rules of Procedure and Privileges for an Opinion on 13th September, 1951.

Your Committee have studied the draft Resolution and agree with the general purport of the proposals which it contains. They consider, however, that only paragraph 3 of the draft Resolution calls for detailed comment in the present report, since this paragraph alone, if adopted by the Assembly, would involve modifications to the Rules of Procedure. Paragraph 3 reads as follow :

" 3. Decides that parliamentary observers from democratic European non-Member States shall have the right, in accordance with such procedure as may be agreed, to speak in general debates in the Assembly as well as in Committees, but not to vote."

The privileges at present enjoyed by observers to the Assembly are described in paragraph 12 of the Report on the Special Committee on European non-member countries, and need not be amplified in this report. In practice, observers are at present enabled to sit in the Assembly without the right to speak and, with the authority of the Chairman, to take part in the discussion of- a Committee without the right to vote. Your Committee consider it worthy of note that there is no authority either in the Statute or the Rules of Procedure for this concession, and they are of the opinion that this practice — which, they consider, would be generally supported by Representatives of the Assembly — should be regulated as soon as possible by amendment of the Rules of Procedure.

Your Committee, however, consider that a more cautious approach is needed to the proposed extension of this practice to debates in the Assembly. The essence of a parliamentary Assembly, whether consultative or legislative in character, is that its Representatives should make responsible contribiitions to its debates and that this responsibility should be underlined by the requirement that they must cast a vote in accordance with the general purport of their speech. If a speaker is not empowered to vote, this sanction disappears. There is the further difficulty that if observers from non-Member States are permitted to speak at will, the Assembly's debates could become distracted by excessive discussion of the political or constitutional severities — over which, the Council has no control — under which the non-member countries are at present operating.

At the same time, your Committee respect the successful efforts which certain nonmember European nations are making to conduct their affairs in accordance with tho democratic principles laid down in the Statute of the Council of Europe, notwithstanding wellknown political and international handicaps; and your Committee are anxious to make recommendations which, while they accommodate observers from these countries, are also consistent with the essential character of the Assembly..

Finally, your Committee consider that, without rejecting the principle set forth in paragraph 3 of the draft Resolution contained in the Report of the Special Committee on European non-represented Nations, the Assembly should reserve its decision on this paragraph until the ways and means of giving effect to its substance may be studied in further detail. Your Committee have accordingly proposed an amendment to paragraph 3 to leave out "Decides" and insert "Expresses the hope", and to leave out "shall have the right" and insert "may be pennitted".

The Committee on Rules of Procedure and Privileges, on the other hand, unanimously proposes to the Assembly a draft Order instructing your Committee to work out Rules to this end.

2. Draft Order of the Assembly

That the Committee on Rules of Procedure and Privileges be instructed to draft Rules of the Assembly governing, where necessary, the rights of observers in the Consultative Assembly and its Committees.