

who expressed some doubts as to the usefulness of these trips and of Canada belonging to international bodies such as the Commonwealth Parliamentary Association, the Inter-Parliamentary Union and other similar parliamentary groups, even the defensive organization of NATO. He suggested specifically that the Council of Europe had not achieved anything worth while since it was founded in 1949. Of course I do not intend to rebut all Senator O'Leary has said, but it might be useful, for the record, to give a description of what the Council is and does.

**Hon. Mr. Martin:** Bravo!

**Hon. Mr. Flynn:** The Council of Europe is, to begin with, not a council but a committee representing governments and an assembly representing legislatures—a structure quite similar to that of NATO.

How does the Council of Europe work? The way it functions is neither national nor international in the conventional sense. Involved in the process are the Committee of Ministers, the Consultative Assembly, a Joint Committee, the Secretary-General and the Secretariat, and a group of unusually effective non-governmental organizations.

The Committee of Ministers, on which each council member is entitled to one representative with one vote, is the organ which acts on behalf of the Council of Europe. It acts either on its own initiative or on the recommendation of the Consultative Assembly. Its action may take different forms: the conclusion of conventions or agreements, or the adoption by governments of a common policy with regard to particular matters. All matters relating to the internal organization and arrangements are decided by the committee with binding effect.

The Consultative Assembly is the council's deliberative organ. It "may discuss and make recommendations upon any matter within the aim and scope of the Council of Europe," and also on any matter referred to it by the Committee of Ministers with a request for the Assembly's opinion. The Assembly consists of members of the parliaments of each participating nation.

The results of the council's work are to be found in conventions, agreements, and uniform policies developed according to procedures which are *sui generis*. The organs and functions of the Council of Europe represent a compromise, insisted upon by the British in 1949, between those leaders of the European Movement for Unity desiring a federal or

confederal form of government with supranational powers and those, on the other hand, who preferred the functional, or selective, approach to unifying Europe.

The conventions and agreements arrived at are identical in form with the output of a permanent diplomatic conferences. However, the method according to which they are negotiated differs markedly from the methods of an informational conference of governments. For example, the Convention for the Protection of Human Rights and Fundamental Freedoms is in the traditional form of a diplomatic act. Yet, the process employed to achieve this end involved parliamentarians as well as government representatives, experts, and secretariat officials. The parliamentarians not only took part in Assembly debates and committee sessions, but also exerted pressure on governments for ratification.

The Consultative Assembly is composed, as I said, of parliamentarians drawn from parties who are often ready to move faster than governments towards European unity. Like in NATO, the Assembly is consulted by the Committee of Ministers, but it has no inherent authority to commit governments. To offset this disadvantage, the Assembly has established a working party to assist parliamentarians in keeping the attention of governments focused on conventions and agreements on which the committee has already acted, as well as upon Assembly resolutions still pending before the committee.

The Convention for the Protection of Human Rights and Fundamental Freedoms implements a principal aim of the Council of Europe, namely, "agreements and common action in the... further realization of human rights and fundamental freedoms." It provides for a Court and a Commission of Human Rights.

The Commission is competent to examine complaints made either by governments or, in certain cases, by individuals, that the European Convention for the Protection of Human Rights and Fundamental Freedoms has been violated by any of the contracting states. After examination, the Commission transmits its opinion to the Committee of Ministers, and, in appropriate cases, to the Court.

The Court deals only with cases where the Commission has failed to bring about a friendly settlement within a prescribed period. The judgment of the Court is final.

To recapitulate, the Council of Europe is an organization founded 20 years ago to achieve a greater unity between its members for the