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A missed opportunity of supranationalism? The drafting of European political authority in the Consultative Assembly of the Council of Europe, 1949–51

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ABSTRACT

This article examines postwar supranational parliamentarism by focusing on the political role of the Consultative Assembly of the Council of Europe. While the historical significance of the Assembly has been re-investigated, less attention has been given to the political role of the parliamentary body of the Council in the framework of political theorizing of postwar parliamentarism. Neither has the parliamentary role of the Assembly been much discussed in studies about European integration. It is often argued that as the Consultative Assembly was given merely a deliberative role, without legislative or executive powers, it bears less political significance. Contrary to this view, our article shows, how after the founding of the Council of Europe in 1948, the limited powers of the Assembly were renegotiated, and the representatives tried to challenge the ‘consultative’ role of the body particularly in the framework of the drafting of the so-called ‘European political authority’ in 1949–51. By analyzing the minutes of plenary sessions and committee reports, we turn our attention to the views and arguments presented by contemporaries and argue that there was a missed opportunity for the Assembly to become supranational that could have potentially influenced the course of the European integration.

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Introduction

The founding of the Council of Europe is often considered to be one of the early milestones of European integration after the Second World War. In this article, the aim is to highlight and examine the less explored historical connection between political theorizing and political activity regarding early European integration. In this way, this study contributes to recent work in the field of European political studies that merges theory and empirical analysis of political activity.¹ Following Kauppi and Palonen, it considers

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¹For this type of scholarship, see especially, N. Kauppi & K. Palonen (eds), *Rhetoric and Bricolage in European Politics and Beyond: The Political Mind in Action* (Cham, 2022).

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the European integration history in terms of the ‘political mind in action’ as it tries to understand the ‘dynamic contingency, reflexivity, and uncertainty of political action’ in this context.² More specifically, this article offers insights to the ways in which European political actors after the Second World War conceptualized the future political constellation of the continent, and by doing so, contributed to the theorizing of supranationalism on their part.

By focusing particularly on the contestations against the limited powers of the Consultative Assembly of the Council of Europe founded in 1949, we discuss the proposals and ideas presented in the Assembly which, we argue, could potentially have changed the course of European integration. The article asks whether there ever was a turning point when the Assembly could have become supranational, ‘a missed opportunity’ that could be identified in the controversies between the Assembly representatives.

The historical significance of the Assembly has recently been re-investigated.³ The Council of Europe was the first international organization with a parliamentary organ, and, among other things, the first European intergovernmental organization admitting Eastern European states and former Soviet republics.⁴ After the expulsion of Russia on 16 March 2022, there are now 46 member states in the Council of Europe. The Council is best known as ‘Europe’s human rights watchdog’ and for the European Court of Human Rights, which was established in 1959, as well as the European Convention on Human Rights and Fundamental Freedoms, signed in 1950 and coming into existence in 1953.

Despite being the first political institution of Europe, the political role of the Council of Europe in securing peace and protecting human rights and fundamental freedoms has been much overlooked in recent debates on Europe. Neither has the parliamentary role of the Assembly been much raised in studies about European integration, although it was clear that the European reconstruction after the Second World War was ‘parliament-guided’.⁵ The common perception is that its Consultative Assembly was never given any legislative or executive powers, and thus it bears little political significance.

Contrary to that, this article takes the perspective of the less examined political role of the Council of Europe and particularly its Assembly by focusing on the drafting of the so-called European political authority in 1949–51. By turning attention to the views and arguments presented by contemporaries, this article investigates how after the founding of the Council of Europe, the limited powers of the Assembly became renegotiated. The representatives were not all satisfied with the decided ‘consultative’ role of the body. As our analysis below will show, some of them explicitly promoted a supranational representative assembly with direct universal suffrage across party political lines.

In the post-war context, significant decisions about the future of Europe and its institutional framework were being made. They were milestones for contemporaries, but also

²Kauppi & Palonen (eds), Introduction, *Rhetoric and Bricolage*, p. 2.

³For instance, S. Guerrieri ‘From the Hague Congress to the Council of Europe: Hopes, Achievements and Disappointments in the Parliamentary Way to European Integration (1948–51)’, *Parliaments, Estates & Representation* 34, (2014), pp. 216–27; T. Häkkinen ‘British Parliamentary Attitudes towards a Supranational Parliament and the Consultative Assembly of the Council of Europe, 1948–49’, *Parliaments, Estates & Representation* 38, (2018), pp. 63–75; B. Wassenberg, *History of the Council of Europe* (Strasbourg, 2013).

⁴P.A. Jordan ‘Does Membership Have its Privileges?: Entrance into the Council of Europe and Compliance with Human Rights Norms’, *Human Rights Quarterly* 25, (2013), pp. 660–88.

⁵Guerrieri, ‘From the Hague’, p. 217. On European integration and the Council of Europe, see, for instance, A. Macmullen, ‘Intergovernmental Functionalism? The Council of Europe in European Integration’, *Journal of European Integration* 26, (2004), pp. 405–29.

turning points that still impact our understanding of what European politics is and should be. The short period of 1949 and 1951 opened a window of opportunity to discuss supranational parliamentarism in the framework of the Council of Europe. Concurrently, the increasing pressures of reconstruction of nation-states, economy, and the start of the Cold War meant that deliberations on different alternatives became very limited. This period is of particular interest as it also involved the drafting of the so-called European Political Authority. It took place immediately after the founding of the Assembly in late 1949 and continued until 1951, intending to increase the political powers and authority of the Council of Europe. While the Council sought to strengthen its political position and influence, the Assembly aimed to challenge its limited powers.

The article proceeds as follows: First, we briefly introduce the European Movement and the political context of the founding of the Council of Europe in 1949, after which we situate the debates in the Assembly to two different traditions of European political thought, namely, the federalist and functionalist approaches, and we introduce the methodology and sources of the study. Second, we discuss how the political powers of the Assembly were under debate. The analysis of sources is divided into three parts. The first part discusses the federalist start of the drafting of the European political authority, the second one focuses on the ideas related to establishing parliamentary control in Europe, and the third one discusses how the different fronts of integration affected the aim of European political authority and increasing the powers of the Assembly. In the end, we conclude our argument about the missed opportunity of supranationalism.

The European movement and the founding of the Council of Europe in 1949: a brief summary of the political context

In a joint effort to act against any redevelopment of fascism, totalitarianism, and war in the continent, political leaders of Western European countries with a background in various sections of the European Movement agreed on meeting for establishing political cooperation in the form of a European political organization. The blueprint for this was laid down at the Congress of Europe held in The Hague from 7 to 10 May 1948.⁶

The Council of Europe was founded in London on 5 May 1949. It had ten founding member states from Western and Northern Europe: Belgium, Denmark, France, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, and the United Kingdom. Three months later Greece and Turkey joined, and in 1950 West Germany, Iceland, and the Territory of the Saar became members of the Council. The stated aim of the Council of Europe was ‘to achieve a greater unity between its members’[...] ‘by discussion of questions of common concern’.⁷ The organization was given extensive powers in the fields of economy, social and cultural politics, science, as well as law, and administration. The defence was excluded, as it had been reserved under the newly formed North Atlantic Treaty. The rule of law, respect for human rights, and fundamental freedoms were

⁶On the politics related to the founding of the Council of Europe, see, for instance F. Niess, *Die europäische Idee. Aus dem Geist des Widerstands* (Frankfurt am Main, 2000).

⁷The Statute of the Council of Europe, 5 May 1949.

conditions for membership in the Council.⁸ The restriction of membership to democracies only distinguished the Council from other emerging organizations in the post-war framework.⁹

The focus of this article is on the lesser-known parliamentary body of the Council, the Consultative Assembly, which had a central role to play in the construction of both the European Convention on Human Rights and the European Court of Human Rights. The Assembly took the initiative to write the Convention based on the discussions at the Hague Conference and put forward by the European Movement. The latter aimed to coordinate and represent different organizations to promote European unity. In 1959, the Assembly elected the first judges of the Court.

The political influence of the Assembly has grown during the last 60 years.¹⁰ In 1974, the Assembly renamed itself as the Parliamentary Assembly of the Council of Europe (PACE), to better reflect its composition and role. In its early institutional framework, the Council of Europe was given two bodies, a 'Committee of Ministers' and a 'Consultative Assembly'. The Committee of Ministers became the executive, decision-making branch of the Council, and the Consultative Assembly was given only a deliberative role, to discuss issues set by the Committee of Ministers and to give its opinion on them. The Assembly became subordinate to the Committee of Ministers: it could only present recommendations (Article 22 of the Statute) and it was not free to set its agenda, which had to be approved by the Committee (Article 23). The Committee included government ministers, while the Assembly consisted of elected parliamentarians from participating countries. The division of powers between the two bodies was a political compromise between the British and the French delegates: The British had insisted on a Council of Europe with representatives from national governments only. The French delegation, following the line of the European Movement, demanded an assembly with members appointed by national parliaments. Finally, it was agreed that the Assembly would comprise members appointed by national governments. Furthermore, the Assembly would be consultative, without any legislative or executive powers.¹¹

Analyzing traditions of political thought and conceptual controversies in the Consultative Assembly

The research approach that we apply here is inspired by the one proposed by Kauppi and Palonen,¹² considering the interconnections between political theorizing and practical politics as all taking part in the controversies of European integration and contributing to them with diverse perspectives. The Consultative Assembly consisted of parliamentarians who actively engaged in European issues. The Assembly was a forum in which to discuss European matters and political questions, presenting differing views about them, and envisioning the political role and structures of the Council of Europe.

⁸Wassenberg, *History of the Council of Europe*, p. 24.

⁹K. Sithole. 'Council of Europe, Rights and Political Authority', *European Review* 21, (2013), p. 121.

¹⁰B. Habegger, 'Democratic Accountability of International Organizations: Parliamentary Control within the Council of Europe and the OSCE and the Prospects for the United Nations', *Cooperation and Conflict* 45, (2010), pp. 186–204.

¹¹Wassenberg, *The History of the Council of Europe*, pp. 22–4.

¹²See Kauppi & Palonen, Introduction, *Rhetoric and Bricolage*, pp. 1–10.

The discussions and debates were linked to different traditions of political thinking, ideas, and concepts.

Two major European intellectual movements were involved in the internal politics of the Council of Europe. First, the so-called functionalists who supported the view that the cooperation between European states should be mainly based on economic matters and trade and develop through different forms of cooperation, and second, the federalists who believed the best way to secure peace and prosperity in Europe was through a supranational European government.¹³ The division between the federalist and functional political thinking was a key distinction in the Assembly.

It should also be noted that the representatives themselves used the concepts when describing their political proposals and ideas. As such, they can also reveal how they imagined the future of Europe. In the history writing of the Council of Europe, concepts are often taken for granted. This overlooks the fact that the actors involved came from various, different traditions of political thought and parliamentary traditions. Sensitivity towards conceptual differences is to us the key to analysing the debates in the Assembly, which is a forum for conceptual contestations, controversies about new definitions, and struggles over conceptual meanings.

Concepts are thus not understood as separate phenomena from human action but rather as integral parts of political activity in which intentions and contingency play major roles.¹⁴ The focus on political activity helps to understand the mechanisms of concept usage in a historical context. As we have a particular interest in understanding the chances of the Consultative Assembly to become supranational, it is useful to pay attention to the ways in which concepts were used in the historical context and what kinds of meanings were attached to them by political actors. In this way, the analysis can provide insights into how the parliamentarians themselves understood the authority of the Assembly and how they sought to renegotiate it. Furthermore, it allows us to identify shifts or turning points in the way the use of concepts could have favoured a supranational parliament.

The documents studied, including minutes of the plenary sessions of the Consultative Assembly and committee reports,¹⁵ show that the conceptual disagreements over European politics did not end after the constitution of the Council of Europe. On the contrary, representatives were actively engaged in the effort to broaden the powers of the Consultative Assembly. In the context of the workings of the Assembly, conceptual disagreements are most likely recorded in the minutes or the committee proceedings according to the parliamentary-style framework, meaning that certain procedures and rules have been followed during the proceedings affecting the way in which the actual speeches have been delivered. Thus, the context of the conceptual

¹³M. Burgess, *Federalism and the European Union: The Building of Europe, 1950–2000* (London, 2000); C. Navari, 'Functionalism Versus Federalism: Alternative Visions of European Unity', in P. Murray and P. Rich (eds), *Visions of European Unity* (Boulder, 1996) pp. 63–91; Macmullen, 'Intergovernmental Functionalism?'

¹⁴See, for instance, Q. Skinner, *Visions of Politics. Vol. 1, Regarding Method* (Cambridge, 2002); C. Wiesner, T. Haapala & K. Palonen, *Debates, Rhetoric and Political Action: Practices of Textual Interpretation in Political Analysis* (London, 2017); K. Palonen, 'Towards a History of Parliamentary Concepts', *Parliaments, Estates & Representation* 32, (2012), pp. 123–38.

¹⁵The sources studied have been accessed via the digital archives of the Council of Europe, available at <https://www.coe.int/en/web/documents-records-archives-information>.

disagreements identified and analysed in this article have their own logic compared to, for example, newspaper articles.

The political powers of the Consultative Assembly under debate

The Consultative Assembly is the parliamentary body of the Council of Europe that represents a historical link between parliaments and nation-states in the post-war context. The representatives were nationally elected parliamentarians who did not just represent the views of their respective national governments but the opposition parties as well. What is also significant is that the Assembly gave parliamentarians the chance to express their views on European political, economic, and cultural issues relatively independently from the national context. Although the representatives had a double mandate in being representatives both in the national and international assemblies, it is notable that the parliamentarians were not bound by national mandate. This was an innovative idea related to representation in the post-war framework.¹⁶ The parliamentarians would, for example, propose amendments to motions presented in the Assembly that they would not necessarily have done in the national context. There was certainly more time for deliberating such themes in the Assembly than in national parliaments.

At the beginning, the Consultative Assembly of the Council of Europe met only once a year. The first general session sat from 10 August until 8 September 1949 in Strasbourg, during which time the Assembly agreed on the establishment of a Standing Committee to continue its work while the Assembly was not in session, to coordinate resolutions and recommendations reported by its various committees. Wassenberg has noted that this was an intentional step towards parliamentarisation of the Assembly, as well as to ensure that it carried on working continuously.¹⁷

In previous studies, the Assembly as a European representative parliament has been commonly labelled as rather weak,¹⁸ which corresponds with the perception of the Council of Europe as a whole. Postwar parliamentary assemblies were commonly criticized for being 'talking shops' without legislative powers.¹⁹ Moreover, the Consultative Assembly did not have an elected constituent. It was without any legislative powers and with a limited agenda not allowing to discuss questions related to defence. Thus, the Assembly hardly met the criteria set for a parliament in a nation-state context, in terms of, for instance, sovereignty or representation.²⁰

Even though the British were especially unenthusiastic in the prospect of the establishment of a supranational parliamentary assembly, it was not the intention of all contemporaries to settle for less than a pan-European representative parliament.²¹ In fact, many representatives at the Consultative Assembly argued for more extensive powers for the Council of Europe. In the first session of the Assembly, a motion proposed by a group

¹⁶Guerrieri, 'From the Hague', p. 244.

¹⁷Wassenberg, *The History of the Council of Europe*, p. 27.

¹⁸See Häkkinen, 'British Parliamentary Attitudes', p. 64.

¹⁹B. Rittberger, *Building Europe's Parliament. Democratic Representation beyond the Nation-State* (Oxford, 2005), p. 1.

²⁰P. Ihalainen, C. Ilie & K. Palonen, 'Parliament as a Conceptual Nexus', in P. Ihalainen, C. Ilie and K. Palonen (eds), *Parliament and Parliamentarism. A Comparative History of a European Concept* (New York, 2016). For the interpretation of this conceptual nexus to the Consultative Assembly, see Häkkinen, 'British Parliamentary Attitudes'.

²¹For an analysis of the British domestic debates and the various political positions for European representative assembly in the country, see T. Haapala, 'Saving European Democracy: British Debates on European Unification in 1948–49', in N. Kauppi & K. Palonen (eds), *Rhetoric and Bricolage in European Politics and Beyond*, pp. 59–88.

of representatives declared that the Council of Europe was to aim at becoming truly federal, and thus strengthen the powers of the Consultative Assembly. They proposed that the Assembly was ‘to decide unconditionally its programme’ which would ‘enable the Assembly to develop out of its first consultative phase and become a real Parliament of Europe’.²² The proposal clearly shows that for some representatives the Consultative Assembly was a step towards a European Parliament. Furthermore, it also seems that the British were not all against giving the Council a more supranational role.²³ For example, British Conservative MP Harold Macmillan, who was later Prime Minister from 1957 until 1963, proposed an amendment to Article 13 of the Statute of the Council of Europe regarding the political structure of Europe which was in favour of giving the Committee of Ministers, the executive body of the Council, authority with ‘supranational powers with its own permanent Secretariat comprised of European officials’.²⁴ The amendment did not become adopted, but the fact that it was proposed to the Assembly in the first place shows that there were attempts to increase the powers of the Council of Europe even after the adoption of the Statute of the Council of Europe.

European political authority: conceptual disagreements in the Assembly

Committees were central to the working of the Consultative Assembly. In 1949, six committees were founded: General Affairs, Rules of Procedure, Economic Questions, Social Questions, Legal and Administrative Questions, and Culture and Education. The establishment of the Committee on General Affairs was linked to the strengthening of the political role of the Consultative Assembly vis-à-vis the Committee of Ministers. The Assembly put the Committee in charge of considering ‘any necessary changes in the political structure of Europe to achieve a closer union between the Members of the Council of Europe’.²⁵ The aim was for ‘the creation of a European political authority endowed with limited functions but with real powers’.²⁶ The Committee on General Affairs was to make ‘practical and concrete proposals’ on how to achieve the ‘European political authority’ and how to improve ‘the efficient functioning of the Council of Europe’.²⁷ During 1949–51, the Committee produced altogether four reports and several recommendations, suggesting changes in the political structure of Europe, to the Statute of the Council, and to the political powers of the Council.

The idea of European political authority and revision initiated by Georges Bidault, the first chairman of the Committee and a Christian Democratic representative of France.²⁸ Under his chairmanship, the Committee began its work and met three times between December 1949 and June 1950. The Committee on General Affairs also included

²²Motion proposed by Mr. Ruini [Italy]. Consultative Assembly, *Documents, Working Papers*, First Session, Sixth sitting, 17 August 1949, pp. 124–5.

²³This finding completely corresponds with the results of the analysis on British debates in 1948–49, as shown in Haapala, ‘Saving European Democracy’, especially pp. 71–9.

²⁴Consultative Assembly, *Documents, Working Papers*, First Session, Sixth sitting, 17 August 1949, p. 129.

²⁵Consultative Assembly, *Documents, Working Papers*, First Session, Thirteenth sitting, 2 September 1949, p. 93.

²⁶Consultative Assembly, Committee on General Affairs, Second Session, *Study of Changes in the Political Structure of Europe, with the aim of creating a closer unit[sic] between the Members of the Council of Europe*. Analysis submitted by Monsieur Guy Mollet, Rapporteur of the Committee on General Affairs, 1949, p. 4.

²⁷Consultative Assembly, Committee on General Affairs, Fourth Session, *Preparatory report submitted by Guy Mollet*, 8 June 1950, p. 4.

²⁸Wassenberg, *The History of the Council of Europe*, p. 27.

French Socialist MP Guy Mollet, Australian-born British Labour MP Ronald W.G. Mackay, British Conservative MP Harold Macmillan, and British Labour government minister Hugh Dalton.

Between 1949 and 1951 several reports and recommendations were made on the matter. Before voting to agree on the aim, it was made clear to the representatives of the Assembly that it was not a binding vote on any particular model ‘either on the structure of the European political authority or on the method to be used for its creation, or on the most suitable time for its establishment’. Thus, the Committee began its work by studying different options, while at the same time observing the expressed wishes of the Assembly to work ‘with prudence and realism, giving due heed to all the obstacles’.²⁹

Preliminary reports were circulated among the members before meetings. The Committee also examined several motions submitted by the Assembly and its Standing Committee on related topics. Guy Mollet acted as rapporteur of the Committee on General Affairs. His task was to identify the most relevant proposals made in the Assembly that would merit the scrutiny of the Committee. He also prepared joint reports based on the preliminary ones submitted by other Committee members.³⁰

The Committee met for the first time on 8 September 1949 in Strasbourg. It was agreed that the members of the Committee would prepare papers on the issues that were raised in the resolution of the Assembly passed on 5 September 1949. It stated that ‘[the] Assembly, convinced that the problems of common interest to the States of Europe [...] cannot be solved within the framework of the present European structure’, and desired ‘that a detailed and objective study be made of the proposals to achieve a closer political unity between the member states’. The Assembly charged the Committee on General Affairs with examining:

- (a) The general position of the Member States of the Council of Europe considered as a whole; (b) The present situation with regard to existing inter-governmental organisations; (c) The different proposals for extended collaboration in the political, economic, social and cultural fields; (d) The modifications in the political and constitutional structure of the member states which such a collaboration would entail; (e) Federal as well as other proposals for the future political development of Europe; and (f) The effects on each member state of any such measures as these proposals imply.³¹

The Committee took the view that the Consultative Assembly ‘must become an effective legislative body’³² which shows that the Committee encouraged the Assembly to renegotiate its limited powers and recommended the Assembly a more active role.

In the first joint analysis of the Committee prepared by Guy Mollet, it was concluded that there appeared to be three options for the establishment of a European political authority: (1) a federal pact, (2) a European confederation, and (3) periodical revision of the Statute of the Council of Europe. In the first case, the Assembly would prepare a draft of the European Constitution or Federal Pact, which would require the Assembly to be strengthened and would then be ratified by two-thirds of the member states. The second option was proposed in the preliminary reports of Greek representatives

²⁹Committee on General Affairs 1949, p. 4.

³⁰Committee on General Affairs 1949, p. 4.

³¹Consultative Assembly, Committee on General Affairs, Third Session, *Report of the Committee on General Affairs, Submitted by Mr Mackay, Prepared Pursuant to the Resolution of the Assembly passed in August 1949*, 1950, p. 1.

³²Committee on General Affairs 1950, p. 28.

Georges Drossos (Centre) and Léon Maccas (Social Democrat), in which a confederation would replace with its own organs the Committee of Ministers and the Consultative Assembly. Third option entailed ‘development by stages’, ‘while always retaining the government’s powers of control’.³³

The first report of the Committee was presented to the Consultative Assembly in its second session on 17 August 1950. The rapporteur, Guy Mollet, introduced the report. He told the Assembly that the Committee had made an effort to try and find a unanimous agreement. The Committee members represented different opinions, some supporting the federal approach, others favouring confederation, and the rest a functional approach to revise the Statute. Finally, the Committee agreed to follow the functional approach, although federalism might have been the most favoured choice. Mollet declared himself to be a federalist. But he said that he would choose ‘efficacy’ over ‘publicity’. Further, he considered it to be the ‘duty of politicians’ to have ‘necessary unanimity’ within the Committee. Mollet also noted that the international situation required ‘rapid progress’ which would be hampered by indecision.³⁴ A similar view was adopted by another Committee member, Marga Klompé (Catholic, the Netherlands), who also claimed to be strongly in favour of the federalist approach but recognized the related practical problems. She referred to experience showing that ‘to achieve something concrete and practical’ there was a need for defining concrete areas of cooperation on the supranational level ‘under a political authority’.³⁵

Mollet’s consensual approach was criticized by his Liberal compatriot, Paul Reynaud, who blamed the work of the Committee for suppressing debate and argumentation within the Committee.³⁶ In his opinion, the more the Committee debated and found new perspectives for the consideration of the Assembly the better the result would be for the whole project of defining the European political authority.

To reach unanimity the Committee made ‘practical proposals’, including creating one inter-governmental body which would supervise so-called ‘partial agreements’ between Member States. The partial agreements referred to agreements between some member states of the Council of Europe, such as the Schuman Plan, or regional agreements in Scandinavia, for example, or in the Benelux countries, which were to be encouraged with more flexible procedures.³⁷ The supervising body was to be called the Council of Foreign Ministers.

Another suggestion of the Committee was creating an Executive body. British representative Ronald Mackay (Labour), who was a backbencher MP in the House of Commons and a federalist, criticized the proposal to turn the Committee of Ministers into an executive body. Instead, he proposed it becoming an upper house and the Assembly more ‘representative’. He agreed that the development of ‘political authority’ required government-level cooperation which would be achieved in the Committee of Ministers because a unanimous decision was needed. But Mackay was also of the opinion that, as a second chamber, the Committee of Ministers would leave the Assembly free to

³³Committee on General Affairs 1949, pp. 6–7.

³⁴Consultative Assembly, *Reports*, Second Session, Twelfth Sitting, 17 August 1950, p. 342.

³⁵Consultative Assembly, *Reports*, Second Session, Twelfth Sitting, 17 August 1950, p. 362.

³⁶Consultative Assembly, *Reports*, Second Session, Twelfth Sitting, 17 August 1950, p. 720.

³⁷Consultative Assembly, *Reports*, Second Session, Twelfth Sitting, 17 August 1950, p. 343.

make suggestions. In this way, the Assembly would become a parliament with ‘real authority’.³⁸

A Dutch representative, Sieuwert Bruins Slot (Christian Democrat) noted that a clear distinction between executive government and controlling parliament should be established. He did not endorse, however, Mackay’s proposal to establish both legislative and executive powers for the Council of Europe. According to him, parliament should never have executive powers. It should merely have ‘powers of legislation and control’. The ‘real powers’, albeit well-defined and limited, should be given to ‘a government or high authority’.³⁹

The debate on the constitutional reform of the Council of Europe continued in the following sitting on 18 August. The lack of powers of the Consultative Assembly was considered the underlying problem. Icelandic representative Johann Josefsson (Independent) noted that the Assembly did not have the ‘legal authority’ to enforce its resolutions.⁴⁰ Likewise, André Philip (Socialist, France), noted that the powers of the Assembly are nowhere near a European Parliament. Philip agreed with Paul Reynaud in that the ‘authority’ on the areas of coal and steel industries, referring to the Schuman Plan, was not enough. He considered proposals to form a European army and the Authority for coal and steel as parallel projects with economic institutions which would be coordinated ‘into a true European government’.⁴¹

A British representative, Duncan Sandys (Conservative), openly criticized the Committee of Ministers for not taking the lead in promoting European unity and cooperation, leaving the Assembly to make initiatives, and only reacting to them. His solution was to have Ministers present in the debates of the Assembly, ‘explaining their proposals and defending their actions’, much like in parliamentary plenary sittings where the ministers are obliged to answer questions presented by members.⁴² This stance was likely to originate from the British national politics context in which the Conservatives were in the opposition relying on their own European policy led by Winston Churchill at the time.⁴³ He was, however, in agreement with the proposal of the Committee on General Affairs in that all resolutions of the Assembly were to be sent to national parliaments for discussion. In this way, the Assembly of the Council of Europe should only be allowed to decide on the ‘broad principles’ for the functional approach.⁴⁴

Sandys was in favour of the Schuman Plan as a way forward but, at the same time, he saw it as a problem that there was no decision on executive administration. The functional scheme was in danger of lacking legitimacy, as only some member states of the Council of Europe took part in the plan. He noted that it might prove to be counterproductive in that the original aim had been to strengthen the authority of the Council.⁴⁵

³⁸Consultative Assembly, *Reports*, Second Session, Twelfth Sitting, 17 August 1950, p. 350.

³⁹Consultative Assembly, *Reports*, Second Session, Twelfth Sitting, 17 August 1950, p. 352.

⁴⁰Consultative Assembly, *Reports*, Second Session, Thirteenth Sitting, 18 August 1950, p. 726.

⁴¹Consultative Assembly, *Reports*, Second Session, Thirteenth Sitting, 18 August 1950, p. 732.

⁴²Consultative Assembly, *Reports*, Second Session, Thirteenth Sitting, 18 August 1950, p. 732.

⁴³For a discussion of Churchill’s alternative European policy to that of the Labour government, see Haapala, ‘Saving European Democracy’, pp. 63–5.

⁴⁴Consultative Assembly, *Reports*, Second Session, Thirteenth Sitting, 18 August 1950, p. 734.

⁴⁵Consultative Assembly, *Reports*, Second Session, Thirteenth Sitting, 18 August 1950, p. 736.

Paolo Treves (Socialist, Italy) noted that the debate at hand showed two types of thinking, first, that considered the Council as a meeting place for the exchange of thoughts on Europe, and second, that saw it as a body that was developing into ‘the centre of a European supra-national authority’.⁴⁶ He thought that the unanimity in the Committee was good in the sense that it was a way to surpass ‘theoretical’ arguments between federalists and functionalists.

European political authority and ‘European parliamentary control’

The Committee on General Affairs attached the creation of the European political authority and the strengthening of the political role of the Council to the need for ‘an effective parliamentary control at the European level’, the task of which would fall to the Assembly.⁴⁷ The representatives were displeased with the authority of the Strasbourg Assembly, not providing ‘the lead and driving force which [national] Parliaments might have expected’.⁴⁸

While the Committee on General Affairs underlined the need for a ‘closer intergovernmental cooperation in Europe’, it proposed exercising the ‘right of supervision over the functioning of intergovernmental organisations’, which would also diminish the distinction between a consultative and legislative assembly.⁴⁹ The Committee noted how the authority wielded by international organizations was not parliamentary supervised. This not only made individual parliaments ineffective in their control but led to ‘international technocracy’, ‘a danger which makes many parliamentarians hesitate to support a real transfer of sovereignty to supra-national organisations’.⁵⁰

The Committee on General Affairs raised concerns not only about the lack of parliamentary oversight of international organizations but also over the European public opinion, ‘of the large number of people who know nothing’ or are indifferent to questions related to the European unification. This indifference was seen as ‘more disturbing than open hostility’.⁵¹ This was suggested to be dealt with better information and education and with the increase of the authority of the Assembly. The Committee also proposed a better liaison between the Assembly and national parliaments, meaning, for instance, that the Assembly recommendations could be discussed in respective parliaments.⁵²

The Statute had assigned the appointing of representatives to national governments (Article 25), limiting the independence of the Assembly, and tying it to the supervision by the governments. In practice, the procedure for appointing the representatives varied in different countries. In some countries, such as in Belgium, the decision was left to the government solely, in some, such as in the United Kingdom, it was made by the

⁴⁶Consultative Assembly, *Reports*, Second Session, Thirteenth Sitting, 18 August 1950, p. 746.

⁴⁷Consultative Assembly, *Documents, working Papers*, Second Session, Committee on General Affairs, ‘Report Relative to the 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 Co-operation in the Various Fields Specified in Article 1 of the Statute’, 7 August 1950, p. 383.

⁴⁸Consultative Assembly, Third Session, Committee on General Affairs, *Observations on the Development of European Unity*, 17 September 1951, p. 1.

⁴⁹Consultative Assembly, Second Session, Committee on General Affairs, ‘Report Relative to the Changes’, p. 384.

⁵⁰Consultative Assembly, Second Session, Committee on General Affairs, ‘Report Relative to the Changes’, p. 383.

⁵¹Consultative Assembly, Second Session, Committee on General Affairs, ‘Report Relative to the Changes’, p. 390.

⁵²Consultative Assembly, Second Session, Committee on General Affairs, ‘Report Relative to the Changes’, p. 375.

government or the head of state after the consultation from the parliament, and in some, such as in France, the representatives were elected directly by their respective parliaments. To strengthen the authority of the Assembly, the Committee insisted that the independence of the Assembly was to be ensured by having the national parliaments, or parliamentary assemblies, appoint their representatives.⁵³ On 22 May 1951, the Statute was amended so that representatives were elected by their parliament or appointed from among the members of parliament.

More ambitious claims regarding representation and turning the Assembly into a representative parliament were also made. The Committee on General Affairs saw it 'not impossible that one day Representatives of certain countries will be elected by universal suffrage (direct or indirect)'.⁵⁴ During the second session of the Consultative Assembly on 28 August 1950 Paul Reynaud hoped for the Assembly to become an elected body, and 'to be fully lawful', he argued, 'an Assembly must be based on universal suffrage. The Consultative Assembly would be a 'European Assembly [...] elected by universal suffrage, which will then exercise its right of control'. These were, he emphasized, 'the most elementary rules of democracy'.⁵⁵ Ronald Mackay raised the question of parliamentary representation being crucial to the Assembly having political value. He criticized the Assembly for not being a parliament but 'a glorified form of a united nations of Europe, in which all kinds of subjects can be discussed without any sense of responsibility', arguing that the Assembly has 'no power, no money and that we do not represent anybody'.⁵⁶

One of the core questions for the independence of the Assembly was the freedom to determine its own agenda instead of it being determined by the Committee of Ministers by referring matters to the Assembly. Right from the beginning of the Assembly's work, this was seen as being against the fundamental rights of the Assembly, limiting considerably its parliamentary freedom. Consequently, also the Committee on General Affairs saw that 'the Assembly's unfettered right to draw up its own Agenda is a question which is of fundamental importance from the point of view of its standing and prestige'.⁵⁷ While the Assembly was to refrain from discussing matters related to defense, this changed as the Korean War broke out in 1950 and the Assembly consequently actively debated also questions related to security. The strive of the Assembly towards challenging its limited agenda and broadening the scope of the debates was successful when the Statute was modified in 1951, enabling the Assembly to 'discuss and make recommendations upon any matter within the aim and scope of the Council'.⁵⁸

The relations between the Assembly and the Committee of Ministers and how to strengthen the position of the Assembly were often discussed in the Assembly and the Committee on General Affairs. The latter made notice of the 'double screening' it was subjected to both by national governments and the Committee of Ministers.⁵⁹ The need for improved cooperation between the Assembly and the Committee of Ministers was raised, for instance, by Karl K. Wistrand of Sweden (Conservative),

⁵³Consultative Assembly, Second Session, Committee on General Affairs, 'Report Relative to the Changes', p. 399.

⁵⁴Consultative Assembly, Second Session, Committee on General Affairs, 'Report Relative to the Changes', p. 375.

⁵⁵Consultative Assembly, *Reports*, Second Session, 20th Sitting, 28 August 1950, p. 1114, 1116.

⁵⁶Consultative Assembly, *Reports*, Second Session, 21st Sitting, 28 August 1950, p. 1174.

⁵⁷Consultative Assembly, Second Session, Committee on General Affairs, 'Report Relative to the Changes', p. 398.

⁵⁸Statute of the Council of Europe, Article 23.

⁵⁹Consultative Assembly, Second Session, Committee on General Affairs, 'Report Relative to the Changes', p. 387.

noting how the Assembly – though being consultative by definition – was being ‘hardly ever consulted’ by the Committee, nor did it put forward proposals requiring the opinion of the Assembly. The passivity of the Committee was seen as a problem: its representatives were, for instance, not present in the deliberations of the Assembly. Wistrand described the Committee of Ministers as having become ‘a somewhat forbidding institution hovering over us like the gods on Olympus, accepting or rejecting our proposals’.⁶⁰

Two fronts of European integration and the Assembly

In 1950 and 1951, the deliberations in the Consultative Assembly and the Committee on General Affairs were strongly impacted by two directions of European integration. The Schuman Declaration of May 1950 led to the establishment of the European Coal and Steel Community, and thus the beginning of the integration of France, Germany, Italy, and the Benelux countries, while the United Kingdom, Republic of Ireland, and the Nordic countries did not favour this level of integration.

The third report of the Committee on General Affairs was presented to the Assembly on 22 November 1950. The Committee endorsed an amending protocol submitted by Ronald Mackay, which proposed some significant changes to the Council’s political structure and ‘aimed at radically transforming the Statute with a view to conferring legislative and executive powers on the Council of Europe’.⁶¹ In its resolution, the Assembly defined the ‘European authority’ as ‘a Parliament of Two Houses comprising of the Committee of Ministers and the Assembly’.⁶² In the protocol amending the Statute, Mackay proposed renaming the Consultative Assembly as a Legislative Assembly which members would first be elected by the national parliaments and later directly. The Acts of the Council would be legally binding upon the members.⁶³

While the Mackay report argued strongly for a supranational political authority, a motion by Ugo La Malfa (Republican, Italy) and other colleagues – although seeing the importance of supranational powers to the Assembly – urged the Assembly to remain in its existing constitutional framework and take advantage of its consultative powers. It noted how the Assembly seemed weak in relation to the Committee of Ministers. However, rather than asking the Committee of Ministers to change the Statute, La Malfa suggested making possible the ‘effective exercise of the consultative function attributed to the Assembly by the Statute’ which would mean also ‘full political and technical discussion of plans and initiatives having a European bearing’. It was recommended that the Council member states would ‘inform the Committee of Ministers of any project or proposal with European implications’, and the Committee of Ministers would send it to the Assembly for a consultation. Furthermore, the text of the motion made notice of the internal divisions of the Assembly, mentioning the struggle between federalists and

⁶⁰Consultative Assembly, *Reports*, Second Session, 20th Sitting, 28 August 1950, p. 1126.

⁶¹Consultative Assembly, *Documents, Working Papers*, ‘Third Report Relative to the 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 Co-operation in the Various Fields Specified in Article 1 of the Statute’, 22 November 1950, p. 1188.

⁶²Consultative Assembly, *Documents, Working Papers*, ‘Resolution Relating to a Protocol Amending the Statute of the Council of Europe’, p. 1197.

⁶³Consultative Assembly, *Documents, Working Papers*, ‘Protocol for the Amendment of the Statute of the Council of Europe’, pp. 1200, 1203.

functionalists, and how the idea of the total federation had been replaced by the idea of partial federation and specialized authorities.⁶⁴

The Committee on General Affairs considered both the amendment to the Statute and the proposals made by La Malfa. The Fourth report of the Committee on General Affairs on Constitutional Questions was presented to the Assembly on 26 November 1951.

With the new draft statute, the Committee aimed 'to find a compromise whereby the Council of Europe can in time develop into that political authority which can alone prevent yet further division at a time when unity is the condition of our survival'. The Assembly was given 'the chance to make new start' in connection to European organizations and specialized authorities. The model proposed aimed not at a federation in a political situation in which 'old and proud nation-States have been forced by two wars to realize that their future can lie only in unity, but at the same time those wars have erected tremendous barriers to any immediate and sweeping solutions'. The Committee called for 'some new and flexible form of machinery', enabling 'Europe to tackle effectively those specific problems that only Europe as a whole can solve'.⁶⁵

The proposals for expanding the authority of the Assembly were quite moderate, aiming to 'the development of the Assembly's consultative functions'⁶⁶: As the deliberative organ, the Assembly was to deliberate on 'all matters included in the aims of the Council of Europe', and 'determine its own Agenda'. The Assembly was also to 'pass Motions, make Recommendations, draft Conventions, and give its opinion upon any matter within its aim and scope' (Draft Statute, Article 22), and its members were to be elected by their respective national parliaments (Draft Statute, Article 24). The Assembly would have two ordinary sessions a year (Draft Statute, Article 28). The draft statute also proposed a joint committee consisting of members from both the Assembly and the Committee of Ministers to act as an organ of coordination between the two bodies of the Council (Draft Statute, Article 28).⁶⁷

On 26 November 1951, the Committee on General Affairs also presented an additional report on the aims and prospects of European policy. The Committee saw that the Council of Europe was 'passing through a period of crisis', as 'little progress had been made in building a united Europe' and that that 'public opinion and national parliaments were beginning to show a certain weariness and of disappointment at what was being done – or [...] not being done – in Strasbourg'.⁶⁸ Furthermore, the ECSC meant forming a common European political authority for those states that were part of it, and it allowed certain states to be united in certain areas. The report emphasized how it would also represent 'a distressing withdrawal from the original ideas which inspired the creation of the Council of Europe', 'give concrete proof of the divorce between the

⁶⁴Consultative Assembly, *Documents, Working Papers*, 'Motion Relative to the Alteration of the Statute with a View to Achieving Some Effective and Concrete Definition of the Consultative Function of the Assembly', 23 November 1950, pp. 1241–7.

⁶⁵Consultative Assembly, *Documents, Working Papers*, Third Session, 'Changes in the Political Structure of Europe Necessary to Achieve Closer Unity between the Members of the Council of Europe and to Bring about Effective Co-operation in the Various Fields Specified in Article 1 of the Statute. Report on Constitutional Questions', 26 November 1951, pp. 740–3.

⁶⁶Consultative Assembly, 'Changes in the Political Structure', p. 743.

⁶⁷Consultative Assembly, *Documents, Working Papers*, 'Draft New Statute of the Council of Europe', 26 November 1951, pp. 753–4, 756, 764.

⁶⁸Consultative Assembly, *Documents, Working Papers*, Third Session, 'Aims and Prospects of European Policy. Report on the Aims and Prospects of European Policy', 26 November 1951, pp. 779–80.

Great Britain and the Continent of Europe' and would be considered 'as signifying the breakdown of the whole European idea'.⁶⁹

In its report, the Committee reaffirmed that the fundamental aim would be establishing 'European political authority with limited functions and real powers' and urgently appealed to the United Kingdom to remain part of it. The establishment of political authority had become connected also to the European Army, which the Assembly had made first appeal for.⁷⁰ The report also suggested holding a European conference for representatives of parliaments and governments and European organizations 'to re-group, coordinate, and re-organize European institutions'.⁷¹ The idea was to 'lay the foundations of a new organisation of Europe'⁷², similarly to the conference held in the Hague in 1948 leading to the establishment of the Council.

The report mentioned the division in the Committee on General Questions: opinions were divided on the course of European integration. While the Committee followed a functionalist approach, there were also representatives favouring

the constitution of a Continental Parliamentary Assembly, whose members would be chosen by 'some form of universal franchise, for example, a restricted, or second-degree franchise'. This Assembly would exercise 'a democratic control' over 'the European Political Executive' which the Continental States would establish among themselves.⁷³

In the third Session of the Consultative Assembly in November and December 1951, the British and the Nordic representatives objected to the final proposals for reforming the Council and the Statute, leading only to the adoption of very moderate recommendations, thereby also abandoning the idea of a European political authority in which all the Council member states would be part. Consequently, it also meant dashing the federalist hopes of strengthening the parliamentary and political authority of the Assembly. The European Coal and Steel Community emerged as a supranational institution and the Council of Europe remained intergovernmental.⁷⁴

Conclusion

This article has examined how the representatives in the Consultative Assembly contested and aimed at renegotiating the limited powers of the Consultative Assembly in 1949–51. Based on this analysis, it can be argued that there was indeed 'a missed opportunity' for the Assembly to become supranational which could potentially have influenced the course of the European integration. The context was the drafting of the European political authority which aimed at increasing both the political powers of the Council as well as strengthening the role of the Assembly. Even if the success of the attempts remained moderate, they are highly meaningful for the study of political theory and practice of parliamentarism in the postwar framework.

The members of the Committee on General Affairs clearly had different visions of the future political structure of Europe and the course of the integration. They also had

⁶⁹'Aims and Prospects of European Policy', p. 787.

⁷⁰'Aims and Prospects of European Policy', p. 781.

⁷¹'Aims and Prospects of European Policy', p. 789.

⁷²'Aims and Prospects of European Policy', p. 782.

⁷³'Aims and Prospects of European Policy', p. 788.

⁷⁴Wassenberg, *History of the Council of Europe*, p. 30.

different views on the political authority of the Assembly: whether it could be developed into a supranational legislative and representative assembly, or rather remain regional and in the control of governments. The working method also impacted on the deliberations: the Committee aimed at a compromise, a unanimous view that could be acceptable to the parliamentarians coming from different parliamentary and theoretical backgrounds.

A particular contestation concerned the relations between the two bodies of the Council: The Committee of Ministers and the Consultative Assembly. Our analysis suggests that it was not altogether clear at the period how extensive powers were to be given to the various organs of the Council of Europe. In other words, the question was open to debate, and thus a matter of conceptual disagreement on what was understood as ‘power’ or ‘authority’ on the European level and, consequently also, what the parliamentary status of the Assembly would be.

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