

**ACP - EEC
CONSULTATIVE ASSEMBLY**

Working Documents

1980 - 1981

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Report

drawn up on behalf of the Joint Committee

**on the new institutional provisions of the Lomé II Convention and
amendments that might be made to the Rules of Procedure of the
ACP-EEC Consultative Assembly**

Draftsman: Mr G. JAQUET

At its meeting of 28 September 1978 in Luxembourg, the Joint Committee decided to draw up a report on the new institutional provisions of the Lomé II Convention and the amendments that might be made to the Rules of Procedure of the ACP-EEC Consultative Assembly.

At this meeting Mr Spénale was appointed rapporteur.

The draft report was considered by the Joint Committee at its meeting of 31 January 1979 in Bordeaux (France).

At its meeting of 9 October 1979 in Luxembourg, the Joint Committee appointed Mr Jaquet rapporteur in place of Mr Spénale.

At its meeting of 27 February 1980 in Arusha (Tanzania) the Joint Committee unanimously adopted the draft report presented by Mr Jaquet.

Present: Mr Bersani, co-chairman; Mr Jaquet, rapporteur; Mr Balfe (deputizing for Mr O'Leary), Mr Barbi, the representative of Cameroon, Mrs Caretoni Romagnoli (deputizing for Mr Bonaccini), Mrs Cassanmagnago Cerretti, Mrs Castellina, Mrs Castle, Mr Cohen, Mr Colla, the representative of the Congo, Mr Dalziel, Mr Delcau (deputizing for Mr Messmer), Mr Denis, the representative of Djibouti, Mr Enright, Mrs Ewing, Mr Fellermaier (deputizing for Mr Hume), Mr Fergusson, Mr Ferrero, the representative of Fiji, Mr Flanagan, Mrs Flesch, Mrs Focke, Mr Forster, Mr Früh, Mr Glinne, Mr de Goede, Mr Griffiths (deputizing for Mr Seefeld), the representatives of Guinea and of Guyana, Mr Haagerup, Mr Irmer, Mr Jürgens, the representative of Kenya, Mr Kühn, Mr Lezzi, Mr Ligios (deputizing for Mr Collomb), Mr Luster, the representative of Madagascar, Mr Michel, Mr Moreau, Mr Narducci, the representative of Nigeria, Mr Pearce, Mr Penderg, Mrs Poirier, Mr Poniatowski, Mr Pulletti, the representative of Ruanda, Mr Ryan, Mr Sablé, Mr Schiler, Mr Konrad Schön, the representative of Senegal, Mr Sherlock, the representatives of Somalia and of Swaziland, Mr Taylor (deputizing for Mr Jakobsen), the representative of Tonga, Mr Turner, the representative of Uganda, Mr Vandewiele, Mr Vergeer, Mr Vergès, Mrs Walz, Mr Wawrzik, the representative of Zaire.

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The Joint Committee hereby submits to the ACP-EEC Consultative Assembly the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the new institutional provisions of the Lomé II Convention

The Consultative Assembly,

- meeting in Luxembourg from 24 to 26 September 1980,
 - having regard to the new institutional provisions of the Lomé II Convention,
 - having regard to the report of the Joint Committee (Doc. ACP-EEC/17/80),
 - having discussed this report,
1. Is pleased that the institutional provisions of the Lomé II Convention were formulated on the basis of mutual consultation between the two institutions concerned;
 2. Stresses that consultation of this kind is in tune with the Assembly's repeated wish for closer relations leading to genuine cooperation between the institutions of the Convention;
 3. Notes the improvement in institutional provisions in relation to the previous Convention, mainly as regards:
 - recognition of the role played by the Committee of Ambassadors, which is described as the third institution of the Convention, thus formalizing a de facto situation,
 - expansion of the role of the Consultative Assembly and strengthening of links between the latter and the ACP-EEC Council,
 - recognition of the existence and duties of the Joint Committee as an organ of the Assembly,
 - recognition of the possibility of the Consultative Assembly establishing the necessary contacts with economic and social circles;
 4. Hopes that as a result of these provisions the institutions will be better equipped to achieve the aims of the Convention;
 5. Deplores the fact that the new Convention makes no mention of the possibility of members of the Consultative Assembly putting written and oral questions to the ACP-EEC Council, with the result that the provisions of Rules 17 and 18 of the Rules of Procedure remain a dead letter;

6. Instructs its Bureau to continue negotiations with the ACP-EEC Council with a view to concluding an agreement on measures for implementing a system of written and oral questions. .

The Joint Committee hereby submits to the Bureau of the ACP-EEC Consultative Assembly the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on amendments to be made to the Rules of Procedure
of the Consultative Assembly

The Bureau of the Consultative Assembly,

- having regard to the Joint Committee's report on amendments to be made to the Rules of Procedure (Doc. ACP-EEQ/17/80),
- having discussed this report,
- noting that the Rules of Procedure will have to be adjusted because of the entry into force of the Lomé II Convention and its institutional provisions,
- considering that it would be appropriate at this time to draw on recent experience in adjusting the Rules of Procedure,

Submits the following amendments to the Consultative Assembly:

Cover page

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|------------|------------|
| - heading | unchanged |
| - title | unchanged |
| - footnote | - footnote |

Pursuant to Article 80(2) of the ACP-EEC Convention signed at Lomé on 28 February 1975, the Consultative Assembly adopted these Rules of Procedure at its constituent meeting held in Luxembourg on 1 June 1976.

Pursuant to Article 175(2) of the ACP-EEC Convention signed at Lomé on 31 October 1979, the Consultative Assembly adopted these Rules of Procedure at its constituent meeting held in Luxembourg on

Articles 1 and 2 unchanged

Article 3

Attendance of other institutions

1. The ACP-EEC Council of Ministers, hereinafter called 'the Council', may attend meetings of the Assembly and of the Joint Committee.

Article 3

Attendance of other institutions

1. The ACP-EEC Council of Ministers, hereinafter called 'the Council', and the Committee of Ambassadors may attend meetings of the Assembly and of the Joint Committee.

Paragraph 2 unchanged

Articles 4 to 14 unchanged

Article 15

Assembly resolutions

1. Any member of the Assembly may table a motion for a resolution on matters concerning or covered by the Convention. Such a motion shall not be voted on by the Assembly until it has been printed in the official languages and distributed.

2. The Assembly shall refer motions for resolutions to the Joint Committee, which shall submit to it its findings, including a substantive text to be put to the vote.

Article 15

Assembly resolutions

1. unchanged

2. The Assembly shall refer motions for resolutions to the Joint Committee, which shall submit to it its findings, including a substantive text to be put to the vote.

Resolutions or recommendations adopted by the Assembly shall be forwarded to the Council and the Committee of Ambassadors.

Articles 16 to 20 unchanged

Article 21

Joint Committee

1. There shall be set up a Joint Committee, hereinafter called 'the Committee', consisting of one representative from each of the ACP and of an equal number of representatives from the European Parliament.

2. The Committee shall have two Chairmen.

3. The Committee shall be elected by the Assembly from among its members at each annual meeting. The representatives of the European Parliament on the one hand, and the ACP representatives on the other, shall nominate their candidates, in each case in accordance with their own procedure. The number of candidates put forward shall not exceed the number of seats to be filled. Each list of candidates shall also include a candidate for the office of Chairman. Candidatures shall be submitted to the Bureau, which shall place them before the Assembly.

4. Between meetings of the Assembly, the Committee shall meet once a year on the initiative of its Chairmen. If necessary, an extraordinary meeting may also be convened by decision of the Presidents of the Assembly.

Article 21

Joint Committee

1. unchanged

2. The Committee shall have two Chairmen and four Vice-Chairmen who shall constitute the Bureau of the Committee.

2a. The Bureau shall meet at regular intervals to prepare the work of the Committee, follow up the action taken thereon and on the resolutions of the Consultative Assembly, and establish the necessary contacts with the co-chairmen of that Assembly, the Council and the Committee of Ambassadors.

3. The Committee shall be elected by the Assembly from among its Members at each annual meeting. The representatives of the European Parliament on the one hand and the ACP representatives on the other shall nominate their candidates, the number of whom shall not exceed the number of seats to be filled, in accordance with their respective procedures. Each list of candidates shall also include a candidate for the office of Chairman and two candidates for the posts of Vice-Chairman. Candidatures shall be submitted to the Bureau which shall place them before the Assembly.

4. unchanged

4a. In the context of the agenda, the bureau may propose to the Committee a procedure for the organization of debates. On a proposal from the Chairman the Committee may decide to limit speaking time.

5. Apart from the committees that may be set up by the Assembly under Article 80(5) of the Convention, ad hoc consultative committees composed on a basis of parity may be set up by the Committee to carry out specific tasks while the Committee is at work.

5. Apart from the committees that may be set up by the Assembly under Article 175(5) of the Convention, ad hoc consultative committees composed on a basis of parity may be set up by the Committee to carry out specific tasks. Any work to be carried out by these ad hoc consultative committees between meetings of the Committee shall be subject to the authorization of the Committee Bureau.

Paragraphs 6 to 9 unchanged

Article 22

Secretariat

The Secretary-General of the European Parliament and a person appointed by the President representing the ACP shall jointly take all the necessary steps to facilitate the work of the Assembly and of the Committee. They shall be answerable to the Assembly Bureau.

Article 22

Secretariat

The Secretary-General of the European Parliament and a person appointed by the President representing the ACP shall take all the necessary steps pursuant to Article 175 (9) of the Convention to facilitate the work of the Assembly and of the Committee. They shall be answerable to the Assembly Bureau.

Articles 23 and 24 unchanged

EXPLANATORY STATEMENT

INTRODUCTION

At the meeting of the Joint Committee in January 1979 in Bordeaux, Mr Spénale, the former rapporteur on these matters, presented an initial draft report. The ensuing discussion showed clearly that there was wide support for Mr Spénale's proposals among the members of the Joint Committee. Reservations were expressed, in particular by the ACP representatives, on only one point, namely the composition of the Assembly and its Joint Committee.

As regards more particularly the proposals concerning the institutional provisions of the Convention (reference in the Convention to the existence of the Joint Committee; procedure for written and oral questions; institutionalized consultation of economic and social circles), the Joint Committee instructed its two Chairmen and the Presidents of the Consultative Assembly to inform those negotiating the new Convention of Mr Spénale's recommendations.

On 24 May 1979, the delegation of the Consultative Assembly and the Joint Committee had an opportunity to indicate its views to the President of the ACP-EEC Council and the President of the Council of the European Communities. The new Convention was signed on 31 October 1979 in Lomé.

Mr Spénale's initial draft report must be amended, therefore, to take account of subsequent developments. The proposed amendments to the Rules of Procedure must also take account of the views expressed at the Joint Committee's discussions.

CHAPTER I - THE NEW INSTITUTIONAL PROVISIONS OF THE LOMÉ II CONVENTION

A detailed and, on the whole, fruitful discussion took place at the meeting between the Consultative Assembly-Joint Committee delegation and the Presidents of the Councils on 24 May 1979. In particular, agreement emerged between the two parties on the following points:

- the need to give legal recognition to the existence and role of the Joint Committee,
- the definition of the role of the Consultative Assembly,
- the links to be established between the Consultative Assembly and the representatives of the economic and social circles.

However, in spite of the efforts of the parliamentary delegation, it was not possible to dispel the reservations of the Council of the European Communities regarding the inclusion, in the provisions of the new Convention, of procedures for written and oral questions.

The final version of the new Convention reflects this situation.

Para. 1 : Reference to the Joint Committee

On the question of recognizing the Joint Committee, Article 175(5) of the new Convention reads:

'The proceedings of the Consultative Assembly shall be prepared by a Joint Committee. The Consultative Assembly may in addition set up ad hoc consultative committees to undertake such specific activities as it shall determine.'

The second sentence of paragraph 5 has been taken over almost word for word from Article 80(5) of the previous Convention.

It will be recalled that it was by virtue of an extremely broad interpretation of the latter provision that the Consultative Assembly in fact set up the Joint Committee under the Lomé I Convention. As the Joint Committee is not ad hoc and does not undertake specific activities, this is not a satisfactory situation.

For this reason, the Consultative Assembly and its Joint Committee successfully requested that the Lomé II Convention should formalize the status of the Joint Committee by incorporating the provisions of the two Yaoundé Conventions. This cleared up any ambiguity regarding the existence and role of the Joint Committee as an organ of the new Convention. The existence of the Joint Committee is justified by the obvious need for the Consultative Assembly, which normally meets only once a year, to have a body responsible for preparing its proceedings, providing assistance, and possibly following up its work. A parallel can be seen here with the situation of the Council of ACP-EEC Ministers, which is assisted in its work by the Committee of Ambassadors as it meets only once a year.

Para. 2 : Expansion of the role of the Consultative Assembly

Article 175(2) of the Lomé II Convention reads 'The Consultative Assembly shall consider ways and means of strengthening the co-operation between the Community and the ACP States and furthering the objectives of this Convention. It may submit to the Council of Ministers any conclusions and make any recommendations it considers appropriate, in particular when examining the Council of Ministers annual report'.

In the Lomé I Convention, the description of the role of the Assembly was more succinct and the text stated only that 'Each year, the Council of Ministers shall submit a report on its activities to the Consultative Assembly' (Article 80(4)) and that 'The Consultative Assembly may adopt resolutions on matters concerning or covered by this Convention' (Article 80(6)).

The new text therefore marks a considerable increase in the scope of action of the Consultative Assembly by comparison with the terms of the old Convention. Within the overall objectives of the Convention, it could in fact be considered virtually unlimited. Furthermore, the objectives set out in the preamble to the Convention are so wide-ranging and general as to encompass almost all policy areas, and thus enable the Consultative Assembly to discuss and put forward proposals on almost any matter.

In addition to expanding the Consultative Assembly's field of activity, the new provisions strengthen the institutional links between the Assembly and the ACP-EEC Council.

The provisions of the Lomé I Convention merely indicated the possibility of the Assembly adopting resolutions without specifying what action would be taken subsequently. Article 175(2), on the other hand, states that the Assembly may submit to the Council of Ministers the recommendations or conclusions adopted at its meetings. This highlights the institutional interaction between the Council, which submits an annual report to the Assembly, and the Assembly itself, which submits its recommendations or views to the Council.

Para. 3 : Consultation of economic and social circles

Article 74(6) of the Lomé I Convention provides that 'The Council of Ministers may make all the arrangements that are appropriate for ensuring the maintenance of effective contacts, consultations and co-operation between the economic and social sectors of the Member States and of the ACP States'. This article remained a dead letter under the Lomé I Convention, as the Council did not see fit to create the necessary structures for consultation and cooperation with economic and social circles.

The Consultative Assembly took the initiative of organizing talks with the economic and social partners. In the conclusions of the report presented by Mrs Matti (and adopted by the Consultative Assembly on 25 September 1978 - Doc. ACP-EEC 9/78), it is recommended that this initial experiment be repeated as early as the next meeting of the Joint Committee in June 1980.

At the meeting of 24 May 1979, the parliamentary delegation stressed not only the need to redraft Article 74(6) to make it more stringent (this came to nothing as the present Article 168(6) has exactly the same wording as Article 74(6) of the Lomé I Convention), but also the advisability of stating clearly the possibility of the Consultative Assembly establishing links with economic and social circles. On the latter point the parliamentary delegation was successful, as Article 175(7) specifies that 'The Consultative Assembly may, on an ad hoc basis, establish such contact as it considers desirable in order to obtain the views of the economic and social circles on co-operation under this Convention'.

Para. 4 : Impasse on the problem of written and oral questions

Articles 17 and 18 of the Consultative Assembly's Rules of Procedure allow any member to put written or oral questions to the Council of ACP-EEC Ministers. In his draft report, Mr Spénale stressed the importance of this procedure, which enables members of the Assembly, and hence of the Joint Committee, to keep abreast of developments on matters relating to the Convention and also to exert a certain measure of control over the Council. Unfortunately, these provisions remained a dead letter under Lomé I, as the Council took no decision on the matter.

Apart from limiting the Consultative Assembly's powers of control, failure to apply the system of written and oral questions leads to discrimination between members of this institution. The European Parliament's representatives in the Consultative Assembly can always question the Council or Commission of the European Communities on matters relating to the Convention, whereas the ACP representatives, or at least those who are not also members of the Committee of Ambassadors, do not have this possibility.

For all these reasons, the parliamentary delegation proposed at the meeting of 24 May 1979 that Article 175 should provide members of the Assembly with the possibility of putting questions to the Council of ACP-EEC Ministers, with request for written or oral answer in accordance with the procedures jointly adopted by the two institutions. The parliamentary delegation felt that the procedures provided for in Articles 17 and 18 of the present Rules of Procedure would have been appropriate.

The negotiators of the new Convention did not feel obliged to adopt the parliamentary delegation's recommendations in this connection. As a result, the Lomé II Convention, like Lomé I, makes no mention of this matter. In view of this situation, the Consultative Assembly and its Joint Committee should adopt the method once recommended by Mr Spénale, namely that the two institutions of the Convention should seek agreement on methods of implementing the system of written and oral questions.

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Mention must be made at the end of this chapter of another new feature of the institutional provisions of the Lomé II Convention. Article 175(9) specifies that 'The secretariat duties and other work necessary to the functioning of the Consultative Assembly shall be carried out on the basis of parity and in accordance with the conditions laid down in the rules of procedure of the Consultative Assembly' (a provision which does not feature in the Lomé I Convention).

This provision is exactly in line with the proposal made by the parliamentary delegation at its meeting with the Presidents of the Councils on 24 May 1979.

CHAPTER II - PROPOSED AMENDMENTS AND ADJUSTMENTS TO THE RULES OF PROCEDURE

As stated earlier, many of the institutional provisions proposed in the draft report presented by Mr Spénale in January 1979 have already been put into practice.

This chapter gives details of the proposals for amendment of the Rules of Procedure put forward at the Joint Committee's meeting in Bordeaux, and considers to what extent the Rules of Procedure need to be adapted to the new institutional provisions of the Lomé II Convention.

Para. 1 : Establishment of an executive body for the Joint Committee

The Lomé Convention stated that 'The institutions of this Convention are the Council of Ministers, assisted by the Committee of Ambassadors, and the Consultative Assembly'. There are only two institutions, therefore, the Committee of Ambassadors being merely an organ of the Council.

Nevertheless, in practice, a different state of affairs has evolved and under Lomé I; the role played by the Committee of Ambassadors has been gaining steadily in importance.

This development was a logical consequence of the written provisions. Compared with the two institutions, the Committee of Ambassadors has the enormous advantage of being a permanent body. Because of this, i.e., because of its ability to meet at any time and so monitor the implementation of the Convention from day to day, the Committee of Ambassadors has become the pivotal organ which administers the Convention and, under delegated powers, draws up and indeed adopts measures for the adjustment of the Convention.

In order to formalize this de facto situation, the new Convention stipulates that 'The institutions of this Convention are the Council of Ministers, the Committee of Ambassadors and the Consultative Assembly'.

Neither the Council of Ministers nor the Consultative Assembly has this permanent nature. According to the Lomé I and II Conventions 'Meetings of the Council of Ministers shall be called once a year' and it 'shall, in addition, meet whenever necessary'. Similarly the Assembly 'shall meet at least once a year'. As for the Joint Committee, the Rules of Procedure provide that 'Between meetings of the Assembly, (it) shall meet once a year'.

It follows inevitably from this that it is not possible for the Joint Committee, much less the Consultative Assembly, to supervise in a comprehensive, detailed and continuous manner the application of the Lomé Convention. The monitoring function of the Consultative Assembly is in practice limited to examining, on the basis of a draft report from the Joint Committee, the annual report on the Council's activities. But even within this restricted framework, neither the Consultative Assembly nor the Joint Committee is able at present, because of its composition and mode of operation, to check at the appropriate time what action has been taken on the opinions or views it has expressed.

This restriction of the Assembly's scope for control (coupled with the failure to apply the system of written and oral questions) could be offset to some extent by amending the Rules of Procedure. In the rapporteur's opinion this does not mean that changes in the Rules of Procedure could fundamentally alter the role of the Consultative Assembly and its Joint Committee as an institution of the Convention. However, these changes could mitigate some of the adverse effects of the excessively long 'slack' periods between Assembly sessions or meetings of the Joint Committee. The aim, let it be re-emphasized, is to achieve a degree of continuity with regard to information and control.

Experience shows that the setting up of the Consultative Assembly's Bureau¹ cannot in itself satisfy this need as long as the Bureau can meet only during the Assembly's annual session.

¹ Article 6 - Bureau

1. At the beginning of each annual meeting, the Assembly shall elect its Bureau, which shall consist of 12 members. Six of these shall be put forward by the representatives of the European Parliament and six others by the ACP representatives, in each case in accordance with their own procedure.
2. The Assembly shall elect two Presidents from among the members of the Bureau, one to be put forward by the ACP representatives and the other by the representatives of the European Parliament. The remaining members of the Bureau shall be the Vice-Presidents of the Assembly.
3. The Bureau shall coordinate the work of the Assembly and discharge the other duties and responsibilities assigned to it under these Rules of Procedure or by the Assembly.
4. The Bureau shall meet when convened by its Presidents.

The present Rules of Procedure make no provision for an executive body for the Joint Committee. They merely state that the Committee shall have two Chairmen (Article 21(2)). This joint office could be expanded and its role enhanced. A further two ACP and two European Vice-Chairmen could be appointed and the Committee's role could be strengthened by providing in the Rules of Procedure that its Bureau should meet at regular intervals to prepare the Committee's work, to establish the necessary contacts with the Council and the Committee of Ambassadors, to take action on the declarations which had been adopted, etc.

Para. 2 : Composition of the Consultative Assembly and of the Joint Committee

Article 1(1) of the Rules of Procedure states that the Consultative Assembly 'shall consist of two representatives of each of those States (ACP) appointed in accordance with the procedure laid down by each of them, and of an equal number of representatives of the European Parliament appointed from among its Members'.

The composition of the Joint Committee is governed by Article 21, which lays down that it shall consist of 'one representative from each of the ACP and of an equal number of representatives from the European Parliament'.

As under the Yaoundé Conventions, parity of representation in these two bodies is on a numerical basis. This system brought the strength of the Joint Committee to 116 members, compared to 232 in the Consultative Assembly. Moreover, there is every indication that these numbers will continue to increase under the new Convention. At the beginning of the Lomé I Convention the figures were only 92 and 184 respectively.

A Joint Committee on this scale creates its own technical and financial problems at each meeting: technical insofar as it is becoming more and more difficult to find Member States of the Convention, apart from those where the European Parliament's part-sessions are normally held, who have the necessary infrastructure to hold meetings of the Joint Committee; financial in that these meetings entail substantial costs given the number of members and the necessary staff.

Leaving aside these practical considerations, the Joint Committee, with growing membership, is tending to lose its 'parliamentary working party' image and becoming a full-scale Assembly.

Thus, the question arises whether the system of numerical parity between the ACP representatives and the representatives of the European Parliament should be abandoned, especially as legal and political parity is ensured at any event by the provisions of Article 14(5) and Article 21(8), which

stipulate that both in the Assembly and in the Joint Committee a motion can be adopted only 'if it has secured a majority of the votes cast by the ACP representatives and a majority of the votes cast by the representatives of the European Parliament'.

In his draft report, Mr Spénale suggested that a first step might be to reduce the European Parliament's representation to the 35 members of its Committee on Development and Cooperation. He went on to say that if this solution were adopted, it would be up to the ACP members to see whether and how they could work out among themselves an alternative method of representing their states in the Joint Committee.

Quite apart from the fact that the Joint Committee expressed reservations regarding Mr Spénale's proposal to reduce the European Parliament's representation to 35 members, the proposal itself is now no longer valid. Since the European Parliament was elected directly by universal suffrage, the Committee on Development and Cooperation numbers only 27 members. As the ACP States have 58 representatives, there would be too great an imbalance in spite of the provisions of Article 21(8) of the Rules of Procedure.

An alternative solution would be to limit the European Parliament's representation in the Joint Committee to the 27 full members and 27 substitutes of the Committee on Development and Cooperation. The European Parliament's representation would thus be fixed once and for all at 54 members, irrespective of the number of ACP signatories to the Lomé II Convention. This approach, like that of Mr Spénale, would also have the advantage of ensuring, by means of a legal text, the presence in the Consultative Assembly and the Joint Committee of those members of the European Parliament who, as members of the Committee on Development and Cooperation, have to deal all year round with matters relating to the ACP-EEC Convention.

For reasons both of a legal and institutional nature and of political expediency, the Joint Committee did not feel it ought to propose a change in the present membership of the European Parliament's representation.

Para. 3 : Order and conduct of proceedings

The order of the Assembly's proceedings is governed essentially by Article 7 (presidency of sittings), Article 12 (agenda), and Article 13 (right to speak) of the Rules of Procedure.

In the case of the Joint Committee, the Rules contain no specific provision for the organization and conduct of meetings.

In your rapporteur's view, this omission has certain harmful consequences for the timing and progress of the Joint Committee's work.

For instance, the work of the Joint Committee includes consideration of the annual report on activities submitted by the ACP-EEC Council of Ministers. This annual report obviously deals with all the areas of coopera-

tion envisaged under the Convention, and outlines the developments which have occurred in each of these. Consideration of this report thus involves an extremely lengthy general debate in which each speaker in turn goes through all the chapters of the Convention, putting forward his own assessments, criticisms and proposals. This tendency to retrace, in each and every speech the history of the Convention, the progress of its implementation, and reiterate all the problems involved, is aggravated by the somewhat ceremonial nature of the proceedings at the two meetings held by the Joint Committee each year. Apart from the fact that such conduct of proceedings is hardly consonant with the task of a parliamentary committee responsible for preparing the work of an Assembly, it also detracts from the clarity of the debate and, in the final analysis, lowers the standard of the Joint Committee's work.

A first step would be to provide in the Rules of Procedure for the possibility of limiting speaking time, for instance by adopting the provisions of Article 13(2) which apply to the Consultative Assembly. But this in itself would not be sufficient to ensure the orderly and coherent progress of the debate. It could be effective only in combination with another provision, necessary for the reasons described above, concerning the order in which the annual report on the Council's activities is to be debated. The Bureau should be able to propose to the Joint Committee how the total time available for the debate on the report is to be subdivided into periods devoted to the systematic examination of the main sections of the report.

As far as the Rules of Procedure are concerned, apart from the stipulation of the possibility of limiting speaking time, this would require only a provision stating that, within the framework of the agenda, the Bureau may propose to the Joint Committee that the debate be organized following a certain procedure.

A similar procedure could be applied mutatis mutandis to the proceedings in the Consultative Assembly.

In submitting these suggestions to the Joint Committee, your rapporteur fully appreciates that the wording of the Rules of Procedure cannot in itself constitute a panacea for all the problems connected with the sequence and orderly conduct of the proceedings. The Rules of Procedure are but an instrument, the effectiveness of which depends essentially on the goodwill of those who use it.

Para. 4 : Ad hoc working parties

Article 21(5) of the Rules of Procedure provides that 'Apart from the committees that may be set up by the Assembly under Article 80(5) of the Convention, ad hoc consultative committees composed on a basis of parity may

be set up by the Committee to carry out specific tasks while the Committee is at work'.

Apart from setting up the Joint Committee (which, as has been pointed out, is neither an ad hoc committee nor is it entrusted with specific tasks), the Consultative Assembly did not set up any committees under the Lomé I Convention.

The Joint Committee on the other hand has made use of the possibility afforded under Article 21(5) and has only recently set up three joint working parties: one to study specific problems within the framework of the Lomé Convention, a second responsible for submitting to the Joint Committee proposals for ensuring that the rights of migrant workers, students and trainees who are citizens of ACP countries resident in one of the countries who are signatories to the Convention are respected, and a third to study the problems of cultural cooperation.

Your rapporteur believes that we should welcome the use by the Joint Committee of this procedure for the creation of working parties to prepare proposals on specific problems for the Committee. Thanks to the smallness of the working parties and the absence of the constraints inherent in the conduct of meetings of a body as large as the Joint Committee, this method of working makes it possible to examine specific topics freely and in depth, and to achieve results.

There are, nevertheless, certain obstacles to the smooth functioning of these working parties. Article 21(5) stipulates that they shall carry out specific tasks while the Joint Committee is at work. This means that they can meet only for two very short periods each year. What is more, experience has shown that it is becoming increasingly difficult to organize and hold meetings concurrently with the sittings of the Joint Committee and sometimes also of the drafting committee working on the final declaration. Lastly, the fact that the ad hoc working parties can meet only for brief periods each year makes it impossible for them to work in a continuous fashion and to keep abreast of developments. They thus share one of the features of the Consultative Assembly and its bodies described in this report.

For all the above reasons, it would be advisable to change the Rules of Procedure so as to eliminate this restriction and thus enable the working parties to meet at times other than those of the meetings of the Joint Committee.

The expenditure involved in such meetings would be governed by the existing financial rules.

CONCLUSIONS

As stressed earlier, the new institutional provisions of the Lomé II Convention to a great extent reflect the views of the Joint Committee, which therefore has every reason to be pleased, although it does regret that the problem of written and oral questions has not yet been solved.

Another important point as regards relations between the ACP-EEC Council and the Consultative Assembly is the fact that, for the first time, the institutional provisions have not been adopted by the negotiators alone, but are the result of cooperation between the two institutions concerned. A motion for a resolution on the new institutional provisions of the Lomé II Convention has been submitted to the Joint Committee for approval. When the latter has considered and adopted the motion for a resolution, it will be forwarded to the Consultative Assembly.

The new institutional provisions necessitate an adjustment of the Assembly's Rules of Procedure, which were drafted on the basis of the system established by the Lomé I Convention.

For the four years they have been in force, the Rules of Procedure have enabled the Assembly and its Joint Committee to operate normally. The entry into force of the new Convention and the lessons learned from the recent methods of operation of the Assembly and Joint Committee provide an opportunity to redraft the texts in order to facilitate and improve our work.

This is the aim of the amendments to the Rules of Procedure recommended in this report and contained in a draft proposal addressed to the Bureau of the Consultative Assembly.

After the Joint Committee has considered and adopted this draft proposal it will be forwarded to the Bureau, which, under Article 24 of the Rules of Procedure¹, is the only body authorized to submit proposals for amendment of the Rules of Procedure to the Consultative Assembly.

¹ Article 24 ' Revision of the Rules of Procedure'
Amendments to the Rules of Procedure shall be decided on by the Assembly on a proposal from the Bureau.

Luxembourg
P.O.B. 1601