

# Appendix 2

# The Commonwealth of Europe Bill

Commonwealth of Europe

## A BILL

To provide for the establishment of a Commonwealth  
of Europe, and for purposes connected therewith.

*Presented by Mr Tony Benn*

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*Ordered, by The House of Commons,  
to be Printed, 17th June 1992*

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**B I L L**

TO

Provide for the establishment of a Commonwealth of Europe, and A.D. 199  
for purposes connected therewith.

**W**HEREAS it would be in the interests of the people of the United Kingdom to co-operate closely with the people in all the other countries in the continent of Europe for the welfare of all, and

Whereas the European Community set up under the Treaty of Rome has conferred too much political power on the Commission, which is not elected, nor can it be removed by democratic means, and

Whereas the Community laws, which take precedence over the domestic laws of member states, are made by the Council of Ministers, in secret, without requiring the prior consent of the elected parliaments of member states, and

Whereas the proposals for an economic, monetary and political union contained in the Treaty of Maastricht would necessarily undermine still further the democratic accountability of those with power to those over whom that power would be exercised, and

Whereas the effect of this would be to weaken the rights of the peoples of Europe to determine the policies of those in power, and

Whereas the long-term effect of these changes could be to lead to apathy, or the recrudescence of the worst form of nationalism, and

Whereas great new opportunities now exist for the creation of a wider European system, based upon the progressive harmonization of interests between the fully self-governing states in the continent;

Now therefore be it enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Within six months of the passing of this Act, Her Majesty's Government shall summon a Conference in London of the governments of all the European States listed in the Schedule to this Act, to be held not less than six months thereafter, to discuss the establishment of a Commonwealth of Europe, to which all nations in Europe should be invited to adhere.

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2. At the Conference referred to in section 1 above, the draft of a Treaty of London, in the form set out in the Schedule to this Act, shall be presented to the Conference for discussion, amendment and subsequent ratification by the processes that apply for that purpose in each of the nations willing to participate.

3. Notwithstanding section 2 of the European Communities Act 1972, all legislation that has been enacted, or may be enacted by the United Kingdom Parliament, or legislation made under the authority of the United Kingdom Parliament shall, from the passing of this Act, have precedence over any laws, directives or regulations of the European Community.

4. *There shall be paid out of money provided by Parliament any expenses of any Minister under this Act.*

5. This Act may be cited as the Commonwealth of Europe Act 1992.

# SCHEDULE

Section 1.

## THE TREATY OF LONDON

For the establishment of a

## COMMONWEALTH OF EUROPE

### PREAMBLE

WE:

The duly elected representatives of the following nations representing the peoples of Europe:

Albania  
Andorra  
Armenia  
Austria  
Azerbaijan  
Belgium  
Belorussia  
Bosnia-Herzegovina  
Bulgaria  
Croatia  
Cyprus  
Czechoslovakia  
Denmark  
Eire  
Estonia  
Finland  
France  
Georgia  
Germany  
Greece  
Hungary  
Iceland  
Italy  
Kazakhstan  
Kyrgyzstan  
Latvia  
Liechtenstein  
Lithuania  
Luxembourg  
Malta  
Moldavia  
Monaco  
The Netherlands  
Norway  
Poland  
Portugal  
Romania  
Russia  
San Marino  
Slovenia  
Spain  
Sweden  
The Swiss Confederation  
Tajikistan  
Turkey  
Turkmenistan  
Ukraine

The United Kingdom  
Uzbekistan  
The Vatican City State

**DETERMINED** to lay the foundation of an ever-closer association of the peoples of Europe for the common welfare of them all;

**ACCEPTING** that this association must be based upon the maintenance of mutual respect for the fully self-governing status of all the signatories of this Treaty;

**RESOLVED** to work for the fullest degree of co-operation between the governments here represented in all matters that concern the continent as a whole, and its relations with the rest of the world community;

**COMMITTED** to uphold the Charter of the United Nations and its decisions, and to the promotion of peace, democracy, disarmament and development and the maintenance and extension of Human Rights as specified in the United Nations Declaration of Human Rights;

**BELIEVING** that the rich and diverse cultural, political, economic, religious and institutional identity of Member States must be preserved inviolate if peace and progress are to be achieved;

**RESOLVED** to work for these ends with good-will and in a spirit of tolerance and understanding;

**HAVE DECIDED**, at our meeting in London, to create a Commonwealth of Europe, to which all entitled Nations may adhere, and which shall be in accordance with the following provisions:—

#### **Article 1**

By this Treaty, the High Contracting Parties establish amongst themselves a **COMMONWEALTH OF EUROPEAN NATIONS**.

#### **Article 2**

The Commonwealth of Europe shall assume the task of working, by common consent, for the harmonious and peaceful development of all Member States, and the welfare of all the people living in them, and of the continent as a whole.

#### **Article 3**

The tasks entrusted to the Commonwealth shall be carried out by the following institutions:

- The Assembly
- The Council of Ministers
- The Court of Justice
- The Human Rights Commission
- The Secretariat.

Each institution shall act strictly within the limits of the powers conferred upon it by this Treaty.

#### **Article 4**

Member States shall undertake to promote appropriate measures, whether general or particular, to win support from their own parliaments to secure fulfilment of the obligations arising out of this Treaty, or resulting from recommendations made by the institutions of the Commonwealth.

## Article 5

Member States shall, in cooperation with the institutions of the Commonwealth, seek to use their best efforts to harmonize their policies.

## Article 6

The institutions of the Commonwealth shall take no action that would prejudice the interests of any Member State, or its fully self-governing status.

## Article 7

Any independent Nation whose frontiers lie partly, or wholly, within the Continent of Europe shall be eligible to join the Commonwealth, subject only to the consent of a majority of the Members of the Assembly.

## Article 8

Any Member State shall be free to leave, after giving twelve months' notice to the Secretariat.

## Article 9

The Assembly may suspend the membership of any Member State by a simple majority vote, and may extend, or lift, that suspension at any time.

## Article 10

This Treaty shall remain in force for an indefinite period, unless a majority of the Assembly, and of the Council of Ministers, recommend that it be terminated.

## Article 11

This Treaty shall come into force when it has been ratified by the National Parliaments of a majority of the Nations whose representatives have signed it, and when a majority of the peoples of those Nations have approved it by a simple majority in referenda in their respective countries.

# THE INSTITUTIONS

## Article 12

### THE ASSEMBLY

The Assembly shall be composed of a maximum of five hundred Members, and of men and women in equal numbers; and the representation of each Member State shall reflect the proportion which its population represents of the total population of Member States; save that in calculating such representation fractions shall be disregarded, provided always that a Member State shall have at least two representatives.

It shall be elected for a four year term, on the basis of an electoral system to be chosen by each Member State, provided that there shall be a single polling day within three months of the coming into force of this Treaty.

It shall meet in public and shall have the responsibility for determining the policy of the Commonwealth as a whole, subject to the limitations set down in the Preamble to this Treaty.

It shall elect its own presiding officer each year, may determine its own procedure and shall have power to establish its own Committees.

Its Members shall be paid out of the national budgets of the Member States, as determined by each of them severally.

Its functions shall include the drafting of Conventions on any matter the Assembly deems to be necessary, which shall then be transmitted to the Council of Ministers and all Member States for ratification.

### Article 13

#### THE COUNCIL OF MINISTERS

The Council of Ministers shall be composed of one representative from the government of each Member State.

It shall meet in public, unless, by a majority, it decides that it is in the interests of the Commonwealth, as a whole, that certain matters should be discussed privately, and it shall publish all the decisions which it has taken, as soon as practicable.

Thereafter, it shall consider recommendations of the Assembly, and shall make recommendations to the governments of Member States.

The Council shall be charged with the task of actively seeking to harmonize the policies of all the nations of the Commonwealth on any issue which concerns the continent as a whole, including the following matters:

- Economic and Industrial
- Food and Agriculture
- Energy
- Trade
- Political
- Social
- Environmental
- International policy
- Defence and Disarmament
- Development.

### Article 14

#### THE COURT OF JUSTICE

A Court of Justice shall be established, composed of judges nominated by each Member State, and confirmed by the Assembly, who shall serve unless they are removed by a two-thirds majority of the Assembly.

The Court shall be responsible for the interpretation of the constitution of the Commonwealth, and for adjudicating on matters referred to it by the Council or the Assembly.

### Article 15

#### THE HUMAN RIGHTS COMMISSION

The Assembly shall elect, at the beginning of each term, from amongst its own Members, a Human Rights Commission, composed of persons from each Member State who shall serve for the duration of that term.

That Commission, guided by the Charter of Rights set out below, shall have the authority to examine and report on any matter which it deems to involve human rights throughout the Commonwealth, or any matter referred to it by the Assembly, the Council or the Secretariat, and all its reports shall be published.

The Council, the Assembly and any Member State whose practices have been examined by the Commission shall consider and publish their response to such recommendations as may be made by the Commission.

## Article 16

### THE SECRETARIAT

There shall be a Secretary-General of the Commonwealth, elected by the Assembly at the beginning of its term, who shall serve for four years, and who shall have responsibility for the administration of the Commonwealth, reporting jointly to the Council and the Assembly.

The Secretariat shall consist of a number of deputy Secretaries-General who shall be nominated by the Secretary-General and confirmed by the Assembly, and by a full-time staff for whom the Secretary-General shall be responsible.

The Secretary-General, or his deputies, shall attend all meetings of the Council of Ministers and the Assembly, may make recommendations to those bodies, and shall implement decisions taken by the institutions of the Commonwealth.

The costs of administration of the Commonwealth shall be met by moneys provided by the Member States through an equitable tax system levied within each state for that purpose.

## Article 17

### THE RIGHTS OF MEMBER STATES

Nothing in this Treaty shall infringe the absolute legal rights of Member States to take such action, within their own jurisdiction, which they believe to be necessary, using such powers as they possess.

The government of each Member State shall, subject to the consent of its parliament, implement any Convention or Treaty to which it has become a signatory on its own initiative or on the initiative of the Commonwealth.

## Article 18

### RIGHTS OF THE PEOPLES OF THE COMMONWEALTH

The rights of the peoples of the Commonwealth to elect or remove their own governments, and as a result, to repeal or amend their own domestic legislation or to follow such policies as may have been determined by their own parliaments and governments, shall be entrenched in this Treaty.

## Article 19

### DOMESTIC JURISDICTION OF COURTS OF MEMBER STATES

Nothing in this Treaty shall in any way limit the powers of the Courts of Member States to apply the domestic laws of their own states in accordance with their own constitutional arrangements.

## Article 20

### RATIFICATION AND AMENDMENT OF THE TREATY

This Treaty shall be ratified by a referendum to be held in each Member State, and may be amended, on the recommendation of a majority of the Council of Ministers and the Assembly, subject to the approval of all the Member States by a popular vote in a referendum in each Member State.

### ANNEXE—THE CHARTER OF RIGHTS

1. All citizens shall be entitled to enjoy, and to campaign for, universal democratic and enforceable rights, both individual and collective, enshrined in law, adhered to in practice and respected by society, as a precondition of self-government and the achievement of full political, social and economic emancipation within a civilized society.



2. Every citizen shall have the following political rights:

- to freedom of speech;
- to freedom of assembly and of association for the purpose of expressing an opinion, without interference from the State;
- to organize for common political, social or economic ends;
- to practise, or not to practise, any or all religions;
- to vote in all elections, participate in all electoral processes and institutions, and to contest all elections;
- to privacy and the protection of personal information and correspondence from surveillance or interference;
- to information about public, political, social or economic affairs;
- to freedom of movement, unhindered by arbitrary interference, and to be given asylum from political, social or economic oppression; and
- to conscientious objection to service in the armed forces.

3. Every citizen shall have the following legal rights:

- to personal freedom from arbitrary arrest, detention or harassment;
- to a fair and impartial hearing by a jury of the citizen's peers if accused of any unlawful activity, and to equal treatment before the law and equal access to legal representation;
- to be presumed innocent until proved guilty, to be informed of all charges laid and the evidence in support of them, and the right to silence in court;
- to freedom from torture or cruel and degrading treatment, and from capital punishment;
- to legal advice and services, free at the point of use; and
- to equal treatment before the law, and in the community, without discrimination, and regardless of race, sex or sexual preference, colour, religious or political conviction or disability.

4. Every citizen shall have the following social rights:

- to adequate and warm housing and comfortable living conditions;
- to rest, recreation and leisure, to a limitation of working hours and to holidays;
- to enjoy access to literature, music, the arts and cultural activities;
- to good health care and preventive medicine, free at the moment of need;
- to lifelong and free educational provision;
- to dignity and care in retirement;
- in the case of women, to control of their own fertility and reproduction;
- to free and equal access to child care;
- to cheap, effective and equitable means of transportation;
- to a healthy, sustainable, accessible and attractive environment and to clean water and air;
- to media free from governmental or commercial domination; and
- to full access to personal information held by any public authority, subject only to a restriction order signed by a Minister and reported to Parliament.

5. Every citizen shall have the following economic rights:

- to useful work at a fair wage that provides an income sufficient to maintain a decent standard of living;