

European Communities

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Working Documents

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DOCUMENT 1-1083/81

REPORT

drawn up on behalf of the Political Affairs Committee
on a symbolic empty seat in the European Parliament

Rapporteur: Mr Adam FERGUSSON

On 27 September 1979 a motion for a resolution (doc. 1-348/79) on a symbolic empty seat in the European Parliament, tabled by Mr HABSBERG and others pursuant to Rule 25 of the Rules of Procedure, was referred to the Political Affairs Committee.

On 8 July 1980 Mr FERGUSSON was appointed rapporteur.

The committee considered the draft report at its meeting on 17/18 March 1981.

At its meeting on 24-26 February 1982 the Political Affairs Committee adopted the resolution by 17 votes to 9 with 1 abstention.

The following participated in the vote;

Mr Rumor, chairman, Lord Bethell, vice chairman, Mr Fergusson, rapporteur, Mr Antoniozzi, Mr Barbi, Mr Bettiza, Mr Beyer de Ryke (deputising for Mr Damseaux), Mr Bournias, Lord Douro, Lady Elles, Mr Gawronski (deputising for Mr Haagerup), Mrs Gredal, Mr Habsburg, Mr Hansch, Mr von Hassel, Mr Israel (deputising for Mr de la Malene), Mr Jaquet, Mr Lomas Mr Majonica (deputising for Mr Klepsch), Mr van Minnen (deputising for Mrs van den Heuvel), Mr Penders, Mr Petersen (deputising for Mr Van Miert), Mr Ripa di Meana (deputising for Mr Zagari), Mr Rogers (deputising for Mr Schieler), Mr Romualdi, Sir James Scott-Hopkins, Mr Segre, Miss Theobald-Paoli (deputising for Mr Motchane), Mr Walter (deputising for Mr Brandt).

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A

The Political Affairs Committee hereby submits to the European Parliament the following motion for a resolution:

MOTION FOR A RESOLUTION

On a symbolic empty seat in the European Parliament

The European Parliament,

- recalling that some of the peoples of Europe lack the freedom to decide for themselves whether or not they wish to apply for membership of the European Community,
- recalling that four new Member States have joined the original Six, and that two further states have applied for membership,
- having regard to the Joint Declaration on Fundamental Rights by the European Parliament, the Council and the Commission, April 1977⁽¹⁾,
- having regard to the Declaration on Democracy by the European Council, April 1978⁽²⁾,
- having regard to part one of its resolution on the prospects of enlargement of the Community⁽³⁾,
- having regard to the motion for a resolution on a symbolic empty seat in the European Parliament (Doc. 1-348/79),
- having regard to the report of its Political Affairs Committee (Doc.1-1083/81)

(1) O.J. C103 of 27.4.77

(2) Bulletin of the European Communities, 3-1978, preliminary chapter.

(3) O.J. C.39/47 of 12.2.79

1. Decides to hold an annual debate on the political and economic situation in Europe as a whole, based on the Final Act of 1975 of the Conference on Security and Cooperation in Europe and on the extent of its implementation;
2. Decides that, during this debate, one seat shall be maintained empty in the Chamber as a symbol of the open nature of the Community and of the aspiration that, in time, all the peoples of Europe will be represented in the European Parliament should they so wish;
3. Believes that such a symbolic empty seat will serve also to recall to the Member States their obligation to respect:-
 - human rights, including civil and political rights,
 - the basis of representative and pluralistic democracy,
 - social justice, and
 - the rule of law;
4. Considers that this resolution appropriately marks the 25th anniversary of the signing of the EEC Treaty in Rome in March 1957;
5. Instructs its President to transmit this resolution, to the Council and Commission of the European Community, to the Foreign Ministers meeting in political cooperation and to the Parliaments of the Member States.

B.

EXPLANATORY STATEMENT

1. A motion for a resolution was tabled on 27 September 1979 by Mr Hababurg, Mr Klepsch, Mr Rumor, Mr Seitlinger, Mr Aigner, Mr Vandewiele, Mr Ryan and Mr Estgen, which proposed that one seat should be maintained symbolically empty at the plenary sessions of the European Parliament.
2. The purpose of the empty seat would be to symbolise:
 - (a) the open nature of the European Community, ready to welcome the accession of any European State willing and able to subscribe to its ideals;
 - (b) the Community's determination never to forget that there are fellow European nations living under foreign hegemony and to whom basic freedoms and human rights are denied;
 - (c) the European Parliament's awareness that, although directly elected by universal adult suffrage in only ten European States, it is the single body best able to voice the feelings and aspirations of the people of Europe as a whole, including those who have no right of free speech;
 - (d) the European Parliament's wish, in time, to embrace the representatives of all European nations in a free, secure, prosperous and peaceful political union.
3. The term 'European State' has never been precisely defined. Different geographical and political definitions could be given. The Rapporteur suggests that, for the purposes of this Resolution, the term should be defined as widely as possible, including historical, geographical and political criteria. Noting, for example, the inclusion in the EEC of both Martinique and Greenland for historical reasons, which might serve as a precedent to extend the EEC, the Rapporteur nevertheless considers that the principal areas of contention relate to the Eastern borders of the European continent - where does Asia start? - and in particular to Finland, the Baltic States, Byelorussia, the Ukraine and Turkey. Some would consider the Urals to be the eastern end of the European Continent.

The Association Agreement with Turkey already implies that in due course Turkey, though mainly lying in Asia Minor, could become a full member of the Community. In the Mediterranean area, Cyprus and Malta could become applicants for membership. The Rapporteur would also not wish to exclude a free Ukraine, a free Byelorussia or free Baltic States from eventual membership.

4. The proposition of the empty seat was greeted with hope by many Europeans unable to exercise the right of self-determination and whose countries cannot be said to control their own destiny.
5. By others it was received with satisfaction as an assertion that the Community would remain, not an exclusive club for the currently prosperous, but an outward-looking and socially just economic unity to which they might look with trust and hope.
6. The presence of an empty seat would also imply that there are qualifications for Community membership over and above the fact that an application has been made by a State, and with the national Parliaments and possibly also the European Parliament having ratified the draft Treaty of Accession, subsequently accepted unanimously by the Member States in terms of Article 237 of the Treaty of Rome.
7. Other European States are currently sporting some of the trappings of democracy. These States have even enshrined respect for basic human rights in their constitutions, and also signed the Final Act of the Conference on Security and Cooperation in Europe in Helsinki in 1975; but they are plainly disqualified, by their behaviour and actions, from Community membership on the basis both of the criteria contained in the Final Act and of other criteria.¹ Such criteria, which are institutional or constitutional concomitants of genuine pluralist, representative democracy, serve in general to distinguish it from the spurious variety.

¹ cf. for example, Debate in the European Parliament, September 1979 (OJ Annex 245), and Resolution of the European Parliament on the new provisions of criminal law in the German Democratic Republic (OJ C 266/54 of 22.10.79).

8. In the Joint Declaration on Fundamental Rights, signed in April 1977 by the Parliament, the Council and the Commission, these bodies stressed the prime importance they attached to 'the protection of fundamental rights, as derived in particular from the constitutions of the Member States and the European Convention for the Protection of Human Rights and Fundamental Freedoms' - a convention to which all Member States have subscribed. The three institutions pledged themselves to respect, and to continue to respect, these rights.
9. Further broad qualifications for membership were set out in the Declaration on Democracy made by the European Council in Copenhagen in April 1978. In this Declaration, the Heads of Government specifically confirmed their will, as previously expressed in the Copenhagen Declaration on the European Identity of 1973 -
- 'to ensure that the cherished values of their legal, political and moral order are respected and to safeguard the principles of representative democracy, of the rule of law, of social justice and of respect for human rights.'
- They asserted further, that the application of these principles implied -
- 'a political system of pluralist democracy which guarantees both the free expression of opinions within the constitutional organisation of powers and the procedures necessary for the protection of human rights.'
10. It should further be specified that the representative democracy which is a criterion of membership exists only where a democratic assembly, elected by free, equal, universal and secret suffrage, freely exercises its power to amend or reject legislation proposed by the executive.
- In practice such a democracy does not co-exist with a centralised or state-trading economy.

11. Since any State applying for Community membership would have to accept the economic principles enshrined in the Treaty of Rome, not only constitutional but also economic constraints operate on would-be members. In 1979, a leading commentary on the interpretation of Article 237 of the EEC treaty included the following passage on the criteria for membership of the Community:-

'as the Preamble to the EEC Treaty indicates, the applicant has to "share the ideals" of the six original members. Consequently, an applicant must have a political and economic structure that permits it to accept the obligations of the Treaty and to become a Member without dislocating the structure already established.

'More specifically, the applicant must have a democratic, representative, form of government. As a new member, the applicant must participate in the work of the European Parliament. Since its members are currently nominated by the National Parliaments, the applicant must in practice possess such an institution. Furthermore, since the members of the Parliament are eventually to be selected by direct universal suffrage, such elections must also be possible.

'In the economic field, the Treaty is undoubtedly based on the idea of a free market economy. (See Teitgen, in Ganshof Nos. 30-40.) Therefore, an applicant must also have an economy that is largely based on private enterprise and a free market and be able to abide by the Treaty rules on the free movement of goods, persons, services and capital, and on the right of establishment.'¹

¹ Smit and Herzog, *The Law of the European Community*, Columbia University, 1979.

12. Any failure by a Member State of the Community or by an applicant State to respect the criteria of membership embodied in formal texts could, on application made to it, be established by the European Court of Justice, as proposed by the European Parliament in its Resolution of January 1979 on the political and institutional aspects of the enlargement of the Community.¹ The Resolution proposed that, if the Court decided that such criteria had not been fulfilled, the errant member or applicant State would be excluded.
13. Thus the concept of the empty seat is to be welcomed, because it both recalls to the existing Member States the obligations which Community membership imposes on them and serves as an earnest of the continuing desire of the Community to welcome other States which share its ideals and objectives and which fulfil the criteria of membership.
14. Above all, the empty seat would symbolise the resolve of the Six founding nations of the Community -
'by pooling their resources to preserve and strengthen peace and liberty' -
and to do this not by threat or aggression, but by creating a democratic and peace-loving union of peoples eager to welcome other such peoples to their number.

¹ OJ C 39/47 of 12.2.79. Resolution contained in Part 1 of the Report of Mr PINTAT.

ANNEX

MOTION FOR A RESOLUTION (doc. 1-348/79)

tabled by Mr HABSBURG, Mr KLEPSCH, Mr RUMOR, Mr SEITLINGER,
Mr AIGNER, Mr VANDEWIELE, Mr RYAN and Mr ESTGEN

on behalf of the Group of the European People's Party
(Christian-Democratic Group)

pursuant to Rule 25 of the Rules of Procedure

on a symbolic empty seat in the European Parliament

The European Parliament

- convinced that the Europe of the Nine which has elected this
Parliament represents merely the starting-point for the real
Europe of tomorrow;

Resolves to leave one seat empty as a symbol for those Europeans
who for various reasons do not yet have a seat and a vote in this
Parliament.

Explanatory Statement

This seat will indicate to the nations that the present European
Community does not wish to be a closed society and will always
keep the door open for those European peoples who at some time
will exercise their European right of self-determination.