

# COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 8th May 1956.

Confidential

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## NATIONAL REFUGEES AND OVER-POPULATION

### DRAFT RULES OF PROCEDURE OF THE GOVERNING BODY OF THE COUNCIL OF EUROPE RESETTLEMENT FUND



COE005940

(submitted by the Special Representative)

## Article I

### POWERS

The Governing Body shall have supreme authority in matters concerning the Fund. It shall exercise the powers assigned to it under the Articles of Agreement (1). In this capacity it shall have the right to review decisions reached by the Administrative Council.

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- (1) The provisions defining the powers of the Governing Body are as follows:

A - Article IX, which states that the Governing Body, representing the Members of the Fund, shall have sole authority:

(a) to determine the single currency (common denominator) and the nominal value of the participating certificates;

(b) to determine the terms upon which the Fund will accept contributions or borrow funds and the rights to be granted, including their rights in respect of the Fund's assets, to contributors or lenders to the Fund;

(c) to fix the dates on which calls are to be made upon the unpaid balance of participating certificates subscribed, according to the requirements of the Fund for carrying out its stated aims;

(d) to determine the operating policies of the Fund;

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Article IICOMPOSITION

Every Member of the Fund shall be represented on the Governing Body by a duly accredited person. The Special Representative of the Council of Europe for National Refugees and Over-Population shall be permanent Chairman of the Governing Body. He shall be assisted by a Vice-Chairman elected for one year and eligible for re-election.

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Footnote (1) continued:

- (e) to authorise Governments other than Member Governments of the Council of Europe to join the Fund, to lay down conditions for their admission and to determine the number of participating certificates to be subscribed by such Governments;
- (f) to appoint the Governor, revoke his appointment and accept his resignation;
- (g) to recommend the international or other legislative measures to be adopted by Members, in order to define such matters as the special arrangements governing assets or property held by the Fund in their territory or in the territory of third States and the obligations of Members arising from special operations of the Fund;
- (h) to amend these Articles, without, however, making any change in their stated aims;
- (i) to interpret these Articles of Agreement;
- (j) to suspend permanently the operations of the Fund and to distribute its assets;
- (k) to draw up Rules of Procedure and to designate its Chairman;
- (l) to nominate the three auditors who shall constitute the Auditing Board.

B - Article X, Section 2, paragraph (a) of which lays down that the Administrative Council shall consist of a Chairman appointed by the Governing Body, together with one representative of each Member of the Fund.

C - Article XV, Section 3, paragraphs (a) and (b) of which lay down that the number of participating certificates to be subscribed by Member Governments of the Council of Europe which are Members of the Fund, and by non-Member Governments admitted to the Fund, shall be determined by the Governing Body in agreement with the government concerned.

Article III

MEETINGS

There shall be a compulsory meeting of the Governing Body within two months of the close of each financial year of the Fund. The date of this meeting shall be fixed by the Chairman.

The Governing Body must also meet at the request of its Chairman, of the Administrative Council or of any group of Members representing at least 1/3 of the participating certificates of the Fund.

It shall hold at least two meetings a year.

Meetings shall be held in camera.

The Governing Body shall decide what information shall be published concerning its discussions and conclusions.

Article IV

PLACE OF MEETINGS

Meetings of the Governing Body shall be held at the headquarters of the Fund, at the headquarters of its administrative services or at any other place appropriate to the circumstances. This matter shall be decided by the Chairman, who shall, if necessary, consult the Members.

Article V

CONVENING OF MEETINGS

The Secretariat of the Committee shall notify Members of the meetings provided for in Article III above.

When such official notification has been given, any Member requesting a postponement must inform the Chairman at least 21 days before the date appointed for the meeting. This request, together with the opinion of the Chairman, shall then be reported to the other Members by the Secretariat. A postponement shall be granted if the majority of the Members of the Governing Body have signified their agreement at least 7 days before the appointed date.

Article VI

QUORUM

The discussions and decisions of the Governing Body shall not be valid unless two-thirds of its Members are present, representing at least two-thirds of the subscribed participating certificates.

Article VII

AGENDA

The draft agenda of each meeting shall be prepared by the Secretariat of the Governing Body. It shall be transmitted to Members of the Governing Body at the same time as the notice of convocation.

Article VIII

SECRETARIAT

The secretariat of the Governing Body shall be provided by the Research Directorate (Refugees and Over-Population Division) of the Secretariat-General of the Council of Europe.

Article IX

DOCUMENTARY MATERIAL

Barring exceptional circumstances, documentary material prepared for a meeting shall be transmitted to Members at least a fortnight in advance.

Article X

LANGUAGES

1. The official languages of the Governing Body shall be French and English.

2. Any Member may speak in a language other than the official languages, but in that case he must make his own arrangements for interpretation into one of the official languages.

## Article XI

### VOTING

1. The decisions reserved to Members of the Fund shall be taken by votes cast either at meetings, or in writing between meetings. In the latter case, each Member shall be given a time-limit for voting.
2. Each Member of the Fund shall have one vote for each participating certificate held by it.
3. Decisions shall be reached by a two-thirds majority of the votes cast, except in the case of decisions entailing the amendment of the Articles of Agreement of the Fund or the suspension of its operations which must be reached by unanimous vote.

## Article XII

### DRAFTING OF THE DECISIONS OF THE MEETING

1. Draft minutes shall be prepared by the Secretariat at the end of each meeting of the Governing Body and shall be submitted at the next meeting for approval.

Minutes shall merely record decisions reached.

2. The voting on each decision shall be mentioned.
3. The individual views of Members and any other communications may be recorded by request.