

LEGAL AND INSTITUTIONAL FOUNDATIONS OF THE ORGANIZATIONAL STRUCTURE OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE (PACE)

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Abstract

PACE, as the main consultative body of the Council of Europe, is a key structural unit that ensures the legal, political, and institutional foundations of the organization. Its organizational structure is formed within the framework of international legal norms and principles, based on values such as democratic legitimacy, the rule of law, and the protection of human rights. The Assembly's structure creates a functional integrity through its supreme bodies, executive and administrative mechanisms, and special committees and commissions. Proportional representation of each member state, transparency of decision-making mechanisms, and principles of political pluralism within the structure ensure the legal and institutional stability of PACE. This research systematically analyzes the organization of PACE's main bodies and functional units, their operational directions, and their compliance with international law. This structure is regarded as one of the institutional models of regional cooperation within international organizations.

Keywords: PACE, organizational structure, international law, institutional mechanisms, Council of Europe, parliamentary diplomacy, rule of law.

I. Introduction

The Parliamentary Assembly of the Council of Europe (PACE), as one of the main political institutions of the Council of Europe, operates as a significant international forum aimed at promoting democracy, human rights, and the rule of law across the continent. Established simultaneously with the Council of Europe in 1949, the Assembly performs political dialogue, legislative initiatives, and democratic oversight functions through representatives from the national parliaments of the member states.

PACE's structure consists of complex institutional mechanisms that ensure its effective operation and diversity of opinion, including plenary sessions, political factions, thematic committees, and governing bodies such as the presidency and bureau. This institution is not only a platform for mutual understanding and cooperation among member states but also of strategic importance for the promotion of European values.

PACE's Structural, Functional, and Normative Integration Model Although the Council of Europe is a regional organization, its status has significantly expanded since its inception. Initially created with a specific objective, its functions have evolved in accordance with the dynamics of societal development. The organizational structures of international organizations play a major role in regulating their activities and building their operational systems.

The executive organs of international organizations, like their governing supreme bodies, are also composed of representatives elected from member states and fulfill the following key functions:

Ensuring the efficient functioning of the organization;

Facilitating communication with member states and other international organizations;

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- Drafting the organization's budget;
- Preparing agendas for meetings of the supreme body;
- Addressing personnel-related matters [5, p. 123].

Both the member states and the organization of their representation in executive bodies are governed by concrete legal patterns. Representation of states in executive bodies is based on specific principles (criteria):

Principle of fair geographical representation (e.g., UN Security Council, World Meteorological Organization);

- Principle of special interests (e.g., IMO);
- Principle of equal representation of groups of states with divergent interests (e.g., Council of the International Seabed Authority);
- Principle of greater financial contribution (e.g., IMF, IBRD, INMARSAT, etc.).

The administrative body (secretariat of the international organization) performs the following functions:

- Publication of documents adopted by the organization's bodies;
- Preparation of reports on the organization's activities;
- Collection of information on all matters relating to the organization's work;
- Drafting of the budget proposal, etc.

The administrative body generally includes the following staff:

- Senior administrative officials: Secretary-General and deputies;
- Specialists;
- Service personnel.

Special committees and commissions are established on either a permanent or temporary basis to address specific issues related to the organization's operations and act as auxiliary bodies (e.g., in the UN: Disarmament Commission, Committee on Natural Resources, Committee on the Peaceful Uses of Outer Space; in ICAO: Air Navigation Commission) [4, p. 124].

II. The Council of Europe: Establishment, Structure, and Role of the Parliamentary Assembly

The Statute establishing the Council of Europe was supported by ten European countries in 1949 and signed in London on May 5 of the same year. Currently, the Council of Europe has 47 member states. The Republic of Azerbaijan became a member of the Council on January 25, 2001.

The Parliamentary Assembly of the Council of Europe (PACE) initially began functioning as the parliamentary body of the Council of Europe, which at the time comprised 46 European states as part of an international organization.

The roles of parliamentarians and parliamentary committees are diverse and multifaceted. These include:

- establishing the legal framework for security policies and practices;
- monitoring policies and practices through plenary sessions and specialized committees;
- engaging in the formulation, development, adoption, or rejection of policies, legislation, and budgets, not only in the areas of defense, law enforcement, and intelligence oversight, but also in human rights, audit, budgetary, and financial matters;
- participating in the appointment processes for senior positions within security institutions to minimize political interference.

Such functions require a high degree of motivation and focused involvement from interested parliamentarians [5, p. 55].

The structure and organization of PACE are rooted in its historical development. It emerged as a result of the historical, social, and political events that led to the formation of the Council of Europe. Much like the European Parliament, the creation of PACE played a significant role in the evolution of international law.

The Assembly's legal status is pivotal in promoting the idea of European cooperation and its broader prospects across the continent and to the international community.

The Council of Europe's official languages are English and French; however, PACE also uses German and Italian as working languages. Each delegate has access to individual headsets and a control panel to select the language in which they wish to follow proceedings. Foreign guests who intend to speak in languages other than the Assembly's official or working languages are advised to bring their own interpreters.

As a historical and consultative institution, PACE plays a key role in coordinating inter-parliamentary cooperation among member states. Today, it operates as an international parliamentary body dedicated to the promotion of democracy and the rule of law. PACE works with 306 representatives delegated by member states, each representing their respective national parliaments. Unlike legal institutions of the European Union, PACE does not possess the authority to adopt binding legislation [6, p. 47].

The structure of any organization is shaped by the nature and scope of its activities. International organizations typically maintain an internal organizational framework, which includes the following bodies:

- a supreme body,
- an executive body,
- an administrative body (such as a secretariat),
- special committees and commissions.

The executive body generally holds the following responsibilities:

- admitting new members to the organization;
- electing the organization's top officials;
- selecting members of the executive body;
- determining the organization's budget;
- reviewing and assessing reports on organizational activity;
- discussing all matters related to the organization's functions.

In many international organizations, the executive body (e.g., the Council in the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), and the Food and Agriculture Organization (FAO); the Executive Council of the Universal Postal Union; or the Administrative Council of the International Telecommunication Union) is responsible for overseeing and directing the organization's activities between sessions of the supreme body [4, p. 123].

III. Structural Analysis in the Context of International Law, Parliamentary Diplomacy, and Jurisdictional Boundaries

Assemblies are established by representatives authorized to operate at the international level, with open access to participation. The functions of an assembly depend on the scope of its mandate and internal organization, and may be either broad or limited in purpose. Generally, assemblies operate in two primary formats: as supreme governing bodies in large international organizations - such as the General Assembly of

the Council of Europe - or as national legislative bodies, such as the National Assembly in individual countries.

One distinctive power that sets certain parliaments apart from others is the ability to obtain special international status. For example, a parliament that receives the status of "Partner for Democracy" and demonstrates strong support for the Council of Europe may participate in the work of the Assembly and its committees without voting rights. This is a special form of recognition, and each parliament must independently qualify for this status.

The Council of Europe itself was originally established with such aims in mind, reflecting the core political traditions of its member states. However, it is important to distinguish between the Council of Europe and the European Parliament - another legislative body in Europe - whose legal mandates and authorities differ significantly. Unlike the European Parliament, the Parliamentary Assembly of the Council of Europe (PACE) does not possess public law authority. In legal terms, public legal status confers jurisdictional powers, including the right to conduct judicial proceedings.

The concept of jurisdiction encompasses not only the authority to assess the legality of the actions of legal and natural persons but also includes the power to resolve disputes and impose sanctions. A state's jurisdiction, within defined boundaries, arises from its domestic legal system. If no other international legal norms apply to a given case, the state has the authority to act in accordance with its national legislation. This principle often applies to maritime or offshore areas such as the continental shelf, which lies beyond a state's formal borders.

In addition, states often exercise what is referred to as "national and personal jurisdiction", which entails protecting the material, moral, economic, and political rights of their citizens living abroad.

The core issue here is that, whether referring to a sovereign state or any of its institutions, jurisdiction grants the authority to make binding legal decisions concerning individuals or entities, based on applicable laws and normative acts. In some legal systems, this authority is also termed competence, referring to the legally grounded and autonomous decision-making power of a body or institution within its assigned legal framework.

The legal dimensions that fall within PACE's jurisdiction primarily serve to maintain the integrity of the organization itself. However, despite lacking public law authority, PACE is sometimes capable of more effective action than individual state bodies. Because it is not vested with public legal powers, PACE cannot be considered a subject of public international law in the same manner as sovereign states or certain international institutions.

Public authority, as a legal and political concept, is necessary to carry out governance at various levels. It is generally divided into two categories: state institutions and local self-government bodies. Prior to 2020, the latter category had not been clearly formalized in many jurisdictions. Public authority typically governs and oversees institutions and organizations - such as political parties, fiscal control agencies, security services, prosecutorial bodies, and central election commissions - through constitutionally recognized and legally binding instruments.

Regardless of whether the institution is state-run or otherwise, public authorities share three defining characteristics:

1. Their activities are primarily oriented toward serving the public interest.
2. Public authorities cannot operate beyond the boundaries set by established legal norms.

3. Their decisions must be documented in written form to carry legal force.

If the bearer of public authority is the state, it exercises jurisdiction over both national and regional bodies. If the bearer is a local self-government body, such as a municipality, it exercises public authority within a constitutional framework established by the state [1, p. 4].

The Parliamentary Assembly of the Council of Europe (PACE) is an international institution that implements responsibilities and legal norms derived from society and the public authority of various states in a more structured and elevated manner, while simultaneously upholding human rights, fundamental freedoms, and civil liberties. The resolutions, normative standards, legal documents, and acts adopted by PACE as an international entity may, in certain cases, possess a level of authority and influence that exceeds those of documents issued by domestic public law institutions.

Nevertheless, the legal jurisdiction of PACE—namely, its explicitly defined and codified competences—is limited. This is a matter of principle, stemming directly from the rights and obligations enshrined in the Statute of the Council of Europe. Jurisdiction exercised within a specific territorial framework is traditionally regarded as a sovereign matter of the state. However, when a state or its institution integrates into the system of international law, the nature of its jurisdiction evolves toward a more federal or shared legal competence.

In individual states, the structure and operational framework of public authorities are defined by the ruling political force and codified in supreme legal-normative acts. In various countries, the constitutions or decrees of supreme state institutions allow for the creation of bodies and mechanisms responsible for overseeing the activities of citizens, as well as national, regional, local, and international organizations, public authorities, and political parties. In contrast, international organizations are not governed by a single legal act defining their establishment, structure, and operational procedures. Instead, these features are derived from the founding objectives and functions of the organization, and are systematized through a range of international instruments and treaties that are subsequently incorporated into the framework of international law.

In the field of the law of international organizations, no unified codified legal act exists. As such, legal norms governing the status, structure, and functions of international organizations are dispersed across a variety of international agreements with differing legal characteristics.

- Constitutive acts (statutes) of international organizations: Each organization is established and functions on the basis of an international treaty (statute) prepared and ratified by its founding member states. Such statutes define the organization's aims, institutional structure, competencies of its organs, operational rules, membership criteria, procedures for expulsion, and matters relating to administrative and budgetary governance.

- Universal conventions regulating specific issues concerning the legal status of international organizations, including: the 1975 Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character, and the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations.

- Headquarters agreements concluded between international organizations and the host countries where their secretariats are based, such as the Agreement of 26 June 1947 between the United Nations and the Government of the United States of America [4, p. 118].

Similar to national parliaments, PACE also operates through specialized committees corresponding to its areas of activity. The most significant among these are the Committee on Political Affairs, the Committee on Legal Affairs and Human Rights,

and the Committee on the Honouring of Obligations and Commitments by Member States. The President of PACE, along with Vice-Presidents, leaders of political groups, and chairs of committees, forms the Bureau of the Assembly. The Bureau is responsible for guiding the Assembly's work, including setting the agenda of sessions and identifying issues warranting discussion and reporting [4, pp. 44-45].

The Committee of Ministers of the Council of Europe (CMCE) is the principal decision-making body of the organization, vested with the authority to issue both advisory and binding opinions for member states. It is also charged with overseeing the implementation of judgments delivered by the European Court of Human Rights, as well as supervising internal matters of the Council of Europe. For instance, it holds the competence to authorize the establishment of new working committees. The CMCE is composed of the foreign ministers of all member states, who convene annually, while their deputies hold weekly meetings. The Committee is presided over by a rotating Chair, who moderates its proceedings for a six-month term, succeeded thereafter by the next candidate in alphabetical order based on the English language.

PACE functions as the principal consultative and advisory body within the Council of Europe's institutional structure. It brings together parliamentary delegations from all member states. The composition of each delegation is determined in proportion to the population of the respective country and reflects the political configuration of its national legislature. According to procedural rules, the number of representatives per country ranges from a maximum of 18 (e.g., France, Germany, and the United Kingdom) to a minimum of 2 (e.g., Monaco, Andorra, and Liechtenstein).

In total, the Assembly is composed of 612 parliamentarians, including both representatives and their substitutes. In addition, PACE includes 30 observers and partner representatives. During sessions, members deliberate and adopt final documents on agenda topics that reflect the organization's strategic priorities and core values. PACE conveys its positions to the Committee of Ministers in the form of formal recommendations. Sessions are presided over by a President elected from among the representatives of all member states. The President does not engage in debates or vote on decisions and remains in office until the next session. PACE held its inaugural session on 10 August 1949 in Strasbourg, thus becoming one of Europe's earliest international parliamentary assemblies.

IV. Achievements of PACE and Its Legal-Institutional Architecture

Throughout its operational period, the Parliamentary Assembly of the Council of Europe (PACE) has accomplished a number of significant achievements, including:

- The abolition of the death penalty across Europe by demanding a moratorium on all executions in member states;
- The establishment and development of the European Convention on Human Rights (ECHR);
- The adoption of reports exposing human rights violations in Council of Europe member states;
- Providing assistance to former Soviet countries in their transition to democracy after 1989;
- Supporting the development of numerous progressive national laws;
- Assisting member states in conflict resolution and in reaching consensus on contentious political or social issues.

According to Article 1 of its Statute, the primary objective of the Council of Europe is "to achieve greater unity between its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage and facilitating their economic and social progress." To this end, the Council pursues the protection of human rights, freedoms, and democracy, and fosters cooperation in areas such as law, culture, education, information, environmental protection, and health. Relevant institutions include financial supervisory authorities, security councils, prosecutorial bodies, and central election commissions [2, p. 17].

At the regional and local levels, the number and types of state or self-governing institutions may vary depending on the constitutions of the respective states or regions, as well as the decrees and statutes of central and subnational authorities. The Statute of the Council of Europe stipulates three principal criteria for accession (the organization is open only to European states): pluralist democracy, respect for human rights, and adherence to the rule of law.

To date, the Council of Europe has adopted more than 200 conventions, protocols, and agreements addressing issues such as human rights, education, culture, health care, social security, sports, civil, administrative, and criminal law and procedure. The most important of these is the European Convention on Human Rights, adopted in 1950 and entering into force in 1953. It is difficult to imagine the Council of Europe without this Convention and the mechanisms created on its basis, notably the European Court of Human Rights.

Thus far, 14 Protocols have been added to the Convention. Protocol No. 11 introduced significant amendments and improvements. The various organs of the Council of Europe carry out its main activities.

The primary organs of the Council of Europe are as follows:

- The Committee of Ministers;
- The Parliamentary Assembly;
- The Congress of Local and Regional Authorities of Europe;
- The Secretariat.

The Committee of Ministers is the supreme decision-making body of the Council of Europe. It is composed of the foreign ministers of the member states. At the ministerial level, the Committee holds at least two sessions per year, and operates on a permanent basis at the level of permanent representatives. The Committee discusses political aspects of cooperation, prepares the Council's programme of activities, adopts the current budget, examines PACE recommendations, and issues recommendations to member states based on the principle of unanimity [4, p. 137].

In certain areas, the Committee of Ministers adopts legally binding decisions. PACE, by contrast, functions as an advisory body and does not possess legislative authority. It is composed of representatives elected or appointed by the parliaments of member states. Each national delegation should reflect the diversity of the country's political landscape, including the representation of opposition parties. The number of delegates varies among member states, ranging from 2 to 18. For example: Germany, the United Kingdom, Italy, and Russia each have 18 seats; Spain, Turkey, and Ukraine - 12; Greece and Belgium - 7; the Republic of Azerbaijan - 6; and Moldova - 5 [2, p. 132].

The Parliamentary Assembly holds three plenary sessions per year. It issues recommendations to the Committee of Ministers and the governments of member states on various issues, organizes conferences and colloquia, and elects the Secretary General

of the Council of Europe as well as judges of the European Court of Human Rights. The Congress of Local and Regional Authorities is composed of representatives from relevant territorial entities of the member states, with representation proportional to each country's delegation in PACE. The Secretariat functions as the administrative organ of the Council of Europe and is headed by the Secretary General, who is elected by the Assembly for a five-year term.

V. Conclusion

The Parliamentary Assembly of the Council of Europe (PACE) constitutes a unique institutional platform that plays a vital role in promoting democratic values, human rights, and the rule of law within the contemporary legal and political landscape of Europe. Its structural framework-comprising plenary sessions, political groups, thematic committees, the Bureau, and the Presidency-serves as a decisive mechanism for ensuring functional flexibility, preserving multilateral representation and political pluralism, and upholding the legitimacy of decision-making processes.

As the structure of PACE is based on the principle of national parliamentary representation from member states, the institution contributes not only to intergovernmental cooperation but also to strengthening Europe's democratic integration at the level of inter-parliamentary dialogue. The politically balanced composition of each national delegation ensures PACE's ability to function impartially and objectively. Furthermore, through its thematic committees, expert-level monitoring and policy recommendations are formulated across a wide range of domains-including legal affairs, social issues, political relations, gender equality, and the protection of minority rights-thereby accelerating normative convergence and the harmonization of standards across the European space.

The institutional design of PACE also enhances its accountability and democratic oversight functions. Its monitoring missions, election observation activities, and human rights reporting exert not only political but also legal and societal pressure on member states. In this respect, the Assembly-particularly through its coordinated engagement with other European institutions, notably the European Court of Human Rights-contributes significantly to the effectiveness of the regional legal system.

Taking all of these factors into account, it can be concluded that the structure of PACE is organically linked to its functions and provides a solid institutional foundation for democratic representation, multilateral dialogue, and long-term sustainability. Even in a period marked by growing geopolitical challenges in the international system, PACE continues to serve as a strategic center for the preservation of political stability, legal norms, and humanitarian values across Europe, owing to its structural resilience and functional adaptability.

References:

1. Abashidze A.Kh. Participation of States in the Statute of the International Criminal Court as an Obligation *Erga Omnes*. *International Law*, No. 1, 2007, pp. 139-152 (in Russian / *Абашидзе А.Х. Участие государств в Статуте Международного уголовного суда как обязательство erga omnes. Международное право*, №1, 2007, с. 139-152).
2. Aliyev Sh.I. *Social Rights in the System of Human Rights (Theoretical and Practical Aspects)*. Baku: Baku University Publishing House, 2008 (in Azerbaijani / *Əliyev Ş.İ. İnsan*

hüquqları sistemində sosial hüquqlar (teorik və praktiki aspektlər). Bakı: Bakı Universiteti Nəşriyyatı, 2008).

3. Henkin L., Neuman G.L., Orentlicher D.F., Leebron D.V. Human Rights. Translation. Baku, 2018 (in Azerbaijani / *Henkin L., Neuman G.L., Orentlicher D.F., Leebron D.V. İnsan hüquqları. Tərcümə. Bakı, 2018).*

4. Huseynov L.H. International Law. Baku: Legal Literature, 2002 (in Azerbaijani / *Hüseynov L.H. Beynəlxalq hüquq. Bakı: Hüquqi Ədəbiyyat, 2002).*

5. Koul E., Fluri P., Lan S. Oversight and Guidance: Parliaments and the Governance of the Security Sector. Geneva: DCAF, 2015.

URL: <http://www.dcaf.ch> (last access: 14.05.2025).

6. Makili-Aliyev K. International Human Rights Law: A Critical Review of Doctrine. Tbilisi: Universal, 2023 (in Russian / *Макили-Алиев К. Международное право прав человека: критический обзор доктрины. Тбилиси: Universal, 2023).*

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