



Doc. 27

30 May 1952

European Defence Community

Report on credentials¹

Committee on Political Affairs and Democracy

Rapporteur: Mr Nicolas MARGUE, Luxembourg

1. 1952 - 4th Session - First part



A. Draft Resolution II on the links to be established between the European Defence Community and the other Member States of the Council of Europe

1. No Amendment had been tabled to this draft Resolution. The Committee merely carried out some slight adjustments in the presentation, in order to take account of the signature, which has now become effective, of the Treaty of Mutual Assistance between the United Kingdom and the European Defence Community. These adjustments affect the first sub-paragraph of the Preamble and paragraph 4.

B. Draft Resolution III concerning the most appropriate means of drafting the Statute of the European Political Community

1. The Committee had before it two Counter-drafts to the Draft Resolution which it had originally submitted (Amendments 1 and 2 to AS (4) 6). After a far-reaching discussion the Committee drew up the Draft Resolution given below, which was adopted by 15 votes to 1 with 9 abstentions. The attention of the Assembly is drawn to the wording of paragraph 2 of the Draft Resolution. The Committee unanimously agreed that it was *désirable* in any event to settle on a procedure entailing the least delay in giving effect to the provisions of Article 38 of the Treaty of the European Defence Community. It was not possible, however, to agree upon this procedure exactly. The procedure suggested in the Counter-draft of M. Spaak and that in the Counter-draft of M. Jaquet seemed, in the opinion of various groups of members, likely to raise serious legal difficulties. The majority of the Committee thought it preferable to abstain from making a choice which, in the absence of thorough legal examination, might have had no adequate basis. It therefore makes a suggestion to the Assembly that the two proposals of M. Spaak and M. Jaquet should each be submitted to the examination of the Governments participating in the Defence Community. It will be in their discretion to choose the procedure which seems to them best adapted to the case, bearing in mind the fact that speed is vitally necessary. The opinion of the Committee was that the procedure to be followed should consist of the conclusion between the Governments concerned of an "executive agreement" not requiring parliamentary approval, and therefore capable of being put into effect immediately. It seemed pretty clear that a request based in this way on essentials would receive wholehearted support in the Assembly and that questions of procedure would be regarded as relatively unimportant. The Rapporteur is particularly anxious that the Assembly should share this opinion and should not weaken the force of the appeal which it is on the point of making to the Governments participating in the E. D. C. by differences on mere points of procedure.

2. The Committee on General Affairs submits to the Consultative Assembly the following Draft Resolutions :

C. Draft Resolution I on the European Defence Community

The Assembly,

Recalling its Recommendation of 11th August, 1950, on the European Army (2nd Session, 1950; [Doc 52](#), Recommendation 5);

Taking note of the signature of the Treaty setting up the European Defence Community and the approval given by the North Atlantic Council at Lisbon to the principles on which the European Defence Community is based ; Considering that the effective establishment of the European Defence Community will represent an essential step in the construction of a united Europe, reinforce the security of Europe, strengthen the North Atlantic Treaty Organisation, and increase the prospects of preserving peace; Affirming that the conclusion of the Treaty setting up the European Defence Community will not prevent the holding of conversations at the appropriate moment with the U. S. S. R. ;

Renews its support for the policy of establishing a European Defence Community which will secure the integration in a European Army of the forces of the greatest possible number of Member States of the Council of Europe.

Requests the Governments taking part in the European Defence Community Conference, and the other Governments concerned; to make every effort even now that the Treaty has been signed, but without, however, causing any further delay, to remove the difficulties to which the Treaty still gives rise in its present form. In particular, it is necessary to ensure that the institutions of the European Defence Community and the forces placed under its control shall be of a genuinely European character, and that the engagements contained in the Treaty shall not hereafter be called in question.

Considers that guarantees to this effect might be sought specifically.

- a. in measures to ensure that the European Defence ; Community is be without delay subordinated to a Political Authority endowed with powers strictly limited to the purposes of the Treaty but powers which are, nevertheless, real ;
- b. if not in the actual participation in, at,least in the closest possible association with, the European Defence Community of Great Britain and of those other Member States of the Council of Europe which may desire to be so associated ;
- c. in the development of the European Defence Community within the framework of the Council of Europe ;
- d. in a guarantee by the United States of America designed to prevent the withdrawal from, or violation of, the Treaty by a Member State.

Calls the attention of the Governments concerned to the means of implementing the proposals contained in paragraphs 3 (a), 3 (b) and 3 (c) above, which are put forward in the Resolutions on the relations between the Exiuropean Defence Community and certain other Member States of the Council of Europe and on the most appropriate means of drawing up the Statute of the European Political Community.

Decides to communicate to the Committee of Ministers for information the Explanatory Memorandum of the Report of the Committee on General Affairs on the European Defence Community (4th Session, 1952; [Doc. 6](#)).

The Committee on General Affairs submits to the Consultative Assembly the following Resolution :

D. Draft Resolution II on the relations between the European Defence Community and certain other Member States of the Council of Europe

The Assembly,

Taking note of the conclusion of a Treaty of Mutual Assistance between the United Kingdom and the European Defence Community;

Taking note of the United Kingdom Proposals to seek within the framework of the Council of Europe the forms of association which are possible between the Specialised Authorities, including the European Defence Community and the Member States of the Council of Europe not Members of the Specialised Authorities;

Taking note of the conversations which are at present being held between delegations of the United Kingdom and of the Member States of the European Defence Community;

Considers it to be highly desirable that the treaty of mutual assistance (referred to in the first paragraph) be supplemented by agreements specifying the nature and form of the links to be established between the European Defence Community and the United Kingdom

2. Suggests that such agreements (which might also be extended to countries other than the United Kingdom) should include the following provisions :

- a. Military provisions : A State signatory to such agreements shall agree to associate part of its armed forces with those of the European Defence Community.
- b. Institutional provisions :
 1. A signatory State shall be represented on the Council of the European Defence Community by an observer, and shall also have the right to participate in the preparation of such decisions as are not the exclusive concern of the six Member States of the European Defence Community with a view to its possibly becoming a party thereto at a later date. In such cases the decisions shall be taken by agreement between the State concerned and the European Defence Community, the Members of the latter establishing their common policy in accordance with the Community's internal procedure ;
 2. A signatory State shall be represented in the Assembly of the European Defence Community. Its delegates shall have the right to take part in the adoption of such decisions as are not the exclusive concern of the six Member States of the European Defence Community.

3. Considers that in this way a European army on a broader basis may be formed by means of a permanent association between the forces of the European Defence Community and contingents from the United Kingdom and other European States, operating together within the framework of North Atlantic Treaty Organisation.

4. Urges the Governments taking part in the European Defence Community to suggest as soon as possible to the other Governments concerned a form of association of this nature between them and the European Defence Community.

The Committee on General Affairs submits to the Consultative Assembly the following Resolution :

E. Draft Resolution III concerning the most appropriate means of drafting the Statute of the European Political Community

The Assembly,

Considering that several Governments and Parliaments have held it essential that the establishment of the European Defence Community should be accompanied by the constitution of a supranational Political Authority;

Considering that it would be of great advantage if the basic principles of this Authority and the limits of its powers were defined within the next few months, without waiting for the entry into force of the Treaty instituting the European Defence Community;

Reaffirming its belief that each step towards the unity of Europe should be taken together by as many European nations as possible;

Considering therefore that it is necessary, in the spirit of the proposals made by the Secretary of State for Foreign Affairs of the United Kingdom, that the States which are unable to be full participants in the institutions of the said Authority should have the opportunity of associating themselves closely with those institutions at all stages of their development, and the possibility at some later date of adhering thereto;

Considering that by virtue of Article 33 of the Treaty setting up the European Defence Community, the Assembly of the European Defence Community is identical with that of the Coal and Steel Community;

1. Considers that the clauses in the Treaty of the European Defence Community which relate to the determination of the future political structure of Europe should be incorporated in a Special Agreement, distinct from the Treaty itself, and capable of being put into effect immediately;

2. Suggests that, by the terms of this Agreement, and, choosing whichever of the procedures outlined below is the more rapid, the Governments of the Six States which are participating in the restricted Communities should charge.

— either the Assembly for which provision is made in the Treaty setting up the European Coal and Steel Community, as soon as this Assembly has been established,

— or the Assembly of the Council of Europe, sitting with a restricted membership in accordance corresponding to the number and allocation of seats provided for in the Assembly of the European Defence Community,

to draft the statute of a supranational Political Community, which would remain open to all Member States of the Council of Europe, and which would, moreover, include provisions for the association in the Political Community of those States which do not become full Members of this Political Community.

Instructs the Standing Committee, should the Six Governments agree to the second of the alternatives, to set up the restricted Assembly envisaged above.

3. Requests that, in order to ensure that these tasks be carried out within the framework of the Council of Europe :

- a. such Member States of the Council of Europe as are not members of the European Defence Community, and shall express their readiness to enter into a Political Community of this nature, participate as of right in the accomplishment of these tasks ;
- b. the representatives of those States which desire to be associated with the Political Community be invited to follow the process of drafting in the capacity of observers.

4. Requests that the Council of Europe bring to a rapid conclusion its study of the United Kingdom proposals for establishing organic links between the Communities and the Council of Europe.

F. Draft Order of the Assembly

The Assembly,

Decides to set up an ad hoc Committee, whose members shall be appointed by the Bureau, and which shall undertake immediately the elaboration of a draft Constitution for the Political Community envisaged in the above Resolution.

G. Explanatory Memorandum

1.

The Committee examined Amendments 1, 2 and 3 to the Report AS (4) 6 which it had previously submitted. It took the opportunity also to revise certain texts, in order to take account of events which had occurred since the initial Report was compiled.

The three draft Resolutions hereunder correspond to the texts submitted in the initial Report; to these texts have been added the Amendments detailed in what follows.