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Grant of a consultative status to certain Trade Union Organisations

Request for an opinion
Committee of Ministers

Strasbourg, 12th September, 1952.

Monsieur le Président,

The Committee of Ministers has instructed me to transmit to you the following communication.

The Committee has received two similar requests from the European Regional Organisation of the International Confederation of Free Trade Unions and the International Federation of Christian Trade Unions for the establishment of a system of permanent cooperation with the Council of Europe by the grant of a consultative status to these two organisations.

Copies of the communications received from each of these trade union organisations are attached. (Appendices I and II).

The Committee of Ministers is disposed to give sympathetic consideration to these requests. They are being examined in the light of arrangements made for liaison between these organisations and other international bodies, in particular 0. E. E. C.

The granting of consultative status would probably take the form of an agreement between the Council of Europe and the trade union organisations concerned. This agreement would make detailed arrangements for consultation not only with the Committee of Ministers, but also with the Assembly, if the Assembly so desired. Before taking a final decision in this matter, the Committee of Ministers would therefore be grateful to know :

a. whether the Assembly considers from its point of view that consultative status should be granted by the Council of Europe to the trade union bodies referred to above;

b. what provisions should be inserted in the agreement to cover relations between these bodies and the Assembly.

I have the honour to ask you to communicate to the Consultative Assembly this request for its opinion, together with a copy of the attached explanatory Memorandum on the subject by the Secretariat-General (Appendix III).

The Assembly will no doubt be interested to learn that certain Governments have expressed the view that similar relations should be established with international organisations representing employers if they expressed a wish to this effect.

I have the honour to be, Monsieur le Président, With great truth and respect, Your most obedient, humble Servant,

The Secretary-General

Signed : J. C. PARIS

The President of the Consultative Assembly of the Council of Europe, STRASBOURG.

Appendix 1 APPENDIX I

EUROPEAN REGIONAL ORGANISATION OF THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS

Brussels, 19th March, 1952.

Sir,

I have received your letter of the 7th March, for which I am, indeed, grateful. You inform me that the Advisers of the Minis-ters of the Council of Europe desire to receive details of the collaboration which we should like to see established between the Council of Europe and our European Regional Organisation.

I cannot do better than reproduce the terms of the Report in which I described for the second session of the European Regional Trade Union Council our conception of the conditions of such collaboration.

The substance of this Report is as follows :

The European Regional Organisation of Free Trade Unions (E. R. 0.) requests the Council of Europe to give it official recognition as the consultative delegation of the Free Trade Union Organisations of Europe.

The consultative status, thus conferred on the E. R. 0., would entitle it :

a. To send an observer to attend the permanent committees of the Consultative Assembly and of the Committee of Ministers concerned with economic, social and cultural questions, these being the questions which primarily interest the E. R. 0. and on which it can confidently claim to voice the opinion of organised labour. This observer would have the right to put forward orally the point of view of our organisation concerning questions on the agenda of these Committees (the observer for the I. C. F. T. U. on the Economic and Social Council of U. N. enjoys similar rights).

b. To submit verbal or written suggestions or observations on all other questions of interest to European labour arising from the activities of the Council of Europe with special reference to the permanent committees of the Consultative Assembly. This includes the right to suggest to the relevant Committee that it should consider certain questions, and, if need be, include them in the Agenda of a later session.

c. To receive all documents from the Council of Europe, not secret or confidential, relating to economic, social and cultural questions. (The European Regional Organisation would, of course, also transmit to the Council of Europe all its documents and reports which might be of interest).

d. To establish regular and direct relations with the competent departments of the Secretariat-General of the Council of Europe, so that the co-operation of the E. Ft. 0. in the above-mentioned activities can be properly prepared. (Similar relations exist with 0. E. E. C).

I hope that these few details clarify the question sufficiently to enable the Ministers Advisers and yourself to judge our request and to recommend to the Committee of Ministers that it be implemented.

If, of course, you consider that further clarification might be useful, I shall be very glad to provide it, either in writing, or personally at Strasbourg.

Hoping for a reply from you, I am, Sir, Your obedient Servant,

The Secretary-General,

W. SCHEVENELS.

Monsieur J. C. PARIS, Secretary-General of the Council of Europe, STRASBOURG.

Appendix 2 APPENDIX II

FRENCH CONFEDERATION OF CHRISTIAN WORKERS

Paris, 25th April, 1952.

Sir,

I think it advisable, after my previous correspondence with you, to confirm that the " C. F. T. C", in common with all the Christian trade union organisations, is striving to promote real international co-operation and, consequently, attaches great importance to the work of all international Organisations.

With this in mind, we have for many years been associated with the International Labour Office, and more recently with the United Nations Organisation and its Specialised Agencies.

We regard it as very desirable that similar relations should be established between the Council of Europe and our Organisation.

We think that this could be done on the following basis :

Ou r Organisation would be invited to send observers to the Sessions of the Consultative Assembly.

W e might be invited by the Committee of Ministers to assist in the work of the Committees of Government Experts at technical conferences convened by the Committee of Ministers. This co-operation might consist either in sending one or several representatives to attend meetings, or in the exchange of memoranda.

Ou r Organisation might be invited by the Secretary-General of the Council to co-operate with the departments of his Secretariat in drawing up certain projects in the field of social policy. The Secretary-General, might, in particular, invite us to take part in the proceedings of Working Parties appointed by him.

W e should receive from the Secretary- General of the Council any non-confidential documents and information which might be of interest to us.

W e should be allowed to submit to the Secretary-General of the Council memoranda on subjects of mutual interest. These would be transmitted by the Secretary-General to the Committee of Ministers. We might be invited, should the occasion arise, to send representatives for verbal explanation of the contents of these memoranda.

Our Organisation might be invited to make statements on questions of mutual interest in the Committees and Sub-Committees of the Consultative Assembly, under conditions to be laid clown by the competent organs of the Assembly..

W e should include in the Agenda of our General Meetings questions relating to the working programme of the Council of Europe, so far as they come within the normal field of Trades Union activity. All measures taken by the Council of Europe would be given the fullest publicity..

I n line with the above suggestions our Organisation would do all in its power to further the activities of the Council of Europe and assist in implementing the Recommendations adopted by the Assembly.

W e should invite the Council of Europe to send observers to our conferences.

W e should provide the Secretary-General of the Council with information about such of our activities as concern the Council; in particular we should transmit to him our regular publications.

Th e Secretary-General of the Council might, at any time, consult our Organisations on a specific question.

We should be ready to submit to the Council of Europe an annual report on the steps taken to carry out the obligations entailed by the acceptance of the above proposals..

I am, Sir, Your obedient Servant.

The President

Signed : G. TESSIER.

Monsieur J.-C. PARIS, Secretary-General of the Council of Europe, STRASBOURG.

Appendix 3 APPENDIX III

MEMORANDUM BY THE SECRETARIAT-GENERAL

Two international trade union organisations, the International Confederation of Free Trade Unions (through its European Regional Organisation) and the International Federation of Christian Trade Unions have submitted requests for the establishment of permanent co-operation with the Council of Europe.

Both organisations, which presented their requests independently, ask that they should be given a « consultative status » which would include :

1. The presence of observers at the Sessions of the Consultative Assembly or at the meetings of its Committees, at which the organisations concerned would be entitled to comment on such questions within their sphere of interest as were there discussed, and to put forward their views by word of mouth.
2. The attendance of observers at the meetings of Committees of Experts or Working Parties convened by the Committee of Ministers.
3. The submission either to these Committees or to the appropriate Committees of the Consultative Assembly of any suggestions, observations or requests for the inclusion of questions in the Agenda, concerning matters of interest to the international trade union organisations.
4. The exchange of documentary material between these organisations and the Secretariat-General of the Council of Europe.

These requests have already been given preliminary consideration. In connection with the- request submitted by the I. C. F. T. U., M. Schevencls, Secretary of the European Regional Organisation of this body, approached the President of the Consultative Assembly and the Secretary-General of the Council of Europe. The question was given a first hearing by the Ministers' Advisers during their meetings in February, 1952. The Advisers instructed the Secretary-General to enquire under what conditions the I. C. F. T. U. contemplated the establishment of co-operation with the Council of Europe and in what sense the proposed " consultative status " was to be understood. This request of the Advisers was met by letter No. 627 of 19th March, 1952, from the I. C. F. T. U.

With regard to the I. F. C. T. U., its Council, meeting at Vienna from 21st to 23rd November, 1951, expressed two wishes : first, that, in appointing their delegations to the Consultative Assembly, national Parliaments should include a fair number of politicians acquainted with the working-class movement and having its confidence : secondly, that the Council of Europe should grant an adequate consultative status to the International Trade Union Organisations. This last point was made in a letter of 25th April, 1952, from M. Gaston Tessier. The wishes of the I. F. C. T. U. were communicated to the Bureau of the Consultative Assembly on 5th December, 1951.

In submitting the problem to the Ministers' Deputies and in the light of the discussions and correspondence between his Departments and the organisations concerned, the Secretary-General feels he should state that, in his opinion, it would be advantageous to give a favourable reply to the requests addressed to him. The Council of Europe could indeed hardly fail to give official recognition to the trade union movements in view of their importance in the Europe of to-day. By the establishment of regular relations between the Council of Europe and workers' organisations, not only would the former procure better information on the attitude of the workers to social or economic problems which come before it, but the latter would acquire closer acquaintance with the principles, the activities and the achievements of the Council. That at least is the object to be aimed at in any arrangement which might be concluded.

It is worth noting that at the 118th Session of the Council of the International Labour Office, a workers' representative expressed certain misgivings with regard to measures that might be taken by the Council of Europe in the economic and social fields owing to the lack of liaison between the Council and I. L. 0. and workers' circles in general.

It should perhaps be observed that the Treaty instituting the Coal and Steel Community and that setting up the Defence Community provide (Art. 18 of the E. C. S. C. Treaty and Art. 109 of the E. D. C. Treaty) for the representation of workers organisations in the Consultative Committees attached to the High Authority of the E. C. S. C. and the Board of Commissioners of the E. D. C.

Account should also be taken of certain precedents. The two trade union federations already maintain official relations with a number of international organisations. Apart from I. L. 0. where they are a matter of course, such relations have been established, with the Economic and Social Council of U. N., 0. E. E. C. and UNESCO.

Relations with ECOSOC are based on several overall Resolutions adopted by the General Assembly of the United Nations under Article 71 of the Charter. The two organisations in question come into Category A—which includes no more than a dozen bodies—of the non-governmental organisations consulted by ECOSOC. Thus the consultative status which they enjoy is the most favourable possible. They are able to maintain direct relations with all the ECOSOC committees, to inform them of their views, either verbally or in writing, to receive from the Council all non-confidential documents including draft Agenda, to make known their views on these Agenda to the " Agenda Committee ", to propose certain questions for inclusion in the Agenda, to send observers to the public meetings of ECOSOC and its Committees, to be heard by the Council or its Committees on their invitation—and to present orally or in writing such questions as they may wish to have included in the Agenda. It is true that ECOSOC has made arrangements for canalising relations with the various nongovernmental organisations, by the creation of a "Permanent Committee" which examines requests from those organisations and in particular decides on all requests for the inclusion of items in Agenda. Nevertheless, the opportunities for consultation and intervention open to organisations of Category A, to which belong the Trade Union Federations that we are considering here, are still very considerable.

The policy adopted by 0. E. E. C. in its relations with non-governmental organisations is more restrictive. It has so far only recognised three such organisations, and of these the " E. R. P. Trade Union Advisory Committee " is the only trade union body with which it maintains official relations. This Committee, which was originally set up to ensure liaison with the Marshall Plan Administration, includes a representative of the Christian Trade Unions but is at present integrated into the European Organisation of the I. C. F. T. U. It has established a " Liaison Bureau " whose functions include relations with 0. E. E. C. The recognition which it is given does not involve any very extensive consultative status. In particular it does not possess the right to request the inclusion of questions of its choice in the Agenda or to send observers to the meetings of the Technical Committees. Thus relations have in the past been maintained mainly " on the basis of daily contacts, through unofficial interviews, consultations and conferences" which, according to the I. C. F. T. U., have enabled it to gather useful information and occasionally to bring the views of the Trade Unions to the notice of 0. E. E. C. Progress is now, however, being made towards closer" co-operation. In a few cases the unofficial attendance of Trade Union representatives at certain meetings of the Technical Committees (Technical Assistance-Pulp —Paper) has been authorised. The Advisory Committee has, furthermore, been empowered, by special agreement, to take an active part in the work of the 0. E. E. C. Conference of December, 1951 on the use of manpower. Efforts are at present being made by the European Organisation of the I. C. F. T. U. to obtain the direct and official representation of the Trade Union Advisory Committee in the Technical Committees which examine questions connected with the plans for increased production. For this purpose the Advisory Committee has set up six sub-committees corresponding to production sectors, for the purpose of holding joint meetings with the Committees of Working Parties of 0. E.E. C. These Sub-Committees have been receiving the reports drawn up by the Technical Committees and have made their comments on them to 0. E. E. C. After examining and discussing these comments, 0. E. E. C. will, if necessary, consider new arrangements for closer co-operation.

With regard to UNESCO, it will suffice to note here that the I. C. F. T. U. is included in the " list of international nongovernmental organisations approved for consultative arrangements " concluded by UNESCO " in order to secure the views of these organisations and to associate them effectively with its work ". These arrangements accord the right : to send observers to the sessions of the General Conference; to be invited, where appropriate, to Study Groups or to submit their observations to them in writing; to receive all documentary material or information that is not confidential and which is of interest to them; to submit to the Executive Board through the Director-General written observations not exceeding two thousand words, and at the invitation of the Board to appear before it in order to amplify them; to make statements on questions within their competence in commissions, committees and subsidiary bodies of the General Conference and to address the plenary Conference if authorised by the General Committee. Conversely, the organisations undertake certain obligations as to the publicising of the activities of UNESCO, the attendance of UNESCO observers at their Assemblies or General Meetings and the transmission of their documentary material and of an annual report on the measures taken to carry out the above obligations.

Finally, it should be noted that the I. C. F. T. U. has established contact with NATO organisations for the purpose of establishing regular co-operation with its Economic and Social Departments.

The importance of the organisations in question and the precedents mentioned above would warrant a positive reply to the requests which have been submitted to the Council of Europe. It remains to determine the character and scope of the " consultative status " to be granted. Any decision on these matters should, it is suggested, take account of the following preliminary observations.

(a) The precedents cited all refer to relations between the trade union organisations and specialised international institutions. The necessity for such specialised institutions to be in regular consultation with organisations working in the same fields and in contact with largo sections of public opinion is clearly in direct proportion to the extent of specialisation..

To take an extreme case, it is scarcely conceivable that the World Health Organisation could operate without close relations with the scientific or professional bodies concerned with questions similar to those with which it deals itself, or that UNESCO could pursue its task of inspiration and co-ordination without maintaining permanent contact with many cultural or scientific organisations working at the international level. Thus all these institutions have included in the texts which govern their activities precise stipulations for establishing de jure the need for such liaison or such contacts.

The same does not apply to the Council of Europe. It is not a specialised institution of a more or less technical character but an organisation whose function is primarily political. Its task is to bring about an ever greater unity among the countries of Europe in due conformity with the principles and ideals which are the common heritage of its Members. Thus it cannot limit itself to any particular category of questions (cultural, social, economic, etc.), nor do there at present exist any non-governmental organisations with wide representation whose objectives are as extensive as its own. Furthermore the original Statute of the Council of Europe omitted the question of relations with non-governmental organisations. During its Eighth Session in May, 1951, however, the Committee of Ministers adopted a very general text to the effect that " the Committee of Ministers may, on behalf of the Council of Europe, conclude with any non-governmental international organisation agreements on matters which are within the competence of the Council ".

(b) Another fundamental difference between the governmental organisatioiis which have been quoted as precedents and the Council of Europe is that the latter has expressly assigned a consultative function to an Assembly whose members represent the elected Parliaments of the participating countries. It is important that this function of the Assembly should not be split up and so reduced in importance. This might well happen if certain nongovernmental organisations were accorded a " consultative status " by the terms of which the Committee of Ministers would be obliged to consult them on questions within their competence. Precautions would clearly have to be taken to protect the prerogatives of the Consultative Assembly. One such precaution might be to attach the non-governmental organisations concerned to the relevant Committees of the Assembly, with which alone they would normally co-operate. For its part the Committee of Ministers, which was unable to reach a decision on the principle of the attendance of representatives of the Assembly at the meetings of Committees of Experts, would feel some diffidence about granting this right to the representatives of non-governmental organisations, particularly as these meetings are held in private. It might, however, see some advantage in being able, through the Secretary-General, to request the organisations concerned to give their views on questions included in the Agenda of the Committees of Experts.

If the above considerations are accepted, the Secretary-General might be instructed to propose to the I. C. F. T. U. and the "C. I. S. C." the basic principles of an arrangement whose precise form and final terms would be decided on only after consultation of the Assembly, as proposed in paragraph VI below. These principles might be conceived as follows :

(a) Committee of Ministers

Relations with the organisations in question would be at the level of the Committee of governmental experts. Article 14 of the Rules of Procedure of these Committees stipulates that they may " decide by a unanimous vote to admit observers... or request the assistance of special experts. " Although this clause does not, as requested by the European Organisations of the I. C. F. T. U., allow of the admission of observers, as of right, with power to intervene in discussions, it would to a certain degree meet the requests of the Trade Union Organisations by giving them the assurance that their views on questions within-their competence would be brought to the notice of the experts :

1. The Secretary-General would inform the organisations which of the items on the Agenda of the various Committees of Experts were likely to interest them. The organisations would submit their observations in writing to the Secretary-General. It would be for the Committee to decide, in accordance with Article 14 of the Rules of Procedure, if a representative of the organisations should be heard.

2. On the recommendation of the. Committees of Experts, the Committee of Ministers could decide what documentary material connected with its work should be transmitted to the Organisations.

(b) Assembly

It is primarily on the Assembly, the consultative organ, that the relations with non-governmental organisations should centre. The following provisions might be made :

1. The Organisations would have the right to send observers to the Sessions of the Consultative Assembly and would have communicated to them its provisional Agenda..
2. They could communicate with the relevant Committees of the Assembly through the Secretary-General. In the present case the Committees concerned would be those on Economic Questions, on Social Questions, on Population and Refugees and on Cultural and Scientific Questions. These communications would take the form of written memoranda on questions included in the Agenda of the Assembly, drawn up either on the initiative of the organisations themselves or at the request of the Committees. It should be observed that the Committee on Social Questions has already held written consultations with numerous non-governmental organisations, particularly on the question of the " adoption of a common policy for Social Security "
3. The Committees, having, in accordance with the above paragraph, received written observations from the organisations, would be the final judges of the desirability of hearing verbal amplifications from their representatives.
4. The Organisations might wish a question to be included in the Agenda of the Assembly. For this purpose they would address a note to the Secretary-General, who would first investigate whether the question had not already been considered or was not already due for consideration and would then, if necessary, transmit the request to the Standing Committee.
5. The Organisations would receive from the Secretariat-General the draft Agenda of the Assembly, the Reports which the Assembly had decided to transmit to them, the official reports of the public Sittings and, in general, all non-confidential documents concerned with the problems within their competence.

(c) Secretariat- General

As appears from the above proposals, the Secretariat-General would have the function of liaison between the Council of Europe and the non-governmental Organisations. In this capacity it would have the task of :

1. Informing the trade union organisations concerned of the working programmes of the Committees of Experts, receiving their observations and forwarding them to the Committees ;
2. Sending to the organisations all documents or information which the Committee of Ministers might decide they should receive;
3. Receiving and forwarding such communications as the organisations may wish to make to Assembly Committees;
4. Fowarding to the organisations such requests for opinion or invitations to submit their observations verbally as are made by the Assembly Committees;
5. Receiving such requests for the inclusion of questions in the Agenda of the Assembly as might be submitted by the organisations and forwarding them to the Standing Committee as described above;
6. Transmitting to the organisations all relevant documentary material;
7. Receiving from the organisations the documents and reports which they have undertaken to supply to the Council of Europe and ensuring their distribution;
8. Directly consulting the organisations for the purpose of obtaining from them such information as might be useful for the studies which the Committee of Ministers instructs it to carry out.

(d) In return for the facilities thus afforded them, the organisations would assume certain obligations, as they have indeed themselves suggested;

1. They would adopt a form of words stating that they approved the aims and principles of the Council of Europe as set out in the Preamble and Article 1 of the Statute.t.
2. They would include in the Agenda of their General Meetings questions bearing on the work of the Council of Europe, insofar as such questions came within the scope of their normal activities.

3. They would give maximum publicity, in their publications and otherwise, to such measures or achievements of the Council of Europe as came within their sphere of interest.

4. They would invite the Secretariat- General to send observers to their Conferences or Congresses.

5. They would supply the Secretariat- General with all information on their work likely to be of interest to the Council of Europe and, in particular, would transmit to it their periodical publications.

6. They would send the Secretary-General an Annual Report on the measures taken to carry out the arrangements made.