Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 104
16 January 1953

Conclusions of the Ad Hoc Assembly relating to the draft treaty setting up a European Political Community (General Principles)

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr Georges BOHY, Belgium, Socialist Group

1. 1953 - Extraordinary Session

A. Explanatory Memorandum

1.

The Resolution adopted at Luxembourg on 10th September, 1952 by the six Ministers for Foreign Affairs of the European Coal and Steel Community provides that the Ad Hoc Assembly shall report periodically on the progress of its work.

In accordance with this decision the President of the Consultative Assembly, on 12th January, received a letter (Doc. 96) from the President of the Ad Hoc Assembly containing the Directives adopted by that Assembly in the course of last week and transmitted by it to its Constitutional Committee. Their purpose is to inform the Committee of the wishes of the Ad Hoc Assembly with regard, on the one hand, to the principles to be observed in carrying out the Committee's further work, and, on the other hand, to the alterations to be made in the formulas already elaborated. These directives are grouped together in the order of the six Resolutions to be found in Doc. 1 of the Ad Hoc Assembly to which they relate. This document is entitled "Rejiort of the Constitutional Committee". Of these six Resolutions the last two deal with the so-called problems of " association " and of " liaison " and are the subject of a separate report. The fourth Resolution, on the judicial institutions of the Community, has been referred to the Committee on Legal and Administrative Questions.

This Report is therefore limited to submitting to the Assembly an opinion on the directives relating to the three first Resolutions, the object of which is :

i n the case of the first Resolution : the integration of the European Coal and Steel Community and of the European Defence Community in the new European Political Community;

i n the case of the second Resolution : the powers and competence of that Community

i n the case of the third Resolution : the political institutions of that Community.

It should therefore be made quite clear from the outset that this report is not concerned with the Report of the Constitutional Committee as such. It would have been impossible for us usefully to study this Report in so short a time, in view both of its length and of the importance of the political questions which it raises. The Committee, however, feels that it should make clear that in its opinion this should not be interpreted either as meaning that it renounces any such examination, or as implying either approval or disapproval. Your Committee, on the contrary, believes that the Resolution of the six Ministers of the 10th September, 1952, to which reference is made above, implies that it is desirable that the Consultative Assembly should undertake a complete, detailed, and careful examination of the draft Treaty for a European Political Community as soon as the text is ready — that is to say, no doubt at its Session in May.

Your Committee also considered that it would be of advantage to define both the spirit and the appropriate limits of the Opinion which it is submitting to the Assembly.

Would it be appropriate that the examination of the text by the Consultative Assembly should extend to its every detail and that its opinion should bear on each single provision that has been proposed?

Such a thesis might have received general approval, had the work submitted to us been carried out within the limits of the mandate formulated by the Consultative Assembly in its Resolution of December, 1951 and of 14th May, 1952. But it cannot be denied that the Declaration of the six Ministers at Luxembourg substantially increased the scope of the mandate given to the Ad Hoc Assembly and its Constitutional Committee, as compared to the contents of our two Resolutions.

An attempt will be made to explain what is the bearing of the opinion submitted by your Committee, in view of the fact that its purpose is neither to check to what extent the mandate of the Consultative Assembly has been fulfilled nor to undertake a detailed examination and amendment of the texts, — and by this we, of course, refer only to the texts of the Directives.

Even those who accept with the utmost reserve the efforts now being made to develop new institutions would consider it unfortunate in the extreme, were they to fail completely after having aroused so much interest. We shall therefore first of all endeavour to indicate the risks of failure that might emerge from certain of the texts, and suggest the means of avoiding them.

What are these risks?

The first, and the most serious, would be the possibility that certain of the texts should impede ratification by the national Parliaments. It will be for you to judge whether there is the need for a measure of caution which is not born of timidity and for a measure of boldness which is not born of temerity, but which you believe to be essential if the chances of ratification are to be improved.

The second preoccupation is that which has dominated all the proceedings of the Council of Europe. Those of us who are deeply convinced of the need for European unity, and especially those of us who are inspired by a fundamentally federalist ideal, have experienced many moments of impatience and discouragement. But we have subdued our impatience and overcome our discouragement, whenever it appeared to us that there was a risk of damaging the essential links, and co-operation within the Council of Europe, between those countries which sincerely believe in the urgent necessity for unity and those which show a certain reticence or reserve in this respect.

To sum up, the texts of the Directives should not, in the opinion of your Committee, be examined clause by clause. Nor, indeed, do these take the form, at present, of legal documents or regulations. They merely set forth principles which it would be useless at present to discuss in too great detail. In our view, our sole function is to ascertain whether or not they run the danger of loosening the links between the Member States of the Community and the other Members of the Council of Europe, and whether, above all, the enthusiasm which many of us approve in our hearts has not resulted in their being carried too far to justify the hope that they will be ratified and thus pave the way to the establishment of a European Defence Community.

These are two realistic political considerations which are far more important than any textual amendments or declarations of principle. At a time when we have still sufficient freedom of action to avoid committing anyone, we, for our part, declare that we desire the adoption without reserve of all the texts which present neither of these two disadvantages, and we trust that all those texts will be very carefully considered that might cause difficulties in the two respects which we have mentioned.

A third point has been raised : one member of your Committee declared that it was insufficient to be concerned with the risk of weakening the tangible links which have been secured through the existence of the Council of Europe, but that it was equally important to ensure that the nature and form of the links between the six countries should be such as not to hinder the establishment of a unity closer than that which now exists within the Council of Europe. Your Committee agrees with this legitimate preoccupation.

The Draft Resolution was adopted by the Committee by 16 votes to 2, with 4 abstentions.

B. Draft Resolution expressing the opinion of the Consultative Assembly on the Directives for the preparation of the draft treaty setting up a European Political Community, as adopted by the Ad Hoc Assembly at its meetings on 7, 8, 9 and 10th January, 19S3 (General Principles)

The Assembly,

Called upon for an opinion on the directives transmitted by the Ad Hoc Assembly to its Constitutional Committee,

Expresses its unreserved appreciation of the work hitherto performed by the Constitutional Committee;

Being aware that it is impossible, during the present short session, to undertake a detailed study of these texts, the extent and scope of which are of such importance;

Deems that it should therefore limit itself at present to ascertaining whether anything in these directives is of such a nature as to weaken the links forged within the Council of Europe between those of its Members participating in the work of the Ad Hoc Assembly and the other Member States of the Council of Europe;

Draws the attention of the Ad Hoc Assembly, in this connection, to the vague wording of sub-paragraph 2 of paragraph 9 in Resolution II, whereby the Political Community is instructed to define the common general objectives of foreign policy of the Member States;

Consequently, expresses the opinion that in acting upon this text adequate care must be taken to ensure that the harmony between the foreign policies of the countries represented in the Assembly, which is at present so necessary and is one of the constant aims of the Council of Europe, shall in no way be jeopardised or rendered more difficult of attainment.

C. Draft Order of the Assembly

The Assembly instructs the Committee on General Affairs to prepare a report concerning the said texts, to be discussed during the First Part of the Fifth Ordinary Session.