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Draft Reply of the Assembly to the Second Supplementary Report from the Committee of Ministers

Communication

Parliamentary Assembly

1. Message of the Committee of Ministers

*(a) Recent developments in connection with the six-Power Community - Committee on General Affairs.
Rapporteur : M. Wistrand*

1. The Assembly appreciates the tribute paid by the Committee of Ministers to its influence on the recent developments connected with the six-Power Community. The Assembly believes that the policy which it has adopted in this respect will be in the best interests of the Community and at the same time maintain the cohesion of the Member States of the Council of Europe. The opportunity has been taken in the Resolution on the Report of the High Authority of the E. C. S. C., adopted by the Assembly on 23rd June, to make certain proposals for the further development of a close working collaboration between the organs of the Council of Europe and those of that Community. The Assembly is confident that it will find support for these proposals in the Committee of Ministers, and that the latter will itself take further steps to bring about the implementation of the provisions of Opinion No. 3.

(b) The Council of Europe as the general framework of European Policy

2. While welcoming the general tenor of the recommendation to Member Governments of the Council of Europe contained in Resolution (53) 13 of the Committee of Ministers, the Assembly regrets that the latter has not been able to endorse the opinion of the Assembly that the " Council of Europe should constitute the general framework of European policy ". The Assembly believes that support for this opinion should logically follow from the adoption by the Committee of Ministers of its decisions in respect of the policy of " Specialised Authorities " and " Partial Agreements " and more recently, from the Committee's approval of the principles underlying the proposals originally put forward by the United Kingdom : it therefore recommends that the Ministers should continue the study of this question, and re-examine the terms of the Resolution referred to, with a view to giving it a more precise character.

(c) Association of certain non-Member States with the work of the Council of Europe

3. The Assembly fully approves the desire of the Committee of Ministers to associate with the work of the Council of Europe certain States which accept the provisions of the Statute, but which may not be willing to become full Members. The Assembly has been most happy to welcome representatives of the Austrian Parliament as observers at its plenary Sessions and at meetings of its Committees, and suggests that similar means of association with the work of the Assembly might be adopted in other cases.

(d) Programme of work of the Council of Europe



4. The Assembly has especially noted the decision of the Committee of Ministers to establish a " well-defined programme of work for the Council, not only in order t h a t it may effectively further the cause of European unity, but also t h a t thé people of Europe may understand more clearly the role "1 of the Council. The Assembly welcomes this decision and attaches particular importance to it.

5. Nevertheless, while welcoming this decision as an indication of renewed activity on t h e part of the Committee of Ministers, the Assembly feels it to be its duty to point out t h a t during the past three years the meetings of the Committee of Ministers have become progressively less frequent² ; and, although it is true that the Ministers have delegated certain of their powers to their Deputies, who have held regular meetings, the fact remains t h a t in respect of only very few of the Recommendations adopted by the Assembly has any practical action been taken.

6. The Assembly's Recommendations have no doubt been of unequal value, but they have covered a wide field, and it is difficult to believe that of all the ideas contained in them, there were not some which deserved support. Moreover, if the Committee of Ministers had considered that the method of work of the Assembly, and the questions which it studied, were unsatisfactory, a remedy was available by way of the procedure providing for the consultation of the Assembly by the Committee of Ministers. The Committee of Ministers has, however, made little use of this facility, either for the purpose of obtaining the opinion of the Assembly on specific questions, or in order to make suggestions with regard to the Assembly's agenda. Indeed, the Assembly, as a consultative body, has had relatively more success with other organisations than with its own Committee of Ministers. Reports are now regularly presented to the Assembly for its opinion by the I. L. O., the O. E. E. C, the High Authority of the E. C. S. C , the Brussels Treaty Organisation, the United Nations High Commissioner for Refugees, and the Intergovernmental Committee for European Migration: the Committee of Ministers has in the last three years requested the opinion of the Assembly on only eight occasions³. Moreover, the Committee of Ministers has never made use of Article 15 of its Rules of Procedure, which provides t h a t t h e Committee of Ministers will refer back to the Assembly for further consideration any Recommendation of the Assembly which is considered by the Committee to be only partially acceptable.

7. These points illustrate the extent to which the Committee of Ministers has failed to fulfil the role attributed to them in 1949 by the authors of the Statute. It was never intended that the Committee of Ministers should decline into the role of a passive receptacle of the Assembly's Recommendations, with the discussion—and, if necessary, the veto—of these as its principal function. On the contrary, the drafters of the Statute regarded the Committee of Ministers as taking a lead in their own right. They intended t h a t the Committee of Ministers should become a real centre for t h e thrashing out and adoption of a common European policy; that it should make frequent declarations as the Ministerial body representing free Europe; t h a t it should sponsor its own draft Conventions on various subjects of common European concern (Article 15 (b)); that it should frequently ask the Assembly to express European public opinion on various specific subjects. In a word, that the Committee of Ministers should become a dynamic rather than' a static body. It is because the " Programme of Work " marks a return to this original concept of the Committee of Ministers also using its right of initiative, that the welcome given to it by the Assembly is a warm one.

8. The programme of action will, presumably, be implemented through the negotiation of international conventions. The Assembly recalls that progress has already been made in t h e Council of Europe along these lines. The European Convention on Human Rights will shortly be ratified by the necessary number of States and will enter into force. Five other conventions are ready for signature. There is no doubt that important results can be achieved by this method. The method is, however, not new in itself. Although developed since 1945 on a larger scale than ever before, the conclusion of Conventions represents a traditional form of inter-national collaboration, which has been employed for at least a hundred years.

1. Para. 8.

2. In 1950 tho Committee of Ministers met three limes : in 1951 twice, and in 1952 once.

3. In the last three years the Committee of Ministers have requested the opinion of tho Assembly on the following subjects : In 1950 : Augu.il (i) Request for an Opinion on tho formulation of a multilateral Convention for the Reciprocal Treatment of Nationals. (ii) Request for an Opinion on the possibility of establishing a European agreement for relief from double taxation. In 1952 : May (iii) Request for an Opinion on two draft European Interim Agreements relating to social security. (iv) Request for an Opinion on the best means of giving effect to the United Kingdom proposals. September (v) Request for an Opinion on the grant of a consultative status to certain Trade Union Organisations. In 1953 : April (vi) Request for an Opinion on a Draft Convention of Social and Medical Assistance and the draft Protocol thereto. May (vii) Request for an Opinion on the activities which the Council of Europe could properly carry out in the social sphere. (viii) Request for an Opinion concerning the principles which should govern relations between the Council of Europe and non-governmental organisations.

9. It would perhaps be possible to justify the existence of the Council of Europe simply on the grounds that it provides the necessary centralised machinery for the preparation, discussion and negotiation of such international conventions. The Assembly believes, however, that it was not intended in the minds of those who established it that the Council of Europe should be confined to this role. The feature of the Council of Europe which differentiates it from any earlier international organisation is the fact that it includes as one of its organs an Assembly, composed of representatives of its Members, nominated by their Parliaments " or in such manner as the Parliaments shall decide ". It was hoped that these European Parliamentarians, meeting together as individuals, would, through the give-and-take of discussion, work out a European answer to the question of the ways in which a greater unity of Europe could be achieved, and would make proposals to that end going beyond any which the national Governments, represented in the Committee of Ministers, could be expected to sponsor on their own initiative. The representatives of national Governments are in duty bound to approach the question of the means of achieving a greater unity in Europe from the " international " point of view. The Assembly, on the other hand, was intended, and owing to its character, is able, to concentrate on seeking and giving expression to a " E u r o p e a n " solution, the Governments in the Committee of Ministers having the responsibility of deciding to what extent this solution can be applied in the individual Member States, and in what manner. This is the role which the Assembly has sought to play, and which it conceives it to be its duty to continue to play in the future. I t feels bound to emphasise, however, t h a t its success in so doing will depend on the Committee of Ministers also playing its part.

10. The Assembly recalls that the constitutions of certain of the Member States of the Council of Europe have recently been amended in order to make specific provision for the transfer in certain conditions of part of the national sovereignty of those States to an international authority⁴. These developments give impressive evidence of the growth of support for the " organic " approach to the question of the means of achieving a greater unity in Europe : having regard to them, and to the entry into force of the European Coal and Steel Community, it would be singularly inappropriate for the Council of Europe at this stage to decide t h a t its main efforts should be limited to a search for suitable subjects for " inter-govefnmental " action.

11. The Assembly understands that the programme of action, which the Ministers' Deputies have been instructed to draw up, will call for the collaboration of both organs of the Council. The Assembly therefore proposes :

11.1. that the Deputies should review the Recommendations and Resolutions already submitted to the Committee of Ministers with a view to including in the programme those of the proposals contained in them which call for further study;

11.2. that the programme itself should be submitted for examination and approval by the Assembly before its final adoption by the Committee of Ministers ;

11.3. t h a t the Assembly should be invited to give its opinion with regard to, and should as far as possible be associated in, the implementation of the programme of action once adopted; and

11.4. that the programme should include specific proposals for developing the consultation of the Assembly by the Committee of Ministers.

12. This being said, the Assembly, while continuing to make its own contribution to the success of the Council on the lines indicated in an earlier paragraph, will co-operate loyally with the Committee, of Ministers in the execution of the programme of work once adopted, convinced that the step now taken by the Committee of Ministers opens a new and promising chapter in the history of the Council of Europe.

(e) General considerations

13. The Assembly endorses without reserve the statement that the task of unifying Europe—a task, which as the Committee of Ministers has said, was " undertaken irrespective of any threat of war"—should be pursued with courage and determination, even if a welcome slackening of the international tension should take place.

14. It is deplorable t h a t , as a consequence of the hesitations and lack of decision of the last four years, the efforts to achieve a greater unity in Europe have brought (apart from the establishment of the European Coal and Steel Community) so few practical results and the need for them is still so imperfectly understood, t h a t there is a danger of the public being misled into thinking that a détente, if one should take place, will

4. Amendments in this sense took effect, in respect of the Danish Constitution, on 5th June, 1953, and in respect of the Constitution of the Netherlands, on 22nd June, 1953. It should be noted that the constitutions of France, the German Federal Republic and Italy likewise contain similar provisions.

make the whole endeavour unnecessary. The Committee of Ministers is right to re-emphasise that " the aims of the Council of Europe are entirely peaceful ", and it is peace that we all wish for above all things : b u t , even if peace were assured, so long as the barriers remain to the free movement across Europe of men, goods and ideas, the European peoples cannot hope to enjoy the much higher standard of living which is within their reach—and, indeed, will be able to maintain their present standards only with great difficulty, if at all. However the general political situation may develop, the greater unity of Europe is the essential—and only —means of ensuring, together with their independence, the economic and social progress of the European peoples and the maintenance and further realisation of their spiritual and moral values.

15. The Assembly solemnly calls on all those responsible for the government of the peoples of Europe to bear in mind these considerations at this crucial moment.

2. Fourth Report of the Committee of Ministers

2.1. CHAPTER 1 - Economic Questions

(a) Agricultural Policy - Special Committee on Agriculture. Rapporteur : M. Charpentier

16. The Fourth Report from the Committee of Ministers to the Consultative Assembly ([Doc- 122](#) Section L Chapter 1, paras 8 and 9) states that, in accordance with the Committee's recommendation, the European Conference on the Organisation of Agricultural Markets had decided to allow members of the Special Committee on Agriculture of the Consultative Assembly to attend the Conference as observers.

17. The Report of the Committee of Ministers then proceeds to summarise the work achieved by the European Conference and refers to the tasks entrusted to the Interim Committee established by the Conference, and composed of governmental representatives, with a view to the elaboration of concrete proposals relating to : the means of organising European agricultural markets; the structure of the necessary institutions and the links to be established between the participating countries and other countries.

18. Although its wishes in this respect have been partially met, the Assembly, nevertheless, feels that it should be associated more closely with the proposals drawn up by the Interim Committee. It is for this reason that in its Recommendation 43 it has requested the Committee of Ministers that it be represented at the proceedings of this Committee by an observer from the Secretariat-General.

19. Should it be agreed to establish an Agricultural Community, the Assembly would be required to give its opinion on the draft treaty or convention establishing the Community, and it therefore deems it highly desirable that it should be kept fully informed through the Secretariat-General of all the proceedings of the Conference. It considers that the present form of liaison is inadequate and that the Summary Reports it receives after the meetings do not give it a sufficiently clear picture of the progress of the work of the Interim Committee.

(b) Co-ordination of economic relations between Member States of the Council of Europe and the overseas countries with which they have constitutional links (the " Strasbourg Plan ") - Committee on Economic Questions. Rapporteur : Sir Robert Boothby

20. The Assembly notes that Recommendation 26 of September, 1952 has been transmitted for study to the Governments of the Commonwealth countries and to O. E. E. C. ; is gratified to learn that the Committee of Ministers shares its views on the importance of the problems involved and the desirability, in present circumstances, of finding a speedy solution to them; and hopes that the various consultations undertaken by the Committee of Ministers will enable it to discuss the question at its next Session.

(c) Association of European Airline Companies

21. The Assembly notes the Resolution adopted on 19th March, 1953, by the Committee of Ministers, and welcomes the Committee's decision to instruct the Secretary-General to invite I. C. A. O . to convene, subject to certain conditions, a European Conference to include interested European States which are not members of I. C. A. O.—the Agenda of that Conference to be as follows :

methods of improving commercial and technical co-operation between the airlines of the countries participating in the Conference;

the possibility of securing closer co-operation by exchange of commercial rights as between these European countries.

22. The Assembly regards it as indispensable that it should be kept regularly informed of the proceedings of this Conference and should, as far as possible, be directly associated therewith, and requests the Committee of Ministers to take all necessary steps to this end.

(d) European Companies

23. The Assembly notes that the Committee of Ministers has transmitted to the Governments of Member States of the Council Recommendation 38 of the Assembly, of September, 1952, concerning the draft Statute for European Companies ; i t also notes t h a t this decision of the Committee does not automatically involve approval of the establishment of the Research Bureau proposed in paragraph 11 of that Recommendation.

24. The Assembly proposes to continue its work on this subject, with a view to presenting a supplementary report in September.

(e) Creation of a European Transport Council

25. The Assembly, having been informed by its representative at the Transport Conference of the proceedings of that Conference, wishes to express its satisfaction at the diligence displayed in that connection by the Committee of Ministers and the decisions which it reached.

26. The Assembly wishes to take this opportunity of recalling the views which it has already expressed concerning the relations to be established between the Council of Europe and any organisations of a European character whose establishment may be contemplated in the future.

27. It trusts t h a t it will receive the final Report of this Conference early enough to enable it to hold a debate thereon at its next Session, in September.

(f) European Postal Union

28. The Assembly has considered with considerable interest the reply from the Committee of Ministers to Recommendation 9 of December, 1951 on the institution of a European Postal Union, and greatly regrets t h a t it was not regarded as possible or opportune to convene a Conference of Experts.

29. The Assembly reserves the right to give further consideration to this question at a later date.

(g) Lowering of Tariff Barriers (Low Tariff Club)

30. The Assembly has taken note of the memorandum on the technical implications of the three principles proposed as a basis for an international Conference on the lowering of tariff barriers, transmitted to it, on the instructions of the Committee of Ministers, by t h e Group of Customs Experts set up by G. A. T. T.

31. The Assembly wishes to recall the terms of its Resolution 30 of May, 1953, and to call t h e attention of the Committee of Ministers to the final paragraph of that Resolution, which requests the Committee of Ministers to invite the Contracting Parties of G. A. T. T. to include in the Agenda of their next annual Conference a study of the whole problem of establishing a Low Tariff Club.

(h) Patents

32. The Assembly wishes to assure the Committee of Ministers of its satisfaction at the manner in which the Experts have proceeded in this matter, and the results they have achieved. It sincerely hopes that the difficulties which still oppose the creation of a European Patents Office will be speedily removed, and is gratified at the conclusion of the agreement for co-operation between the Council of Europe and the International Bureau at Berne for the Protection of Industrial Property.

2.2. CHAPTER 2 - Social Questions

(a) Convention on Social and Medical Assistance - Committee on Social Questions. Rapporteur : M. Meyman

33. The draft Convention has been considered with great attention, and a draft Opinion thereon has been tabled by the Committee on Social Questions for discussion by the Assembly.

(b) Protocols extending to refugees the provisions of the Interim Agreements on Social Security and the draft Convention on Social and Medical Assistance

34. The Assembly welcomes the measures taken to extend the provisions of these instruments to refugees. It expresses the hope that the instruments themselves as well as the Protocols may be put into force shortly. The Assembly wishes particularly to recall that it approved the Interim Agreements on Social Security and recommended their speedy ratification in its Opinion No. 1, adopted on 28th May, 1952.

(c) Social security for the families of migrant workers

35. The Assembly notes with appreciation that there is agreement on the general principle that the families of migrant workers should be entitled to full social security benefits, even though the breadwinner may be working in another country. Agreement has, however, not been reached on the question whether the benefits to the migrant's family should be paid by the country where the migrant is employed or by the country where the family resides.

36. In the hope that it may contribute to a solution of the question, the Assembly wishes to state that the draft Recommendation relating to the social security of migrant workers which was tabled by the Committee on Social Questions in May, 1951, and which was adopted by the Assembly as Recommendation 3 of 14th May, 1951, was accompanied by an explanatory memorandum in which the Committee expressed the opinion that at the present stage of social development all social security rights should be considered as personal and not territorial.

(d) European Code of Social Security

37. The Assembly has already stressed the close connection between the work of the Council of Europe in this field and the efforts of the International Labour Organisation to lay down international standards of social security. It has also expressed the hope that the European Code could be based on principles more liberal than those embodied in the International Labour Convention on Minimum Standards of Social Security. The Assembly therefore approves the method of work adopted by the Committee of Experts on Social Security. It appreciates particularly the efforts being made to ascertain to what extent the European Code should stipulate the acceptance of a greater number of branches of social security than is required for ratification of the I. L. O. Convention, and to what extent the benefits should be more liberal and payable to wider categories of the population. In this connection the Assembly wishes to emphasise again that, in harmony with the general aim of the Council of Europe and with the principle of the Interim Agreements on Social Security, the European Code should contain the most liberal provisions possible for the equality of treatment between nationals and aliens within the framework of the Council of Europe.

38. The Assembly wishes to use this opportunity to express its great appreciation of the valuable collaboration extended to the Council of Europe by the International Labour Organisation in this field.

39. In its Recommendation 28, adopted on 24th August, 1950, relating to the European Code of Social Security, the Assembly proposed that the Code should be adopted by a "European Labour Conference" composed of representatives of Governments, workers and employers, and that the Committee of Ministers should take steps, in conjunction with the International Labour Organisation, to prepare and convoke such a Conference. This proposal should now be reviewed in the light of the fact that the International Labour Conference in 1951 and 1952 discussed international minimum standards of social security, and the Conference at its 1952 Session adopted the International Convention concerning Minimum Standards of Social Security, on which the European Code will be based.

(e) Social programme of the Council of Europe

40. The Assembly appreciates that the Committee of Ministers has acted in conformity with its wish that the Memorandum prepared by the Secretary-General "on the activities which the Council of Europe could properly carry out in the social sphere" should be submitted to the Assembly before any final approval was given to it, or any steps whatsoever taken in the matter. The Assembly intends to study this Memorandum with great care, in collaboration with the I. L. O., the O. E. E. C., and other competent organisations, and to give its opinion thereon as soon as possible.

(f) Protection of children in the event of war

41. The Assembly notes with particular satisfaction that the Committee of Ministers has recommended to the Governments of the Member States to take all necessary steps with a view to the ratification of the Geneva Convention of 12th August, 1949 concerning the protection of civilians in time of war, and all appropriate measures to see that such protection is ensured.

42. The Assembly recommends to the Member Governments to adopt, so far as possible, a common attitude in this field, and it requests the Committee of Ministers to keep it informed of progress of the ratification of the Convention in question, as also of the development of the measures taken by the Member Governments.

(g) Housing

43. The Assembly has taken note of the reasons for which the Committee of Ministers has considered it necessary to postpone any action concerning the establishment of a European Credit Institute for Housing. The Assembly regrets that it has not been considered possible to realise this important project, which would not only have contributed to the solution of the European housing problem, but would also have emphasised the solidarity of the Member States of the Council of Europe and their determination to solve a common problem of the first importance by joint practical action. The Assembly trusts that all measures possible will be taken to remove the obstacles now preventing the realisation of the project and that the question will be reconsidered as soon as the chances for a successful solution shall have improved.

2.3. CHAPTER 3 - Refugees and Surplus Population

(a) Resolution (53) 22 relating to the appointment of an eminent European personality - Committee on Population and Refugees. Rapporteur : M. Pernot

44. The Assembly welcomes the decision of the Committee of Ministers to appoint an eminent European personality to take a special interest in the problem of refugees and overpopulation.

45. It expresses the wish that he should be granted such authority as may enable him to face his heavy responsibilities.

46. It requests the Committee of Ministers to consult it as to the status and terms of reference of this personality when he is appointed.

47. It approves the decision of the Committee of Ministers to invite the Governments concerned to propose practical measures of assistance for the solution of the problem of refugees and over-population. As soon as it has been acquainted of these measures, it will not fail to give them careful attention, to support those which appear most expedient and, if need be, to put forward other suggestions. It recommends that Governments of Member States should welcome the refugees and surplus elements of population to their territories and give specially sympathetic consideration to the aged, sick and infirm, whose plight calls for the greatest solicitude.

48. The Assembly is following the work of the Special Liaison Committee with a great deal of hope and interest. It is particularly gratified to note that results have already been obtained through this instrument of liaison and co-operation between the two statutory organs of the Council of Europe.

(b) International -financing of the rehabilitation of refugees and surplus population

49. The Assembly welcomes the decision of the Committee of Ministers to invite Member Governments to co-operate with the Committee on Population and Refugees, through the agency of the Secretariat-General, in the elaboration of specific limited projects for integrating into the economic system refugees and surplus elements of population.

50. It urges the Governments to inform the Secretariat-General of preliminary plans for integration, together with all information of a technical and financial nature.

(c) Vocational training of young refugees and unemployed persons

51. The two methods advocated in this field, namely : (i) to send apprentices abroad for training and (ii) to arrange for exchanges of apprentices and trainees, meets with the approval of the Assembly. These principles follow the lines of Recommendation 13 (1951) on vocational training for young refugees and unemployed persons.

(d) Ratification of the Geneva Convention on the status of refugees, of 28th July, 1951

52. The Assembly welcomes the decision of the Committee of Ministers to invite Member States to ratify as soon as possible the Convention on the Status of Refugees signed in Geneva on 28th July, 1951.

53. It expresses the wish that the Governments should as far as possible consult one another with regard to the standardisation of passports, as provided for in this Convention, particularly with regard to their size, cover, colour and lettering.

54. It requests the Committee of Ministers to keep it informed of all measures taken by Member States to implement this Convention.

(e) Refugees from Bulgaria to Turkey

55. The Assembly warmly welcomes the decision of the Committee of Ministers to invite Member Governments to give sympathetic consideration to such plans as the Turkish Government may submit to the international organisations concerned. The importance of this problem has not escaped its notice, and it fervently hopes that a solution may be found to aid the country in question, one of the most courageous defenders of freedom on the frontiers of the Western world.

(f) Trieste refugees

56. The Assembly approves the decision of the Committee of Ministers to invite Member States to grant visas to 1,500 so-called "hard core" refugees still in Trieste, whose sad fate deserves most sympathetic consideration.

57. Having been informed that the Governments of the United States, France and the United Kingdom have placed one million dollars' worth of Italian lire at the disposal of these refugees, it expresses gratitude to these Governments for this timely gesture.

(g) Resolution (53) 19

58. The Assembly attaches the greatest importance to the movement of surplus manpower between European countries. It considers that the development of the free movement of manpower within the European framework would provide a positive though partial remedy to the problem of refugees and overpopulation. It would point out that in its various Recommendations it has always insisted on the importance of migration within Europe and has, in fact, appointed a special joint Sub-Committee to study the question of resettling surplus or refugee agricultural workers in Member States.

59. The study to be undertaken by the Secretariat-General on intra-European movements of population should take into consideration the work carried out by this Joint Sub-Committee. This study should aim at recommending general measures for co-ordinating and extending the bilateral arrangements already made in this field and, as far as possible, enumerate the resulting advantages. It should also outline a common policy which could be applied to emigration both inside and outside Europe.

60. The Assembly will, naturally, express its opinion on this subject as soon as it receives the results of this study.

61. The European personality whose appointment is recommended should, moreover, be responsible for encouraging and fostering movements of manpower inside Europe.

(h) Resolution (53) 20

62. The Assembly, while approving this Resolution, regrets that the Committee of Ministers has not seen fit to invite the Member Governments, which are not as yet represented on the Intergovernmental Committee for European Migration, to join that organisation without delay.

63. It urges the Committee of Ministers to reconsider this point, bearing in mind the fact that overpopulation is one of to-day's most urgent problems and constitutes a direct threat to the political and economic stability of Europe. European solidarity demands that all Member Governments should endeavour to solve this problem, and accession to the I. C. E. M. would afford the clearest possible proof of this resolve.

(i) Resolution (53) 21

64. The Assembly thanks the Committee of Ministers for having approved the Recommendation supporting the action of the United Nations High Commissioner to aid the refugees in West Berlin, which was submitted by the Committee on Population and Refugees to the Special Liaison Committee and duly approved by the latter.

65. It cordially hopes that the Governments will give these refugees all possible facilities for immigration, and will participate in measures to liquidate the camps and to construct living accommodation for the refugees.

2.4. CHAPTER 4 - Cultural Questions - Committee on Cultural Questions. Rapporteur : Mr. Hollis

66. The Assembly notes with satisfaction the decisions taken by the Committee of Ministers on cultural and scientific questions, and hopes that its representatives will be called upon, as far as possible, to assist in carrying them out. This would appear to be particularly desirable in relation to the forthcoming Round Table discussion on the spiritual and cultural problems of Europe considered as a historic unit; to the organisation of exhibitions devoted to the major periods of European culture; and to the award of educational or travel grants for refresher courses in European studies and for promoting the exchange of workers. The Assembly awaits with interest the decisions on these matters reached by the Committee of Experts at their meeting in May, and trusts that it will be informed of them as soon as possible.

2.5. CHAPTER 5 - Legal and Administrative Questions

(a) Convention on the Reciprocal Treatment of Nationals - Committee on Legal and Administrative Questions. Rapporteur : Mr. de Freitas

67. The Assembly has noted that the draft Convention on the Reciprocal Treatment of Nationals, which was unanimously adopted in 1951, is now under consideration by a Committee of Governmental Experts. The Assembly recalls in this connection that in the supplement to its Third Report to the Assembly, the Committee of Ministers undertook to keep the Assembly fully informed " through the medium of contacts to be established at a later stage between the experts and the Assembly Committee on Legal and Administrative Questions ". Accordingly, the Assembly requests the Committee of Ministers to furnish the Committee on Legal and Administrative Questions with information about the progress achieved after each meeting of the Experts. In this way, the Committee on Legal and Administrative Questions will be able to follow the work which is being done and make any suggestions which appear desirable.

(b) Creation of a single European Court of Justice and establishment of a European Court for the Peaceful Settlement of Disputes

68. A joint meeting of the Sub-Committee of the Committee on Legal and Administrative Questions and of the Sub-Committee of the Committee of Experts on these questions was held on 15th May, 1953, and a useful exchange of views took place.

(c) Convention on Extradition

69. The Assembly has noted that the Committee of Ministers has appointed a Committee of Experts to study the possibility of laying down certain principles governing extradition which would be acceptable to all Members of the Council, and has proposed that the question of co-operation between the Governmental Experts and the Committee on Legal and Administrative Questions would be settled at a later stage. The Assembly, nevertheless, wishes to inform the Committee of Ministers that, in view of the long delay in implementing Recommendation 16 (1951) the Committee on Legal and Administrative Questions set up a Sub-Committee in 1952 to consider the possibility of the conclusion of a European Convention on Extradition. This Sub-Committee has so far held two sessions and has been able to agree on certain principles which will eventually be recommended for inclusion in a European Extradition Convention.

2.6. CHAPTER 6 - Information Problems - Committee on Cultural and Scientific Questions. Rapporteur : Mr. Hollis

70. The Assembly, while regretting that the Committee of Ministers should have felt unable to accept its proposal for a Joint Liaison Committee on Information, notes that the Committee of Ministers understands and appreciates its desire to be associated with the information work undertaken by the Council of Europe. It welcomes the assurance that the Committee of Ministers itself regards this work as of great importance, and trusts that in this particular field the Ministers' Deputies will provide the Secretary-General with the full degree of support which should logically follow from this appreciation.

71. While reiterating its decision to cooperate as closely as possible in this matter with the Committee of Ministers and the Secretary-General, the Assembly looks forward, in the near future, to receiving from the latter all the information required to form an opinion on the activities of the Council of Europe in this field.

72. Noting the procedure suggested by the Committee of Ministers, and declaring its willingness to put that procedure to the test, the Assembly hopes that any requests for explanations or suggestions presented by its representatives in the Joint Committee will be given sympathetic consideration, having regard to the equal interest taken by both parties in these questions.

2.7. CHAPTER 7 - Interests of European non-member Nations

(a) European Cultural Fund for Exiles - Special Committee for European Nations not represented in the Council of Europe. Rapporteur : M. Pfeleiderer

73. The Assembly deeply regrets that the Committee of Ministers could not agree to take action on Recommendation 40 relating to the creation of a European Cultural Fund for Exiles. This proposal had on two different occasions received the unanimous support of the Assembly; it had been carefully considered by the Special Committee to watch over the interests of European Nations not represented in the Council of Europe, whose members had repeatedly exerted themselves to ensure its implementation, and it had raised great expectations among the exiles. Above all, it had been rightly interpreted as evidence of the desire of the Consultative Assembly as such to give expression to the concept of the unity of the whole of Europe which it has constantly reaffirmed.

74. The Assembly is unable to agree with the arguments advanced by the Committee of Ministers in support of its decision.

75. In the first place, it is incorrect to suppose that it was ever the intention of the Assembly that the establishment of the Fund should "create a period of suspense which might well become permanent and would continue to make exiles impatient to return to their respective countries of origin". The Assembly is of the opinion that the question of return should not be raised at all in this connection. Its proposal was simply intended to meet the situation of exiles who lack the financial means that would enable them to contribute to the maintenance of their national cultural life and traditions.

76. The Assembly is not convinced that there is any necessary conflict between the policy of attempting to integrate the exiles into the life of the countries in which they are resident, and the wish to support their endeavours to keep alive and preserve the cultural and historical traditions of their native lands. Nor does it take the view that the policy of according priority to the material rehabilitation of refugees in any way precludes the granting of assistance to cultural organisations. The Assembly is of opinion that, far from being contradictory, these policies are perfectly reconcilable, if not indeed complementary, and the Assembly observes that Member States are, in fact, in sympathy with this view, since they have often provided substantial assistance in the cultural field to exiles residing within their frontiers.

77. The most cursory inquiry shows, however, that such financial aid as has hitherto been given is not adequate to the task. Not only are scholars and artists unable to pursue their vocation, but universities, institutes and libraries, journals and magazines are in dire need of funds if their activities are to continue and develop. There is, in fact, one feature common to all the exile organisations of a cultural, educational and scientific character : namely their lack of funds. This has been ascertained by the Special Committee during the process of building up its complete dossier of existing organisations. The Assembly is aware of the many financial difficulties facing the Member States at present, but it wishes to stress in this connection that the cost of the scheme as it is envisaged would be very small in comparison with the benefits which would arise from it. The Assembly also recalls that provision is made in the schedule appended to the Recommendation for voluntary organisations and private individuals to be approached with a view to their contributing to the Fund once Members of the Council of Europe have given a lead.

78. The Assembly believes, moreover, that it would be invaluable, as evidence of the determination of European nations to uphold and defend the common cultural heritage of the whole of Europe, that they should provide joint support and encouragement to exiles in the field of culture. It is the view of the Assembly that, even if, as the Committee of Ministers claimed, the problem of cultural aid is not of equal urgency to all Member States, it is undoubtedly a common responsibility of all of them as members of the European family of nations.

79. Whilst recognising that the Committee of Ministers and the Assembly have a different approach to this question, the Assembly believes that a clear statement of any real differences which may exist will be conducive to a mutually satisfactory solution. For this reason, the Assembly proposes to re-state the aims of the funds whose establishment it proposes.

80. All the evidence goes to show that in the countries concerned the national culture is being gradually shaped in accordance with a general programme of "sovietisation". In view of this fact the West has a duty to ensure among the exiles the survival of the Western conceptions of culture of those nations which are now behind the Iron Curtain. This task is to be achieved in two ways: first, it is believed that the younger generation of the exiles should, in addition to normal schooling and courses of study, attend language, history and literature classes in their own language. These classes would be given in schools and universities of the western countries, and, besides these, in existing institutes and research institutions founded by or for the exiles, which would be granted financial assistance for their material needs and for the salaries of the teaching staff. Secondly, it is considered a duty of the West to encourage the formation of a nucleus of scholars, scientists and artists who would be the trustees in exile of their national culture.

81. Such are the aims of the Fund. The Assembly, which attaches the greatest importance to its creation, was heartened by M. van Zeeland's promise of support expressed in his personal capacity during the debate in the Assembly on 8th May, 1953. It was also comforted by his words that the "Governments have probably been forced to give answers which do not correspond to their inner feelings". The Assembly therefore requests the Committee of Ministers to reconsider its decision. With this in mind, the Chairman of the Special Committee proposed in the Assembly on 13th May, 1953 that the question should, if necessary, be discussed by the Joint Committee. In view of the fact that it is nearly two years since the Assembly first proposed the setting up of the Fund, it is very strongly felt that the matter should be given priority. The Assembly is confident that a clear and frank exchange of views will reveal that the Committee of Ministers and the Assembly are not far apart in their willingness to act as the trustees of the culture of those Eastern European States which at the present time are not able to be Members of the Council of Europe.

(b) Ways and means of giving publicity to the Council of Europe in European non-Member States

82. The Assembly is deeply concerned that no information on the implementation of Recommendation 39 is available in the Report of the Committee of Ministers. It is nine months since the Assembly adopted this Recommendation and, in the absence of a decision, a statement that it was under active consideration by the Committee of Ministers would have been welcomed.

2.8. CHAPTER 8 - The Council of Europe Machinery and Administration

(a) Permanent Governmental Representatives at Strasbourg - Committee on General Affairs Rapporteur: M. Wistrand

83. The Assembly welcomes the appointment of Permanent Representatives to the Council of Europe by certain of the Member States, and trusts that their example will be followed by the other Member States which have not yet taken this step. The Assembly believes that the Permanent Representatives have a most important rôle to play in the development of the Council of Europe, and that frequent meetings between them and the Secretary-General will promote the development of a European attitude at the governmental level, similar to that which has grown out of the experience of working together over the last four years in the Assembly and in its Committees.

(b) Addition of a new wing to the building at Place Lenôtre

84. The Assembly welcomes the decision of the Committee of Ministers to enlarge the facilities at the Seat of the Council of Europe by the addition of a new wing to the present building, and expresses the hope that this will include private office accommodation for the Representatives to the Assembly.

2.9. CHAPTER 9 - Relations with International Organisations

2.9.1. A. INTERGOVERNMENTAL ORGANISATIONS

(a) O. E. E. C. - Committee on General Affairs. Rapporteur: M. Wistrand

85. The opinion of the Assembly with regard to the relations between the Council of Europe and O. E. E. C. is expressed in Recommendation... adopted in the course of the present Session.

(b) N. A. T. O.

86. The Assembly takes note of the statement of the Committee of Ministers, and reserves the right to re-examine this question after experience of the practical value of the present arrangements.

(c) Agreements with the International Institute for the Unification of Private Law (Rome) and with the Hague Conference on Private International Law - Committee on Legal and Administrative Questions. Rapporteur : Mr. de Freitas

87. The Assembly has noted that the Committee of Ministers proposes to comply with its wishes and to conclude agreements for co-operation between, the Council of Europe and both the Rome Institute and the Hague Conference. The Assembly recalls in this connection that in its reply to the Supplement to the Third Report of the Committee of Ministers, it asked t h a t both agreements should be submitted to it for an opinion before they are signed. It is regretted that the report of the Committee of Ministers gives no indication as to whether the Committee of Ministers intends to do so, and in these circumstances the Assembly feels bound to renew its request.

(d) Relations with other Intergovernmental Organisations

88. The Assembly notes with great satisfaction the development of closer relations with other Intergovernmental Organisations. It welcomes, in particular, the undertaking on the part of certain of the Organisations concerned to present regular Reports on their activities to the Assembly.

2.9.2. B. NON-GOVEHNMENTAL ORGANISATIONS - Committee - Committee on Legal and Administrative Questions. Rapporteur : Mr. de Freitas

89. The Assembly is giving careful consideration to the proposals contained in a document drafted by the Secretariat, and transmitted by the Committee of Ministers, on the subject of the relations between international non-governmental organisations and the Council of Europe. The Assembly's opinion on these proposals will be forwarded to the Committee of Ministers in due course.