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Supplementary report to the fourth report transmitted by the Committee of Ministers to the Consultative Assembly, in pursuance of Article 19 of the Statute

Statutory report[1]
to Recommendation 26 (1952)
Committee of Ministers

1. Introduction

This Report covers the period from 1st May to 18th September, 1953.

During this period the Committee of Ministers met on 6th and 7th May, 1953, shortly before the First Part of the Fifth Session of the Assembly. The conclusions reached and the decisions taken by the Ministers have already been reported to the Assembly in the Appendix to the Message of the Committee of Ministers (Resolutions (53) 13 to 23). There have also been four meetings of the Ministers' Deputies during the same period.

Questions reviewed in this Report follow the order adopted by the Committee of Ministers in its Fourth Report and by the Assembly in its Reply. A chapter has, however, been inserted at the beginning of Section I, in which the Assembly will find a brief account of the steps taken by the Committee of Ministers to prepare a programme of action for the Council of Europe.

2. Section I - Steps taken to achieve the aims of the Council of Europe

2.1. Chapter 1 - Programme of Work for the Council of Europe

The Committee of Ministers is glad to note that the Assembly has appreciated the full significance of its decision to prepare a programme of work for the Council of Europe (paras 4, 7 and 12 of the Assembly's Reply to the Fourth Report of the Ministers). It agrees with the Assembly that this initiative can and must be made a turning-point in the work of the Council of Europe.

The Assembly will have appreciated the magnitude of the tasks entailed by Resolution (53) 14 of the Committee of Ministers, arid will not be surprised that it has proved impossible for the Committee to seek its opinion on a draft programme of work in the course of the Assembly's September session.

The Committee wishes to inform the Assembly of the steps taken already in implementation of the Resolution. Immediately after its adoption, member Governments were asked to put forward individually their proposals concerning the content of the programme. Precisely because of the importance the Committee attaches to formulation of a programme, member Governments have made a particularly thorough study before

1. See 5th Session, 1953 : *(a)* Doc. 122 (Report) and 17th Sitting, 19th September, 1953 (referred to the competent committees). *(b)* Doc. 215 (Draft Reply).

submitting these proposals. Almost all Ministries in each of the national administrations had to be consulted. Nevertheless, this stage is approaching its end. And the Ministers' Deputies will shortly meet to collate and discuss the proposals submitted by member Governments in consequence.

In para. 11 of its Reply the Assembly suggested that, in preparing a programme, the Deputies should review the Recommendations and Resolutions already submitted by it with a view to including in the programme such proposals contained in them as called for further study (para. 11 (1) of the Reply). The Ministers' Deputies instructed the Secretary-General to compile a memorandum summarising all Assembly Recommendations so far made and the action which has been taken upon them. They will study this memorandum shortly, alongside the suggestions received from Governments.

A third source of ideas for inclusion in the programme was the Secretary-General's memorandum on the Rôle of the Council of Europe in the Social Field, now being considered by the Assembly. Governmental consideration is being given to this memorandum concurrently. A committee of Experts have made a first study and submitted a report to the Deputies. The latter will discuss this report and the Secretary-General's memorandum alongside the suggestions received from Governments and the memorandum concerning the Assembly Recommendations.

The object of the Committee of Ministers is to draw up a programme of a concrete and practical nature which will produce results leading to useful inter-governmental action on subjects within the Council's competence. In doing this, proper regard must be paid to what is practicable in the present membership of the Council. The need to avoid undesirable duplication of the activities of other inter-governmental organisations must also be borne in mind. This does not mean that questions of concern to more specialised inter-governmental agencies should not be considered by the Council if this would lead to useful intergovernmental action which would not be otherwise obtainable. There may, for instance, be a greater chance of agreement, on some matters at least, among the Member Governments of the Council than in organisations with a greater number of members. Conversely, matters which have been dealt with successfully by organisations with a more limited membership than the Council might also be considered eligible for inclusion in the programme. Each case involving duplication will have to be considered on its merits.

The Committee firmly intends to seek the opinion of the Assembly on a draft programme of action as soon as possible, and readily undertakes to submit it to the Assembly for its opinion before it is finally adopted.

The Committee considers that the best method of creating and strengthening that closer unity between the member nations, the need for which was emphasised in Recommendation 44 (para, b) by the Assembly is to devise and implement a comprehensive programme of action.

The Committee of Ministers is continuing its efforts to find a solution to the problem of the signature by the Saar of conventions prepared within the framework of the Council of Europe. It has recently been presented with two proposals; one of these envisages putting the conventions into the form of European Acts and the other suggests that they should be signed on behalf of the Saar by a person designated by the Committee of Ministers.

These proposals are at present being studied by the Governments directly concerned, and the Committee hopes that these studies will result shortly in a positive solution.

2.2. Chapter 2 - Economic Questions

2.2.1. (a) Agricultural policy

The Committee of Ministers gave due consideration to the wish of the Assembly (Recommendation 43) that the Council of Europe should be represented on the Interim Committee of the European Conference on Agriculture by an observer from the Secretariat- General. An.approach to the Chairman of the Interim Committee achieved the result desired by the Assembly. Thus, an official of the Secretariat-General has regularly attended meetings of this Committee and its Sub-Committees, and reports of proceedings have been sent to members of the Special Committee on Agriculture.

2.2.2. (b) Recommendation 26 – Strasbourg Plan

After having considered Recommendation 26, the Council of O. E. E. C. concluded that it was of the greatest importance that it should be studied by the O. E. E. C. in as much detail as possible and took a decision accordingly.

For the successful carrying out of this study, it was agreed to instruct certain Technical Committees of the O. E. E. C. to consider on which of the principles stated in Recommendation 26 they could provide comments, at an early date, on the basis of previous or current work.

The Council also instructed a Working Party composed of a number of Heads of Delegations to co-ordinate the preparatory work on a draft report of the Organisation on Recommendation 26 for the Committee of Ministers. The Council asked that this draft should be submitted to it not later than the end of the year.

While it is impossible, at this stage, to give an idea of the contents of this report, it is clear, from the discussions in the Council, that it is desirous that the report should be as comprehensive as possible.

2.2.3. (c) Association of European Airline Companies

In its Fourth Report (paragraphs 10 and 11), the Committee of Ministers informed the Assembly of the text of its Resolution instructing the Secretary-General to invite I. C. A. 0. to convene a European Conference on Civil Aviation with the following agenda : " Methods of improving commercial and technical co-operation between the airlines of the countries participating in the Conference ", and " The possibility of securing closer cooperation by the exchange of commercial rights between these European countries ". In its I'eply, the Assembly took note of this decision and requested " that it should be kept regularly informed of the proceedings of this Conference and should, as far as possible, be directly associated therewith ".

Acting on instructions from the Committee of Ministers, the Secretary-General immediately informed Mr. E. Warner, President of the Council of I. C. A. 0., of the text of the Resolution mentioned above. In a letter of 21st May, 1953 (Appendix I), Mr. Warner transmitted to the Secretary-General the text of a resolution in which the Council of his organisation expressed its desire for the utmost co-operation with the Council of Europe, accepted the proposal of the Committee of Ministers and put forward practical suggestions for giving effect to it. Mr. Warner himself and Mr. Weld, Deputy Secretary-General of I. C. A. 0., attended a meeting of the Ministers' Deputies and offered further detailed suggestions with regard to these proposals. The Resolution of I. C. A. 0., having been approved by the Committee of Ministers, that organisations has taken the necessary steps to convene the Preparatory Committee of the Conference. This Committee is expected to meet on 15th October, 1953. The Secretary-General has indicated that the Council of Europe possesses the necessary facilities for holding the Conference at Strasbourg.

The Committee of Ministers, in accordance with the request of the Assembly, intends to keep the Assembly informed of the progress of the Conference. Since the Conference is of a governmental nature, the Committee of Ministers considers that liaison between the Consultative Assembly, and the Conference should be maintained through the Secretariat- General of the Council of Europe rather than by the admittance to the Conference of a member or members of the Assembly.

2.2.4. (d) European Companies

The Committee of Ministers has noted that the Assembly intends to continue its work on this question and draw up a supplementary report during the third part of its Fifth Session.

2.2.5. (e) European Transport Council

In accordance with the wish expressed by the Assembly in its. Reply to the Fourth Report of the Committee of Ministers, the preliminary report of the European Inland Transport Conference was transmitted to the Assembly immediately on its receipt by the Secretariat-General, in accordance with a decision of the Committee of Ministers.

2.2.6. (f) Lowering of tariff barriers (" Low Tariff Club")

In pursuance of Resolution 30 (May, 1953) of the-Assembly, instructing its President to approach the Committee of Ministers with a view to requesting the Contracting Parties to the General Agreement on Tariffs and Trade to include in the agenda for their next Annual Conference a study of the substance of the project for the creation of a " Low Tariff Club ", the. Committee of Ministers adopted a Resolution to this effect, and the Secretary-General has made the necessary representations to G. A. T. T. The Annual Conference of G. A. T. T., which will consider this problem, is meeting on 17th September in Geneva. The Committee of Ministers will inform the Assembly of its conclusions.

2.2.7. (g) The present position as regards convertibility

The Committee of Ministers has noted Resolution 29 (May, 1953) by the Consultative Assembly relating to the present position as regards convertibility.

2.3. Chapter 3 - Social Questions

2.3.1. (a) Social security for the families of migrant workers

The Committee of Ministers has noted the comments on this question made in paragraphs 35 and 36 of the Assembly's Reply to its Fourth Report. These have been transmitted for information to the Committee of Experts which is due to meet in November next to examine the question further.

2.3.2. (b) Social programme of the Council of Europe

The Committee of Ministers will be interested to receive the Opinion which the Assembly shortly proposes to submit concerning the Memorandum by the Secretariat- General on " the activities which the Council of Europe could properly carry out in the social sphere ". It has itself appointed an ad hoc Committee of governmental experts to examine this document. This Committee met in Strasbourg from 7th to 11th September, and submitted its Report to the Committee of Ministers.

2.4. Chapter 4 - Refugees and Surplus Elements of Population

2.4.1. (a) Resolution (53) 22 of the Committee of Ministers – Appointment of an eminent European personality to take a special interest in the problem of refugees and over-population

The Committee of Ministers is searching urgently for a person suitable and ready to accept appointment as the " eminent European personality " envisaged in Resolution CM (53) 22 " whose special interest shall be European refugees and over-population problems ".

The difficulties in the way of finding such a person will be apparent. There are few people who fulfil the desiderata, and. are at the same time free to accept appointment. The Committee of Ministers wishes to inform the Assembly that several persons who have already been sounded have replied that they felt unable to accept. Nevertheless, the Committee hopes that an appointment may be made within the next few weeks.

2.4.2. (b) Resolution (53) 19 of the Committee of Ministers : Intra-European movements of surplus manpower

In paragraphs 58-61 of its Reply to the Committee of Ministers, the Assembly approved the principles underlying Resolution (53) 19 and emphasised their importance. With reference to the survey which it has instructed the Secretary-General to submit on the better organisation of intra-European migration, the Committee of Ministers has noted the Assembly's wish that due attention should be paid to the work of the Sub-Committee for the re-settlement of surplus or refugee agricultural workers and that the survey be submitted to it for an opinion. The Secretariat-General has begun research into this question, with the assistance of the European Centre for Population Research.

2.4.3. (c) Resolution (53) 20 – Emigration overseas

Resolution (53) 20 of the Committee of Ministers was sent to the international organisations concerned with the problem of emigration and, in particular, to the I. C. E. M., which informed the Secretariat-General that it had been directly transmitted to the member Governments of that organisation. The Committee of Ministers will keep the Assembly informed of any replies reaching it through the same channel, especially from the non-European Governments immediately concerned. This question has been included on the agenda of the next session of I. C. E. M., which will be held in Venice on 12th October next.

*2.5. Chapter 5 - Cultural Question**

2.5.1. (a) Execution of the cultural programme for 1953

2.5.1.1. i. " European Round Table "•

The discussion will take place in Rome from 13th to 16th October next. The following persons have agreed to take part : MM. Robert Schuman (France), Alcide De Gasperi (Italy), E. N. van Kleffens (Netherlands), Eugen Kogon (German Federal Republic), Arnold Toynbee (United Kingdom) and Ejnar Loefstedt (Sweden). A publicist from each Member State of the Council will also participate in the discussions.

In accordance with the wish expressed by the Assembly, the Chairman and Rapporteur of the Committee on Cultural and Scientific Questions are to be invited to attend.

2.5.1.2. ii. Studies to be undertaken in the educational field [Black Forest Symposium)

The " Symposium " organised under the auspices of the Council of Europe and the German Federal Government, to which reference was made in paragraph 48 (i) of the Fourth Report of the Committee of Ministers, was held at Calw (Black Forest) from 4th to 12th August, the subject being : " The presentation of the European idea in the teaching of history. " All member countries of the Council except Iceland were represented at the Conference, the conclusions of which will be examined by the Committee of Cultural Experts at its November meeting.

2.5.1.3. iii. Short Course on European Studies

The Short Course on European Studies which normally accompanies the First Part of the Ordinary Session of the Assembly took place according to plan at Strasbourg University from 7th May, 1953 onwards. 44 students from all member countries of the Council attended the course of lectures and took part in discussion groups. A booklet containing the lectures delivered at the course is being published by the Secretariat-General.

2.5.1.4. iv. Courses in Member States

Between 1st and 10th July, a course was organised by the University of Nancy, under the auspices of the Council of Europe and the French Government, at which members of the staff of teachers' training colleges and inspectors of education studied the presentation of the European idea in primary schools. All member countries of the Council of Europe except Iceland were represented. The Report issued by this Conference will be examined by the Committee of Cultural Experts at its next meeting.

2.5.1.5. v. European exhibitions

The exhibition on " XVIth Century Humanism " which the Belgian Government intends to organise at Brussels in the Autumn of 1954 has been studied by a committee of specialists meeting at Strasbourg from 10th to 12th September.

2.5.1.6. vi. Council of Europe research fellowships

Following the announcement of the creation of Council of Europe research fellowships (see Fourth Report of the Committee of Ministers, paragraph 48, vii), 500 applications were received by Member Governments, 98 of which were forwarded to the Secretariat-General. In accordance with the instructions of the Committee of Cultural Experts, a pre-selection committee, composed of officials of the Secretariat- General, forwarded Recommendations to a final selection committee, composed of members of the Committee of Cultural Experts. In all, 12 fellowships were awarded, candidates being chosen on merit alone, irrespective of nationality.

2.5.2. (b) European Cultural Fund for Exiles

The Committee of Ministers agrees that this matter might be discussed at a forthcoming meeting of the Joint Committee.

2.5.3. (c) Report of the Sixth Session of the Committee of Cultural Experts (May, 1953)

The conclusions of the Sixth Session of the Committee of Cultural Experts, held in Strasbourg from 11th to 13th May, 1953, are now under examination by the governments and this questions has been placed on the agenda for the fourteenth meeting of the Ministers' Deputies to be held next October. This Report deals mainly with the cultural programme for 1954 and the corresponding budgetary estimates. A detailed account will be included in the next report of the Committee of Ministers to the Assembly.

2.6. Chapter 6 - Legal and Administrative Questions

2.6.1. (a) European Convention on the Reciprocal Treatment of Nationals

The Committee of governmental Experts on the Reciprocal Treatment of Nationals has twice met at Strasbourg since the Fourth Report of the Committee of Ministers to the Assembly : from 19th to 23rd May and from 6th to 11th July, 1953. At the request of the Secretariat-General, the Secretary-General of the International Institute for the Unification of Private Law participated in the work of the Committee. The two meetings were devoted to a general examination of the draft Convention drawn up by the Consultative Assembly. The Experts proposed to omit from the draft Convention the questions of military service, of social and medical assistance and of social security, the last two questions having been embodied in three draft agreements or conventions and protocols between Member countries of the Council of Europe. A reference to these agreements or conventions could, however, be included in the preamble to the Convention now under consideration. The experts have already put forward amendments to several articles of the original draft, but, owing to the diversity and extreme complexity of the subject, as a result of which several national Ministries have to be consulted, it has not so far been possible to prepare a universally satisfactory text. Consequently, the experts have not yet felt justified in submitting a report to the Committee of Ministers. They are expected to resume their work at the end of October. The Committee of Ministers will keep the Assembly abreast of any conclusions which may be reached, with a view to subsequent contact between the experts and the Committee on Legal and Administrative Questions of the Assembly.

2.6.2. (b) Establishment of a European Act for the Peaceful Settlement of Disputes

Following the joint meeting of representatives of the Committee on Legal and Administrative Questions and representatives of the Committee of Experts, the experts held a further meeting at Strasbourg on 18th and 19th May, 1953. Their Report will be considered at the Fourteenth Meeting of the Ministers' Deputies, where it may be possible to approve a Convention acceptable to all Members of the Council. In that case, the text will be transmitted to the Assembly for its opinion.

2.6.3. (c) European Convention on Extradition

The Committee of Ministers has duly noted that the Assembly intends to submit a Recommendation on certain principles which might be embodied in a European convention on extradition. As the Committee of Ministers has itself convened a committee of experts to meet in October in order to study this question, the Recommendation of the Assembly will be transmitted to this committee.

2.6.4. (d) Convention for the Protection of Human Rights and Fundamental Freedoms

Since the last Report of the Committee of Ministers, two further countries—Iceland and Luxembourg—have deposited with the Secretary-General, on 20th June and 3rd September, 1953 respectively, their instruments of ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms. With the tenth ratification, deposited by Luxembourg, the Convention became binding upon the countries which had ratified, under the terms of Article 66, paragraph 2. The Secretary-General, responsible under Article 37 for providing the Secretariat of the European Commission of Human Rights, immediately took the first steps towards appointing this Commission. Assembly Representatives of all Member States of the Council have already received a communication concerning the nomination of members of this Commission by the various national groups, and the list of names will be transmitted to the Committee of Ministers by the Bureau of the Assembly (Article 21 of the Convention).

At the same time as they deposited their instruments of ratification of the Convention, Iceland and Luxembourg also deposited those of the Protocol thereto. Furthermore, Sweden deposited its instrument of ratification of the Protocol on 22nd June, 1953. Thus nine Members have now ratified the Protocol, which will enter into force when the tenth ratification is received.

2.6.5. (e) Abolition of visas

The Government of the German Federal Republic has informed the Committee of Ministers at the Twelfth Session of the Ministers' Deputies that, in pursuance of a decision of the Bundestag of 22nd January, 1953, it has ordered the abolition of visas for nationals of Member States of the Council of Europe and of O. E. E. C. provided that their stay in the Federal territory does not exceed three months and that the German law does not provide for any other form of special permit for foreigners visiting the Federal territory. The diplomatic representatives of the Federal Republic have accordingly been instructed to work out the details of the new regulations with the Governments concerned. In drawing the attention of the Committee of Ministers to this decision, the Government of the Federal Republic expressed the hope that other Members of the Council and of O. E. E. C. would adopt similar measures.

The Netherlands Government has declared its intention of abolishing the requirement of compulsory visas for nationals of the German Federal Republic visiting the Netherlands, and of opening negotiations on this subject with the Federal Government. This decision was taken in application of Resolution (52) 20 of the Committee of Ministers and as a result of the recommendations of the Assembly to this effect.

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2.7. Chapter 7 - Information Problems

2.7.1. Ways and means of giving publicity to the Council of Europe in non-Member States

The Committee of Ministers agree that the nations not represented should be kept informed as fully as possible of the aims, activities and achievements of the Council of Europe, but feel that the time is not yet opportune for adopting an information programme as suggested by the Consultative Assembly in Recommendation 39 (1952). The precise lines on which such a programme should be prepared will be considered when the general programme of work which is at present being prepared for the Council of Europe is in final form and when the results of the European Round Table which is to be held in Rome next October are available.

2.8. Chapter 8 - Council of Europe Machinery and Administration

2.8.1. (a) Permanent governmental representatives at Strasbourg

In accordance with the wish expressed by the Committee of Ministers at its Twelfth Session (May 1953) and that of the Assembly contained in paragraph 83 of its Reply, the Governments of Greece, Iceland, Luxembourg and Turkey have appointed Permanent Representatives to the Council of Europe.

These missions have been placed under the direction of MM. N. Hadji Vassiliou, H. Krôyer, J.-P. Kremer and A. Akça respectively.

2.8.2. (b) Construction of a new wing

The new wing to the building at Place Lenôtre, which is now under construction, will contain a number of offices for the use of Assembly Representatives, in accordance with the wish expressed in paragraph 84 of the Reply to the Report of the Committee of Ministers.

2.8.3. (c) Diary of Meetings

8th May, 1953 : Eleventh Meeting of the Ministers' Deputies (Strasbourg).

11th-13th May : Committee of Cultural Experts (Strasbourg).

15th May : Joint Meeting of the Sub- Committee of governmental Experts on the Peaceful Settlement of Disputes and the Sub- Committee of the Committee on Legal and Administrative Questions (Strasbourg).

18th-19th May : Committee of Experts on the Peaceful Settlement of Disputes (Strasbourg).

19th-23rd May : Committee of Experts on the Reciprocal Treatment of Nationals (Strasbourg).

20th-21st May : Special Liaison Committee on Refugees and Over-population (Berlin).

27th-30th June : Twelfth Meeting of the Ministers' Deputies (Strasbourg).

6th-11th July : Committee of Experts on the Reciprocal Treatment of Nationals (Strasbourg).

7th September, 1953 : Meeting of Experts to examine the Memorandum by the Secretary-General on the rôle of the Council of Europe in the Social Sphere (Strasbourg).

14th September, 1953 : Thirteenth Meeting of the Ministers' Deputies (Strasbourg).

3. Section II - Relations with supranational and international organisations

3.1. Chapter 1 - European Coal and Steel Community

The Committee of Ministers has settled the text of its Reply to the General Report of the High Authority of the European Coal and Steel Community. This document will be communicated to the Assembly as soon as it has been transmitted to the High Authority (see Doc. 204).

*3.2. Chapter 2 - Intergovernmental Organisation**

3.2.1. (a) O. E. E. C.

It will be remembered that, by its Resolution (53) 15, the Committee of Ministers instructed the Liaison Committee of the Council of Europe, in conjunction with the Committee of O. E. E. C, to re-examine the texts governing relations between the two organisations. The two committees have subsequently held separate preparatory meetings. A joint meeting will take place on 17th September.

3.2.2. (b)

The Brussels Treaty Organisation, the United Nations High Commissioner for Refugees, the International Labour Organisation, the Intergovernmental Committee for European Migration and the World Health Organisation have all presented reports to the Consultative Assembly for the Third Part of its Fifth Ordinary Session (see respectively Docs 175172170176 et 177).

3.2.3. (c) United Nations

As the Assembly was informed in May, 1952, the Committee of Ministers has instructed the Secretary-General to keep in touch with the work of the ad hoc committee on restrictive business practices set up by the United Nations Economic and Social Council in September, 1951.

The report of this committee was examined by the Economic and Social Council at its sixteenth session (July-August, 1953). It contains proposals for the revision of Chapter V of the Havana Charter to allow the establishment, of an organisation or special agency with the task of implementing the provisions of Chapter V on the control of restrictive business practices. No proposal has yet been made, however, on what organisation or agency should be responsible for this task.

The Economic and Social Council has decided to seek the views of Member Governments of United Nations and other international organisations concerned on the report of the ad hoc committee and to resume examination of this question, at its nineteenth session in 1955.

3.2.4. (d) Agreements with the Rome Institute for the Unification of Private Law and the Hague Conference on Private International Law

In accordance with the wish expressed by the Assembly, the texts of the two draft Agreements have been communicated to the Assembly for its opinion (see Doci 190). In view of the long time taken in the negotiations with the two organisations, which it is now desirable to bring to a conclusion as soon as possible, the Committee of Ministers would be grateful to the Assembly if it would, if possible, give its opinion ori these two texts in the course of the third part of its Fifth Ordinary Session.

*3.3. Chapter 3 - Non-governmental Organisation**

3.3.1. Relations with international trade union organisations

Negotiations between the Secretary- General and the European regional organisation of the International Confederation of Free Trade Unions and the International Confederation of Christian Trade Unions (see Fourth Report of the Committee of Ministers, paragraph 83) have not succeeded in establishing a single body responsible for relations between the Council of Europe and these two Trade Union organisations. Consequently, the Committee of Ministers has agreed to establish separate relations with each Organisation, on the basis of the Memorandum by the Secretary- General approved by the Assembly in its Opinion No. 2 of September, 1952 and accepted by the two Organisations. The agreed arrangements for the establishment of relations between these Trade Union organisations and the Council of Europe will take effect as soon as the Committee of Ministers has approved the exchange of notes between them and the Secretary-General.