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Draft Reply of the Assembly to the Fifth Report of the Committee of Ministers

Communication
Parliamentary Assembly

1. SECTION I - Steps taken to achieve the aims of the Council of Europe

1.1. CHAPTER I - Economic questions

1.1.1. (a) European Confer enee on Air Transport

Reply presented on behalf of the Committee on Economic Questions by Mr Federspiel

The Assembly took note of the work of the European Conference on Air Transport, held in the House of Europe from 21st April to 8th May, 1954.

The Assembly reserves the right, once it has received the Final Report of the Conference, to formulate its observations on the results •achieved and. on the best means of establishing close relations between the permanent European body the creation of which was envisaged at the Conference and the Council of Europe.

1.1.2. (b) Control of International Cartels

The Committee on Economic Questions thanks the Committee of Ministers for transmitting to it, for opinion, the Report of the Ad Hoc Committee on Restrictive Business Practices, on which the United Nations has asked the Council of Europe to express an opinion.

The Consultative Assembly will report on this problem at its next Session.

1.1.3. (c) Strasbourg Plan

The Consultative Assembly thanks the Committee of Ministers for having duly transmitted the comments of O.E.E.G. on Recommendation 26, and for providing the opport unity for a discussion between O.E.E.C. and members of the Committee on Economic Questions prior to the preparation of the final reply of O.E.E.C.

The Assembly will., transmit to the Committee of Ministers its Draft Recommendation 61 on this question, adopted during the present session, together with Document 259 relating thereto.

1.2. CHAPTER II - Social questions

1.2.1. (a) Ratification of International Labour Conventions

Reply presented on behalf of the Committee on Social Questions by M. Heyman

The Assembly appreciates the action taken by the Committee of Ministers, and it is favourably impressed by the status of ratifications of the conventions in question. A large number of Member Governments have ratified or taken steps to ratify all the conventions, or given satisfactory explanations as to why they have not

been in a position to ratify some of them. The Assembly hopes that the difficulties mentioned by some Governments may be over-come. It realises that the legislation of a particular country may meet, and even exceed, the requirements of a certain convention without conforming in all details with the text of that convention, and that this may be avalid reason for non-ratification. However, the mere fact that the national legislation in the field dealt with by a Convention does not correspond to the requirements of the Convention should not the decisive factor in the consideration of ratification, since the very idea of the conventions is to stimulate new legislation.

In this connection, the Assembly would refer to paragraph 41 of the Special Message from the Committee of Ministers, which reads as follows : " The Social Committee, guided by the methods employed among the Brussels Treaty Powers, would also be alne to discuss the reasons for the difficulties found inratifying certain international conventions and so possibly facilitate such ratification. "

It would seem natural to pursue the action which was initiated through Recommendation 47 (1953) in the framework of the Social Committee, and to extend it to other selected conventions.

The Assembly is particularly interested in the status of ratification of Convention No. 102 on Minimum Standards of Social Security, since this Convention will form the basis of the European Code of Social Security.

1.2.2. (b) European Code of Social Security

The Assembly notes with satisfaction that the attitude of the great majority of the Member Governments towards the ratification of International Labour Convention No. 102[1], as well as the progress made in the Committee of Experts on -Social Security, indicate that the' Governments take an active interest in the development of social security. The Assembly . has already on several occasions stated the importance' which it attaches to this question, as well aş its opinion of the general character of the European Code. Trusting that substantial progress will be made at the next session of the Committee of Experts, the Assembly does not consider it necessary to go into further details at the present stage.

1.2.3. (c) General multilateral Convention on Social Security and

1.2.4. (d) Social security for the families of migrant workers

The Committee on Social Questions of the. Assembly discussed these questions with members of the High Authority of the European Coal and Steel -Community in Luxembourg, on 29th January, 1954. On that occasion, the High Authority referred to the work in preparation in the framework of the Coal and Steel Community in these fields. The High Authority was of the opinion that the results which may be obtained in that framework would facilitate the work of the Council of Europe relating to the same questions on the wider plane. This seems to correspond to the view of the Committee of Experts on Social Security. In these circumstances the Assembly agrees that the Council should await the results obtained by the High Authority. The question should, however, be kept under constant review, so that the arrangement reached by the Coal and Steel Community may be extended to the whole of the Council of Europe as soon as possible, and so that the Council may take the matter in its own hands, should the plans of the High Authority be postponed, or should the results not correspond to the intentions of the Consultative Assembly. In any case the Assembly welcomes the efforts of the Committee of Experts to secure a partial solution of the problem of the multilateral convention on social security. In this connection the Assembly wishes to draw attention to the results achived by the " Northern " countries in establishing the conditions necessary for the creation of a common labour market. This could with profit be studied by the Council of Europe.

1.2.5. (e) Comparability of social statistics

Realising the considerable technical difficulties involved in this problem, the Assembly agrees that the technical aspects must be studied by the organisations which arc specially equipped for such work. It appreciates the action taken by the Committee of Ministers in drawing the attention of the Governments to the

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1. This Convention, which was adopted by the International Labour Conforenco in 1952, lays domi international minimum standards, including minimum rates of benefits and minimum scope of covorago for nine i m portant branches of social security, namely : medical caro, sickness benefits, unemployment benefits, old ago benofits, employment injury benefits, family benefits, maternity benofits, invalidity benofits and survivors' benefits. The purpose of the European codo is, in the framework of the Council of Europo, to improvo the standards embodied in Convention No. 102.

problem and asking them, as a first step, to ratify International Labour Convention No. 63 on Statistics of Wages and Hours of Work[2]. This Convention contains a suggestion which would improve the comparability of statistics in two important fields. Many Member Governments have not yet ratified this Convention. Further action could be taken in the framework of the Social Committee on the basis of paragraph 48 of the above-quoted Special Message.

1.2.6. (f) Exchange of social welfare personnel

The Assembly welcomes the action taken by the Committee of Ministers with regard to this question[3].

1.2.7. (g) Housing

Although the Assembly is aware of the difficulties, to which the Committee of Ministers refers, with regard to the establishment and operation of a European Credit Institute fori Housing, it wishes to keep the question open and to recall that in its Fourth Report to the Assembly, the Committee of Ministers stated : " Being fully aware of the great social importance of housing problems, the Committee of Ministers, however, wishes to make i t clear to the ;Assembly that i t intends to resume the consideration of these problems at a future session."

In the meantime, the Internaţional Federation of Building and Public Works has submitted to the Committee on Social Questions of the Assembly a complete draft plan for a European Institute for Housing Finance. The Assembly wishes to draw the attention of the Committee of Ministers to this document.

The Committee reaffirms its, satisfact i on at the special attention devoted by the Committee of Ministers to social questions. In their speeches at the opening of the Sixth Session, M. Boggiano Pico and M. Adenauer recalled the numerous achievements i n this field due to the initiative of the Council of Europe, the foremost of which was the signature of the Interim Agreements on Social Security and the European Convention on Social and Medical Assistance.

The Committee accordingly hopes that this co-operation both with the Committee of Ministers and the other , Committees of the Assembly may be continued, for the sake of the gradual and steady realisation of the aims of the Council of Europe.

1.3. CHAPTER III - Problem of refugees and over-population

1.3.1. (a) Assumption of office by the Special Representative

Reply presented on behalf of the committee on Population and Refugees by Mr. Mercouris

The Assembly warmly approves the choice of the Committee of Ministers in appointing to the post of Special Representative to the Council of Europe for national refugees and over-population M. Pierre Schneiter.

The Assembly has thought to discern in M. Schneiter's terms of reference a certain tendency to limit his activities to researches and information. It trusts, however, that developments in public opinion in the Member States w i l l result i n the talcing of practical measures: The Assembly welcomes the appointment of M. Sehneiter as a f i r s t step i n this direction, as i t is inconceivable that the Member States should agree to make such an appointment without granting its holder the necessary powers to socnre practical results.

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2. The Convention obliges the Parties to compilo statistics on wages and hours of work as required by tho Convention, and to publish i t regularly. The field covered comprises tho principal mining and manufacturing industries, and agriculture. The Convention lays down dotailed rules for tho compilation of such statistics, in order that thoy may be so far as possible comparable. Tho statistics in industry shall bo compiled on tho basis of data relating either to a ll establishments and wago earners or to a representativo samplo of establishments and wago earners. Tho statistics of averago earnings shall include : (a) all cash payments and bonuses ; (δ) contributions, such as sooial security contributions, payablo by tho employed porson and deducted by the omployor ; (c) taxes payablo by the omployed porson and deducted by the employer. Account shall also bo takon of ordinary family allowances and possible allowances i n kind. Statistics of hours of work shall bo compiled for a representative selection of tho industries i n question. Tho statistics shall show principally tho hours of work fixed by laws or regulations, collective agreements or arbitral awards.

3. The United Nations European Office, in collaboration with the I . L . O., operates an extensivo scheme for exchange of social welfare personnel for the purpose of broadening their experience by studies abroad and through personal contacts with social workers of other countries. The following Members of the Council of Europe participate i n this scheme : Belgium, Denmark, France, German Fed. Rep., Greece, Italy, Netherlands, Norway, Sweden and tho United Kingdom. The Committee of Ministers has now recommended that the remaining Members also join the scheme.

M. Schneiter lias informed the Assembly of his intention to submit to the Committee of Ministers a comprehensive plan, on which i t naturally reserves the r i g h t to express i ts opinion. I t is happy to note that the scheme foreshadowed by the Special Representative is based mainly on principles advocated by the Assembly since 1950.

The Assembly has observed that on several occasions the Committee of Ministers has confined its attention to the procedural aspects of Assembly Recommendations without really coming to grips w i t h the real problems upon which they bear. I t therefore takes this opport u n i t y of bringing to the notice of the Committee of Ministers and of the public i n general that the European population problem, whether caused by a massive i n f l u x of refugees or by a disparity between population increase and natural resources available, cannot be solved by piecemeal methods. I t is equally erroneous to believe that i t can be adequately treated as subsidiary to a general revival of the European economy. There can be no question of simply leaving t he millions of unemployed to be absorbed by some automatic process'. The magnitude of the problem and the risks of instability involved do not permit of such an attitude of laissez-faire.

The Assembly has always insisted that this problem, w i t h its many distressing aspects, cannot be settled except by concerted action aimed at fuller exploitation of European re-. sources and an increase in migratory movements towards undeveloped territories i n need of skilled labour. I t is not necessary to stress the urgency of the problem : the social and political stability of Europe, and hence its security, are'at stake.

1.3.2. (b) Inclusion of the refugee and overpopulation problem in the Spedai Message of the Committee of Ministers concerning the programme of work

The Assembly observes that the Committee of Ministers has included the problem of refugees and over-population i n the chapter on social questions, thus giving the impression that i t is regarded as a subsidiary problem.

The Assembly trusts that this is merely incidental, and recalls that the Committee of Ministers, on the recommendation of the Assembly, has f o r many years treated the problem of refugees and over-population as an entirely distinct question, connected, of course, with other fields of a c t i v i t y but, nevertheless, calling f o r separate consideration. The Assembly therefore requests the Committee of Ministers to devote a separate chapter of the programme of work to this question. The Assembly suggests that, when the Special Représentative has completed his general scheme, the principles contained therein should be included i n the programme of work as a specific objective to be attained by the Council of Europe.

1.4. CHAPTER IV - Cultural questions

Reply presented on behalf of the committee a Cultural and Scientific Questions by Mr. Hollis

The Assembly expresses its satisfaction at the substantial amount of work accomplished by the Committee of Cultural Experts which has led to such important achievements as the European Bound Table, the cultural identity card, the draft European Cultural Convention, and the European Convention on the equivalence of diplomas leading to admission to universities.

It notes the intention of the Committee of Ministers to consult it on the draft European. Cultural Convention.

Lastly, while approving the broad lines of the programme drawn up by the Committee of Experts, p a r t i c u l a r l y w i t h regard to the presentation of the European idea, i t would call the attention of the Committee of Ministers to the disappointingly slow progress made concerning the revision of history textbooks. Attaching extreme importance to this question as i t does, i t hopes that positive results, even if only l i m i t e d and partial, may shortly be obtained and that the action undertaken by the Council of Europe w i l l enable the current studies on the subject to be speeded up. I t requests the Committee of Ministers to i n f o rm i t in detail of the present position and of the difficulties encountered.

1.4.1. Interests of European non-represented nations

1.4.1.1. European Cultural Fund for Exiles

Reply presented on behalf of the Special Committee ir Europeann Member Nations by Pfleiderer

The Assembly has given careful consideration to the statement made by the Committee of Ministers at the meeting of the Joint Committee held on 12th December, 1953, which was communicated to the Assembly i n Doc. 220. Further explanations as to the aims of the proposed F u n d have been submitted to the Committee of Ministers i n a separate Becommendation, and i t is hoped that this supplementary information w i l l enable the Committee of Ministers to agree to the establishment of the Fund as soon as possible.

1.4.1.2. Possibility of allowing nationals, including exiles, from European non-Member countries to compete for Council of Europe Research Fellowships

The Assembly welcomes the decision of the Committee of Ministers to accept the main provisions of Recommendation 48 (1953). It is clear that this decision gives concrete form, in a modest and limited field, to the Council of Europe's often-expressed concern for European non-Member States.

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

The Assembly observes that no information concerning Recommendation 38 on ways and means of giving p u b l i c i t y to the Council of Europe i n European non-Member States is i n cluded i n the F i f t h Report of the Committee of Ministers. The Assembly recalls that the Committee of Ministers agreed last September in the Supplement to their Fourth Report (Doc. 195) that non-represented nations should be kept informed as f u l l y as possible of the aims, activities and achievements of the Council, and added that they would consider what could be done " w h e n the general programme of work which is at present being prepared for the Council of Europe is i n f i n a l f o rm and when the results of the European Round Table Conference which is to be held in Rome next October are available. " The Assembly therefore reserves the r i g h t to put f o r w a r d hew proposals to the Committee of Ministers next September.

1.5. CHAPTER V - Legal and administrative questions

1.5.1. (a) European Convention for the reciprocal treatment of Nationals

Reply presented on behalf of the Committee on Legal and Administrative Questions by M. Rolin

The Assembly has noted that the Committee of Experts is continuing its work. It welcomes the decision of the Committee of Ministers to approve a meeting between members of this Committee and members of the Committee on Legal and Administrative Questions.

1.5.2. (b) European Convention on Extradition

The Report of the Committee on Legal and Administrative Questions on the conclusion of a European Convention on E x t r a d i t i o n has been tabled i n the Assembly and presented by Mr. Geoffrey de Preitas, Rapporteur. Having regard to the comments of some Representatives who thought that they had had insufficient time to study this document, i t was decided to postpone the vote on this Report u n t i l the Autumn Session of the Assembly. The Assembly, however, instructed the Secretary-General to communicate the text of this Report to the Committee of Governmental Experts on Extradition, i t being understood that i t is not bound by this Report.

It is not clear to the Assembly why the question of the contact to be established between these Experts and the members of the Assembly Sub-Committee " has s t i l l to be settled. " F r u i t f u l j o i n t meetings between the appropriate Assembly Sub-Committee and the Experts working on the European Convention for the peaceful settlement of disputes have already taken place and the Committee of Ministers has given its approval to the same procedure i n the case ou the European Convention on the reciprocal treatment of nationals. The Assembly, therefore, hopes that the same procedure w i l l be accepted for the further study ot the draft European Convention on Extradition.

1.5.3. (c) European Convention on the peaceful settlement of disputes

I t is desired to remind the Committee ol' Ministers that in the Supplement to its Fourth Report, the Committee of Ministers undertook to transmit the text of this Convention to the Assembly for an opinion, before it is signed by the representatives of the Member States.

1.5.4. (d) Simplification of frontier formalities for travellers

The Assembly regrets that, despite the encouraging words spoken by Chancellor Adenauer i n his speech to the Assembly on 20th May, 1954, and despite the fact that visas have been abolished by most Member States of the Council of Europe i n the case of nationals of Member States, no action has as yet been taken on Recommendation 51 by the Committee of Ministers or the Ministers' Deputies as such ; and while the news that the question w i l l be included in the programme of work causes satisfaction, the Assembly is astonished that, eight months after Recommendation 51 was passed by the Assembly, the Committee of Ministers has not yet studied the question in detail on the basis of the replies of the Governments, six of which were sent direct to the Assembly last year. I t is a fact that the Assembly, i n its Reply to the Supplement to the Committee of Ministers' Fourth Report, urged the Committee of Ministers to give immediate consideration to its proposals.

The Assembly has adopted a Recommendation on the simplification of frontier formalities f o r private motor vehicles. It hopes that the Committee of Ministers will be able to report good progress on both questions in its next Report.

1.5.5. (e) Agreements with the Rome Institute for the Unification of Private Law and The Hague Conference on Private International Law

The Assembly has noted that an Agreement has been concluded between the Council of Europe and the Rome Institute for the U n i f i c a t i on of Private Law. As regards the revised text of the draft Agreement w i t h The Hague Conference on Private International Law, the Assembly would be grateful i f i t could be t o l d whether or not the amendments which were submitted last year have received the Committee of Ministers' approval, and, i f not, what were the reasons for their rejection.

1.5.6. (f) Relations with non-governmental organizations

The Assembly has noted that the points of i ts Opinion No. 6 (1953) on the principles which should govern the relations between the Council of Europe and non-governmental organizations have been approved.

As regards the amendment proposed by the Assembly which was rejected by the Committee of Ministers, namely that subparagraph (1) of paragraph (b) of Chapter 3 of Document 141 should be deleted, the Assemb l y has, of course, no objection to seats being reserved i n the public galleries for the delegates of international non-governmental organizations. This action could have been taken by the Clerk of the Assembly without any Recommendation. The Assembly trusts, however, that the Clerk of the Assembly will ensure that the number of such delegates w i l l remain w i t h i n reasonable limits.

1.5.7. (g) Convention for Шс protection of Human Rights and Fundamental Freedoms

The Assembly expresses deep satisfaction that the Commission of Human Rights has been constituted i n accordance with the wishes formulated i n the Opinion of the Committee on Legal and Administrative Questions.

As regards the ratification of the Convention on Human Rights, the members of the Assembly concerned intend to continue to press f o r the ratifjeation by States which have not yet done so of the Convention on Human Rights. I t is very much hoped that all fifteen Members of the Council w i l l be bound by the Convention by the end of the year.

The Assembly would welcome a detailed reply to the Recommendation which it passed on 24th September, 1952, which deals in particular with the recognition of the competence of the Commission to hear individual petitions, the acceptance of the compulsory, j u r i s d i c t i on of the European Court of Human Rights and the possibility for Member States which are responsible for the international relations of non-metropolitan territories to make a declaration such as is envisaged in A r t i c l e 63 of the Convention and Article 4 of the Protocol.

1.6. CHAPTER VI - Information

Reply presented on behalf of the Committee on Cultural and Scientific Questions by Mr. Hollis

The Assembly regrets that it has not been informed of the conclusions of the Committee of Cultural Experts on Recommendation 54. relating to the use of television as a medium for securing support among the general public for the European idea.

It sincerely hopes that these conclusions may be submitted to it in the Supplementary Report to be presented by the Committee of Ministers during the Second Part of the Session.

1.7. CHAPTER VII - Participation of local authorities in European activities

Reply presented on behalf of the Special Committee on Municipal and Regional Affairs by M. Ebüzziya.

The Assembly is glad to note that the Committee of Ministers, in response to the unanimous wish of the F i r s t States-General of European. Municipalities, held at Versailles last October, f u l l y appreciates the value of an association of local and municipal authorities in the propagation of the European idea. Undoubtedly, as the Report by the Committee of Ministers states, " to call on the services of the local authorities " is an effective means of i n s t i l l i ng the European idea into the minds of the general public and of securing more lasting, p u b l i c i t y for the debates, not only of the Consultative Assembly, but also of the Committee of Ministers and of all the more important European bodies.

The Assembly is nevertheless somewhat apprehensive of the impression which might be made upon local authorities, and on the Second States General' which the European municipalities, w i l l held next autum, by the action taken by the Committee of Ministers on the. first Recommendation submitted to i t by the Assembly i n this field.

"While recognition by the Committee of Ministers of the principles governing Recommendation 53 is important i n the eyes of the Assembly, which finds i n i t solid grounds for the future, that Recommendation w i l l lose its t r ue value i n the eyes of the local authorities i f it does not lead to practical measures. What reception w i l l be given to the " more lasting publicity " desired i n the Recommendation, if the note which is strucle gives off such a hollow sound ? The Recommendation w i l l be regarded as a test case, which must not be allowed to fail.

The Assembly adopts the suggestion of the Committee of Ministers that the Special Committee on Regional and Municipal A f f a i rs should ascertain what exceptions exist to the generally sympathetic attitude displayed ·— it is happy to acknowledge ·— by public authorities i n regard to intervention by local communities i n favour of the European idea. However, i n the light of this suggestion, it finds it d i f f i c u l t to understand the hesitation of the Committee of Ministers to inform member Governments that i t approves such intervention by local authorities, i n order that their attitude may be known to the officials responsible for supervising the activities of those authorities. The Assembly urgently suggests that the Committee of Ministers should agree to revise its attitude in this matter, in view of the moral and administrative support which European activities would thus gain i n certain States at the level of the local authorities of the fifteen countries.

As regards assistance in promoting " pairings ", the Assembly welcomes the fact that the Committee of Ministers sees i n this " an effective means of making the public more European- minded ". Therefore, it cannot but welcome also the statement that the Committee of Ministers " does not intend that the implementation of the proposal for encouraging contacts between local authorities by means of pairing should be delayed ". The Assembly fails, however, to sec what useful purpose could be served in such a matter by an approach to UNESCO.

The Committee of Ministers is certainly not unaware that, so f a r as the question of pairings on a European basis is concerned, UNESCO itself derived its own information from the Secretariat-General of the Council of Europe. The Assembly fears that this reluctance derives f r om a certain tendency to restrict the activities of the Council of Europe to such fields as may be l e f t over for i t by the other international organisations. In European matters i t is for the Council of Europe to determine its own competence and for the other international bodies to conf i ne their activities w i t h i n the limits it has mapped out. I n this particular case, i t is the task of UNESCO to ensure that the studies i t makes on pairings of towns do not duplicate the work on this subject which the Council of Europe was the f i r s t to undertake, through its Special Committee on Municipal and Regional A f f a i r s. The Committee of Ministers further instructs the Secretariat-General to establish contact w i t h the associations of local authorities, i n order to determine what action has been undertaken by these organisations i n the same f i e l d . I t is pointed out that a whole section of the explanatory memorandum of the Report in which the d r a f t of Recommendation 53 was submitted to the Assembly is devoted to a descript i on of the close collaboration established, through the Secretariat-General, between these associations and the Special Committee on Municipal and Regional A f f a i r s . I t was possible as a result of that collaboration to obtain an exact picture of the manifold achievements of associations of local authorities i n general and of the Council of European Municipalities in particular. That much has, therefore, already been achieved.

As regards the " European Prize " which the Assembly requested should be awarded annually to the municipality which has done most to propagate the ideal of European unity, the Assembly is at a loss to f i n d any reasons which would render such an award premature. I t reminds the Committee of Ministers that the only argument advanced against the award of a Council of Europe prize for the best l i t e r a ry work was the existence of a similar prize offered by the European Cultural Centre at Geneva. But no prize exists i n Europe i n any way comparable w i t h that which the Assembly would l i ke to see awarded to municipalities.

The Assembly takes note of the valuable advice bestowed by the Committee of Ministers on the Special Committee on Municipal and Regional A f f a i r s , to the effect that i t should continue w i t h its slow but patient work. Clearly this wise principle is, i n many cases, at the root of the activities of the Council of Europe. The Assembly wonders, however, whether this is the feature of our organisation which is most appreciated by public opinion. I t considers, i n any event, that there should be no more delay in setting up the permanent Working Party, which, composed of representatives of the Association of Local Authorities, would permit the establishment on a solid and institutional basis of that close collaboration which the Committee of Ministers, like the Assembly, would wish to see developed between the Special Committee and the associations of local authorities.

In conclusion, it expresses the hope that the Committee of Ministers, i n reconsideri n g Recommendation 53 as a whole, w i l l pay due regard to the fact that this text was unanimously approved i n October last by the States- General of the European Municipalities, which, i n a Resolution, urgently requested the Committee of Ministers of the Council of Europe to take the action recommended therein by the Assembly. Thus the Committee of Ministers is called upon to decide whether or not to meet the hopes which have been raised i n the minds of a large number of local government officials, especially i n those States i n which local author i t i es are subject to governmental control.

2. SECTION II - Council of Europe machinery and administration

2.1. Permanent Representatives of the Governments to the Council of Europe

Reply presented on behalf of the Committee on General Affairs by M. Bohy

The Assembly has learnt w i t h keen satisfaction of the appointment of the Swedish Permanent Representative to the Council of Europe, but notes that the following Member States have not yet appointed Permanent Representatives :

Denmark,

German Federal Republic,

Ireland.

It hopes that they will do so as soon as possible.

3. SECTION III - Relations with international and supranational organisations

3.1. CHAPTER I - European communities

3.1.1. (a) The European Coal and Steel Community

Reply presented on behalf of the Committee on General Affairs by M. Bohy

The Assembly took note of the transmission of Resolution 31 (1953) to the H i gh Authority i n its Reply to the Supplementary Report to the F o u r t h Report of the Committee of Ministers. The question of the adequacy of the action taken thereon by the High Authority, and the more general question of the present relationship between the Council of Europe and the European Coal and Steel Community, w i ll be considered by the Assembly in its detailed reply to the Second General Report of the H i gh Authority . This reply w i l l be drawn up b y the Assembly d u r i n g its session i n September, 1954, and thereafter w i l l be transmitted to the Committee of Ministers for communication to the High Authority, i n accordance w i t h Article 4 of the Protocol concerning relations between the Council of Europe and the European Coal and Steel Community.

3.1.2. (b) European Political Community

In accordance w i t h the wishes of your Assembly relations were established with the Ministerial Committee of the " Six " at the time when they Avere considering the d r a f t Treaty setting up the European Political Community. Whereas u n t i l October, 1953 such relations were l i m i t ed to contacts, with- our distinguished Secretary-General, they have since steadily increased. A t The Hague last November the Committee of the Six Ministers received, and heard a statement by, L o r d Layton, accompanied by your Rapporteur and Secretary-General. I n Paris in March the Ministers' Deputies again received the same delegation, accompanied on this occasion by MM. Guy Mollet and Wistrand. A discussion took place lasting several hours, d u r i n g which the problem of liaison was examined f r om many angles. The Assembly greatly welcomes this broadening of previous relations, which i t trusts may be f u r t h e r developed along the same lines, so that the Assembly may bo able, i n due course, to examine the text resulting f r om this work i n the l i g h t of preliminary studies, which w i l l have helped to c l a r i f y both its scope and intention.

3.2. CHAPTER II - Intergovernmental organisations

The substance of this paragraph calls for little comment, but this does not apply lo the form. The impression is given that the Council of Europe is to be placed on a par with other international organisations of a purel y administrative character. True, the Council is neither a legislative nor a supranational body. I t s Assembly is only consultative ; nevertheless, i t is essentially parliamentary i n character. However limited may be its powers, it has used them successfully to give birth to institutions which cannot be placed on an identical footing. Tho wording of paragraph 73 shows a tendency to underestimate the role of the Council of Europe and to militate in favour of the Specialised Authorities and of a narrower concept, in the geographical sense of the word, of a united Europe. Were this to prove correct the Assembly would be a l l the more j u s t i f i ed in asking, in clear and precise terms, that such a misconception of the role of the Council of Europe be removed, while recalling that i t had already drawn the attention of the Committee of Ministers to this point in its Opinion No. 6 of 24th September, 1953.

The Assembly would, however, like to believe that this ambiguity arises only f r om the use of a misleading terminology. I t would bo happy to have the f o r t h r i g h t re-assurance that the above-mentioned Opinion No. 6 has been duly understood and accepted.

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

The Assembly has studied most attent i v e l y the passages of the Ministers' Eeport r e f e r r i n g to the integration of the Council of Europe and O.E.E.C. These passages constitute a careful reply to the points of substance repeated by the Assembly i n i ts Recommendation 46 (1953), after the f a i l u re to obtain a reply to its Recommendation 25 adopted on 30th May, 1952 by 100 votes t o ' 0 . This reply is therefore' the more welcome since i t reveals that proposals of the Assembly have been carefully considered.

The Ministers are certainly f u l l y justif i ed i n stressing the improvement which has taken place i n the technical relations between O.E.E.C. and the Council of Europe. The agreements concluded between the t w o organisations have d u l y ensured effective liaison, p a r t i c u l a r ly at the administrative level, thus reducing to a great degree the danger of overlapping and d u plication of effort. The Assembly trusts that a study of the periodical, Survey by European parliamentary representatives w i l l contribute to the establishment of contacts w i t h public opinion which the Ministers appear to desire as keenly and sincerely as the Assembly itself.

At the representative level, however, and without wishing to underrate the value of strengthening the Liaison Committee of the Council of Europe, the Assembly would point out that this liaison is f a r f r om being as close and effective as i t would have to be before the Assembly would be prepared to abandon i ts express wish f o r integration.

In paragraph 76 of the Reply the M i n isters clearly state :

" The Assembly w i l l at once observe that text C is i n no way designed to b r i n g about the merger proposed. "

However disappointed the Assembly may be at t h is formal refusal, i t is none the less grateful to the Ministers for expressing their views w i t h the support of arguments which, while they are not acceptable to the Assembly, nevertheless go to show, that the question has been attentively studied by the Ministers. For t h is at least the Assembly desires to 'express i ts wholehearted gratitude.

I f , indeed, the Ministerial reply had concluded w i t h t h i s honest b u t c u r t rejection of the Assembly's unanimous and six times repeated wish (on 18th August, 1950, 23rd November, 1950, May, 1951, December, 1951, May, 1952 and June, 1953), then the Assembly might legitimat e ly have f e l t that this question had been evaded. B u t the Ministers' Report continues :

" The Committee of Ministers believes that i f the possibilities afforded by the new arrangements worked out by the Liaison Committee are f u l l y exploited by the Assembly, the disadvantage arising f r om the continued exisstenee of the Council and the O.E.E.C. as separate organisations w i l l be very largely offset ".

This is an important contention ; and i t cannot be judged i n haste. These new arrangements must be given time to prove their worth and adjust themselves to daily routine. Only then can the Assembly r e t u r n to the Ministers and state whether it considers the Ministerial hope to have proved j u s t i f i ed i n practice. Such is the present specific reply to the Ministerial Report on this point.

However, the Assembly had a d u t y to point out the following to the Committee, of Ministers. The repeated recommendations made by the Assembly for the f u l l integration of the two organisations did not spring from any secondary considerations, but f r om the followi n g cardinal principle, as expressed i n Recommendation 46 :

" Considering, however, that the establishment and entry into operation of the European Coal and Steel Community and the progress realised i n the negotiations for the establishment of other Communities with, restricted membership, on the one hand, and, on the other hand, the implementation of a policy which would result in the Council of Europe constit u t i n g 'the general frame\vork of European policy', make it imperative that more radical steps be taken to b r i n g about the consolidation of the organisations whose purpose is to achieve a greater u n i t y of action among all the Member States of the Comicii of Europe ",

and supported by paragraplis 7 and 8 of the Explanatory Memorandum thereto. This is the lynch- p iп of the whole system of European cooperation between the " Six " and the " Fifteen ".

This primary need to strengthen the " f r a m e w o r k ", i f it is to prove more than a phrase, was referred to in the presidential speech of M. Guy Mollet on 20th May. I t formed the very basis of the Assembly's contention. The Ministers' reply, however, so carefully considered i n other respects, is unfortunately silent on this point, at least with respect to the O.E.E.C.

Even assuming, however, that the maj o r i t y of, or all, the fifteen Governments were convinced of the desirability of strengthening the " general framework " by uniting the O.E.E.C. and the Council of Europe, i t would s t i l l remain to deal w i t h the very real d i f f i c u l t y' posed by the different memberships of the two organisations. This is referred to in paragraph 82 of the Ministers' Report, which considers that a solution of the problem by the method advocated by the Assembly in Recommendation 25 (1952) pre-supposes that Portugal, Switzerland and Austria would be prepared to agree to sit i n the Ministerial and Parliamentary organs of the Council of Europe when economic questions are discussed ; and, continues the Ministerial Report :

" There has been no indication aз yet of any such disposition ".

Yet it is known that, of these three countries, Austria is already w i l l i n g to accept the Assembly's proposals. I t is true that Portugal and Switzerland have not so far shown a similar willingness ; and i t is not opportune to raise now the basic issue of whether the views of . two of the eighteen Member countries of O.E.E.C. should prevent a development gener a l l y held desirable. The Assembly would however, very much l i ke to know whether or not the Committee of Ministers as such has made a spec i f ic request to these two countries to accept the Assembly's proposals.

To sum up :

The Assembly expresses its satisfaction w i t h the careful attention paid by the Committee of Ministers to its suggestions and the precise replies i t has made thereto.

It particularly appreciates the progress made towards closer liaison between the O.E.E.C. and the Council of Europe. I t feels this liaison to be effective on the administrative level, but s t i l l considers that at the deliberative level a satisfactory solution is s t i l l far from being reached. While not rejecting out of hand any solution other than integration, i t must admit that so f a r i t cannot discern the guiding lines of any such alternative, and, u n t i l it receives further enlightenment to the contrary continues to consider that a gradual advance towards integration is s t i l l the wisest and most effective course.

3.2.2. (b) European Conference of Ministers of Transport

Reply presented on behalf of the Committee on Economic Questions by M. Federspiel

The Assembly takes note of the arrangements made to enable the Council of Europe to be kept fully informed on the activities of the European Conference of Ministers of Transport, arrangements which include the transmission of an Annual Report to the Council of Europe. The Assembly w i l l not f a i l to express i ts opinion on this Report when it is received.

3.2.3. (c) N.A.T.O.

Report presented on behalf of the Committee on General Affairs by M. Fens

The Assembly is unable to understand the relationship between the contents of Recommendation 50 of September, 1953, and A r t i c le 1 (d) of the Statute of the Council of Europe, to which the Report of the Committee of Ministers makes reference.

The Assembly fears that the meaning of Recommendation 50, although carefully considered by the Committee of Ministers, has been entirely misunderstood, as the Assembly d i d not refer in any way to questions of national defence, which the Assembly has never considered as f a l l i n g w i t h i n the scope of the Council of Europe. On the contrary, the Assembly recommended to the Committee of Ministers that, in order to avoid the danger of duplication of effort between N.A.T.O. and the Council of Europe in the economic, social and cultural fields, N.A.T.O. should be requested to submit a report to the Assembly on questions of common interest.

To these common interests belong also the political aspects of European peace and security. As the Committee of Ministers stated i i i Resolution (51) 31 that i t has no objection to' the discussion by the Assembly of these questions, the Assembly would state w i t h emphasis that i t agrees w i t h the Committee of Ministers that there is no contradiction between a discussion i n the Assembly of the political aspects of European peace and .security and the terms of Article 1 (d) of the Statute of the Council of Europe.

The Committee of Ministers appears to consider that the problem of an. effective liaison between the Council of Europe and N.A.T.O. may be f u l l y solved by maintaining the existing arrangements for the exchange between the'two'Secretariats of documentary material r e l a t i ng to the activities of the two organisations' on non-military subjects. So far as the Assembly knows, this documentary material does not go f u r t h e r than making available to Members of Parliament general information previously distributed to international press agencies. Í n the Assembly's view, -it is unrealistic to expect to avoid duplication of effort i n the many fields of common interest, simply by informing the Assembly of past facts and not o f , f u t u re plans i n this way.

The Assembly wishes to stress the fact that its only desire is to co-operate w i t h N.A.T.O. i n the-interest, of Europe —· and not least of the A t l a n t i c Community —· believing that the Assembly can be the f o r um where the activities of N.A.T.O. in the non-military field can be considered carefully by European parliamentary representatives, meeting as such, and thereby ensure that the public opinion they represent ' is much more clearly informed of the achievements of N.A.T.O. than unfortunately is the case at the - moment.

The Assembly therefore requests the Committee of Ministers to reconsider its position concerning the Assembly's Recommendation 50 of September, .1953, and hopes that the Mininsters w i l l f i n d ways and means to come to an agreement with.N.A.T.O. on the lines of the Assembly's proposal. The Assembly would be grateful for a "report on the efforts of the Committee of Ministers as such i n this respect at its September session.

3.2.4. (d) United Nations

Report presented on behalf of the Committee on General Affairs by M. Bohy

The Assembly is glad to note that the study of certain of the questions i n which i t is closely interested, such as restrictive business practices, the simplification of frontier formalities, and the social and legal programmes, has been given a useful and necessary extension by the establishment of valuable contacts with the United Nations.