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Special Message of the Committee of Ministers transmitting to the Consultative Assembly the Programme of Work of the Council of Europe

Report

Committee on Political Affairs and Democracy
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1. Introduction

1. The aim of this preliminary Report is to prepare the reply which the Assembly is required to make to the considerations of a general and political nature contained in the Special Message of the Committee of Ministers ([Doc. 238](#), paragraphs 1-22). It does not attempt, at this stage, to suggest any definite solutions. The proposals it contains have been discussed by the Committee on General Affairs without, however, being voted upon at this juncture. This preliminary Report is intended to serve as a basis for the debate which the Assembly will be holding in September on the Special Message, on the one hand, and on the main lines of its reply, on the other. At the end of this debate the Report will be referred back to the Committee, which will put it into its final form in the light of the Assembly's discussions.

2. For the sake of clarity, the Report broadly follows the order and lay-out of Chapter I of the Special Message. Thus it contains one part of a general and political character on the role of the Council of Europe in the work of European unification, and a second part devoted to considering the means Avhich it employs to attain this end.

2. PART I - The rote of the Council of Europe in the work of European unification

3. In its Introduction the Committee of Ministers defines the objects of the Programme of Work as being, to enable the Council of Europe to " further the cause of European unity" more effectively and to help the peoples of Europe to "understand more clearly the role which the Council should play ". It is with these two aims in mind that the Special Message will be examined.

4. What role has the Committee of Ministers assigned to the Council of Europe? The Committee proposes " to exploit more fully the potentialities of the Statute by extending the field of common action between Members and by striving towards the adoption of a common policy with regard to particular matters ". This statement reflects the general purpose of the Committee to strengthen inter-governmental cooperation between Member States. And, indeed, in discussing the respective roles of the two organs the Committee goes on to say that it is " ther e to initiate and pursue inter-governmental action tending toward a greater unity between its members " while the Assembly should " continue to make suggestions to our Committee for action by Member Governments ".

5. The Committee is therefore clearly in favour of inter-governmental action, and its decision can be justified by the present terms of the Statute. Naturally, the Assembly shares the view of the Ministers that to make full use of the potentialities of the Statute might open up new fields of action to the Council. But, while it is ready to co-operate with the. Committee in this respect, it adheres to its fundamental conviction that inter-governmental action, however valuable, is in the last resort, incapable of creating that closer unity, called for in the Statute, without which Europe's political and economic problems cannot be solved.

6. This attitude is given particular force in view of the critical point now reached in the policy of the Specialised Communities. The majority of the members of the Committee felt that the failure of this policy must at all costs be prevented since it would place' Europe in mortal danger. And indeed, whatever the individual attitude adopted towards this policy, there is no denying that, if the integration of the Six were to suffer a set-back, the whole work of european unity might be imperilled unless there were a second line of

action to fall back on. As at present constituted the Council has no such line of action to offer. In the past the Assembly has vigorously advocated new methods of European co-operation, but without success.. Once again the Ministers have not contemplated extending the scope of the Statute, even in the distant future.

7. In these circumstances the best attitude the Assembly can adopt towards the Message would seem to be as follows : while reserving its basic position, to give the Committee of Ministers an opportunity of showing what results can be obtained by strengthening inter-governmental action, and itself to contribute constructive proposals to this end.

2.1. *Proposals of the Committee of Ministers*

8. In order to " exploit more fully the possibilities of the Statute " the Ministers propose to employ the traditional methods of intergovernmental co-operation : the conclusion of conventions or agreements, the co-ordination of the domestic laws of Member States and the use of various "other means".

9. The innovation is the decision to draw up a systematic plan for the work undertaken in each field reserved for Council action. The Assembly cannot but welcome this step, which may well make it easier to harmonise the living conditions of Member States than the method hitherto employed, of selecting at random the most widely differing subjects.

10. The salient fact which emerges from the Special Message is the intention of the Ministers to play henceforth the role of initiator conferred upon them in Article 15 (a) of the Statute. The Assembly has several times protested against the failure of the Ministers to do any more than receive, discuss, pass on, and, when they thought fit, reject Assembly Recommendations. If the Committee of Ministers is now to be transformed into a " real centre for the thrashing out and adoption of a common European policy"¹ this is bound to have the most beneficial effects on European development. Certain proposals for enabling the Committee to play this role are included in the section relating to its methods of work (see paragraph 69 below).

11. The Committee of Ministers also assigns a second role to the Assembly .- that of " guiding public opinion ". It here acknowledges the value of the Assembly's attempts to outline an external policy to be applied by Member States in their relations with the outside world. If the Assembly debates are to lead to concrete results, however, it is not enough for the Assembly to formulate a policy, it is necessary likewise for the Member States to apply it, as part of the general coordination of foreign policy within the Council (see paragraph 44 below).

12. Lastly, the Ministers propose to strengthen the influence on public opinion of the Assembly's general debates by encouraging discussions on Council of Europe problems in the national Parliaments. This idea links up with the one suggested in the section concerning relations between the Assembly and the national Parliaments (see paragraph 74 below).

13. The Special Message also mentions two other ways of " exploring more thoroughly the possibilities of inter-governmental action ".

2.1.1. *Participation of non-Member States in activities of the Council*

14. The Special Message refers here to Resolution (53) 16 of the - Committee of Ministers² which, however, has never yet been put into force. This participation should be organised as part of the active implementation of the principle that the Council should constitute the general framework of European policy (see paragraph 25 below).

2.1.2. *Method of "partial agreements"*

15. This procedure was proposed by the Assembly back in 1950 but has never been put into force, although the principle has been approved by the Ministers (Res. (51) 62)³. It is true that the Assembly itself has never proposed the use of this procedure (with one exception⁴. for the simple reason that it makes its

1. See Reply of the Assembly to the Fourth Report of the Committee of Ministers, June, 1953.

2. "The Committee of Ministers Declares its readiness to conclude with European countries which are not Members of the Council and would like to be associated with certain of the Council's activities agreements prescribing the forms of such association."

3. "The Committee of Ministers Declares its readiness to conclude with European countries which are not Members of the Council and would like to be associated with certain of the Council's activities agreements prescribing the forms of such association."

recommendations on the assumption that they are to be implemented by all Member States. It is for the Committee of Ministers to examine exactly how and to what extent the proposal in question may be applied in each individual State and they should not give up until they have exploited all the possibilities of reaching agreement, including that of partial agreements, the statutory Report of the Ministers duly indicating that this has been done. In the past, however, the examination of Assembly recommendations does not seem to have been pursued to this point. The Assembly might therefore advise the Ministers to review all the Recommendations they have rejected with this consideration in mind⁵It might also instruct its own Committees to re-examine the recommendations they themselves originally drafted.

16. The chances of concluding more "partial agreements" in future are reduced by the fact that the use of this procedure requires the unanimous consent of the Ministers. Governments could reasonably be expected, however, to make use of their right of veto, granted to them for the protection of their vital interests, only where they have sound reasons for doing so. The Assembly, moreover, should be informed of these reasons.

17. Another obstacle to the conclusion of partial agreements is the condition imposed by the Ministers that the agreement must be supported by a "large majority". Such a condition would not seem to be justified. In some cases a partial agreement between only three or four Members would constitute progress towards European unity in general. To quote only one example, the simplification of frontier formalities by countries situated in the heart of the Continent would be a measure from which the nationals of all Member States would benefit when travelling. It would therefore seem necessary to decide in each individual case the conditions in which a "partial agreement" might be established.

2.2. Unilateral action

18. There is yet another method of ensuring the enforcement of measures proposed by the Assembly that of unilateral action, i. e. the enforcement of a recommendation by a single • State on its own territory ; which represents in fact the extreme application of the "partial agreement" principle. Such unilateral acts can often have a snowball effect. This was demonstrated in the case of the unilateral abolition by the German Federal Republic of entry visas for nationals of Member States. The German example was soon followed by other Governments.

19. Among the measures which Member States are taking with- a view to establishing "closer unity", some require a multilateral agreement entailing the surrender of national rights. Others can be taken unilaterally by a Government since no sacrifice of vital interests is involved, or at least any such sacrifice would be justified by the accruing results. The loss of a few million francs worth of revenue by the reduction of external postal rates to the level of inland rates, for instance, does not seem too heavy a price for the psychological effect which would be produced. There are even cases in which a unilateral surrender of national rights would directly benefit the country concerned, as in the case of the abolition of German visas, which sent up the number of tourists by a quarter in the year following the introduction of this measure.

20. Reciprocity is, clearly, essential in cases where national sovereignty is involved. Similarly, questions of foreign, defence or economic policy lend themselves with difficulty to unilateral action. On the other hand, your Rapporteur is convinced that such action would be appropriate in more fields than is usually realised. A few examples will illustrate this point (see also, appended hereto, certain Motions tabled in the Bundestag) :

20.1. This method lends itself particularly well to the abolition of customs formalities. A Government might well adopt all the measures proposed by the Assembly to the Committee of Ministers on this subject as far as its own country is concerned. It could in fact go further than these modest proposals. This would not even involve a sacrifice, since the relaxing of these formalities would certainly serve to increase that country's traffic.

20.2. Then again, a Government might open its frontiers unilaterally to refugees or persons from over-populated countries. Similarly, there would be nothing to prevent a Government which had announced its willingness to contribute to the Cultural Fund for Exiles to set up a national Fund for this purpose pending similar action by the other Member States.

4. The Assembly first put forward this idea to enable the Committee of Ministers to achieve concrete results even where joint action by all Members was precluded by the refusal of one Member to take part..

5. Thus it may be asked whether the following Recommendations, chosen at random, might not have been partially implemented by means of this procedure : Recommendation 3 (1951) on social security for migrant workers, a question which is now apparently being settled by means of a "partial agreement" concluded under the auspices of the E. C. S. C. and I. L. O. ; Recommendation 9 (1951) on the establishment of a Postal Union between Member States, which might at least have had a psychological effect by introducing uniform postal rates in one part of Europe ; lastly, Recommendation 34 (1952) on measures for increasing emigration overseas.

20.3. The discriminations made against nationals of other Member States in matters of social security might likewise also be abolished unilaterally. The Federal Republic has granted 1,200,000 refugees from the Eastern Zone the same social security rights as are enjoyed by Western German inhabitants, even though the contributions previously paid by these refugees are completely lost to the West. Being one-sided, the sacrifice involved is clearly considerable. In the European framework it would be far less great. It constitutes, nevertheless, a good example.

20.4. The implementation of the optional clauses contained in a Convention such as the Convention for the Protection of Human Rights and Fundamental Freedoms also falls within the category of unilateral action.

20.5. The right of establishment might be granted unilaterally to all nationals of a Member State residing on the territory of another Member State. In this respect a Government might even go so far as to grant the nationals of other Member States the same legal, social, economic and political rights as are enjoyed by its own citizens. In view of the small number of persons who would be affected such a measure would not present any dangers ; it would indeed ultimately be to the advantage of the receiving country.

20.6. The example of the unilateral reduction of external postal rates to the level of inland rates has already been quoted. The Assembly recommendation on the subject has been rejected on a multilateral basis, but it might be reconsidered if one of the Governments were to implement it unilaterally.

20.7. Lastly, it might also be worth considering the possibility of reducing customs barriers unilaterally by gradual stages.

21. Obviously, the final aim should always be multilateral action. Nevertheless, the measures taken by a single Government should be such that they can continue to be applied even if they are not copied by other States.

22. The Assembly might, recommend Member States to make use of this method whenever a recommendation seems likely to remain without effect on a multilateral basis. It might also invite Representatives within their own national Parliaments to encourage unilateral action by their Governments (see paragraph 77 below).

2.3. The Joint Committee

23. As a corollary to any attempt to exploit the potentialities of the Statute more fully it is necessary to strengthen the coordinating and stimulating functions of the Joint Committee. Without having any executive tasks this Committee was, nevertheless, designed to assist the work of the Assembly and the Committee of Ministers by making proposals concerning their agendas and drawing their attention to common problems. So far, however, the Committee has not performed these functions, but has confined itself to tasks of coordination which, though no doubt important, form only one part of its terms of reference. In the words of one of the members of the Committee on General Affairs, the Joint Committee should be the cornerstone of the Council's structure. Certain practical proposals to enable it to play this role are given in the section relating to co-operation between the Consultative Assembly and the Committee of Ministers (paragraph 58 below).

2.4. The Council as the general framework of European policy

24. In short, no new facts emerge from the Ministers' remarks on the methods to be employed by the Council for more fully achieving its aims and the rôle to be played by its two organs to this end. These remarks make the Council appear merely as one of the many intergovernmental organisations working for European unity, specializing in political matters and operating by means of a Ministerial organ to which, as an exceptional feature, is attached a parliamentary Assembly which has the additional role of guide to public opinion.

25. The Assembly cannot share this view. In its opinion the Council is not merely one inter-governmental organisation among others — the existence of the Assembly alone raises it out of this category — but is "the general framework of European policy". The Assembly launched this formula (Ree. 41 (1953), in order to combat the main weakness in the European cause, the dispersion of effort among a large number of organisations, each dealing with a different aspect of European unification, and a lack of co-ordination between the European policies of Member States. So many initiatives have been taken outside the Council that the ideal of European unity which it represents has been jeopardized. Since nothing has been done to remedy the situation, the Assembly might again call attention to this principle, show the various measures it entails and recommend their implementation by the Committee of Ministers.

26. The principle implies that the Council of Europe should act as the focal point for all efforts to promote European unity.
27. The various steps to be taken all suggested in Assembly recommendations are as follows :
- a. regrouping of European intergovernmental organisations round the Council;
 - b. association of non-Member States with the combined activities of the institutions grouped around the Council ;
 - c. establishment of close liaison with the supranational Communities ;
 - d. consultation of the Council on all European proposals ;
 - e. co-ordination within the Council of the external policy of Member States.

2.4.1. Regrouping of European intergovernmental 'organisations wound the Council of Europe

28. The Assembly has been agitating for this reorganisation ever since 1949, which shows that it has constantly been in the thoughts of Representatives. It is therefore all the more surprising that new European inter-governmental organisations should have been created outside the Council as much as four years after its foundation : for example the European Conference of Ministers of Transport and the European Conference on the Organisation of Agricultural Markets. Nevertheless, the fact that the latter recently decided to establish itself within the framework of O.E.E.C. represents a step towards the concentration of all European efforts. - The position would certainly be improved if all economic inter-governmental organisations did likewise.

29. It has been argued that such a reorganisation might tend to slow down the work of the organisations concerned. This might be so if it involved any change in their by now well established administrative machinery. This* however, need not be the case. The re-organisation could leave intact the technical services of each organisation and need only combine their political activities, which now largely overlap. This would, clearly, help to simplify European co-operation in the various fields.

30. The difficulties inherent in such a reorganisation have not been overlooked by the Committee. It has therefore decided to request the Secretariat-General to draw up a document showing to what extent the activities of the other European organisations at present duplicate those of the Council of Europe. It will then be possible to see whether the reorganisation could be carried out in stages, the first for instance being to co-ordinate within the Council of Europe all specific activities (social field, field of refugees and over-population etc.) in which there is now duplication of effort among the various organisations.

31. One weighty argument often advanced to justify the present state of affairs is the problem of non-Member States. On this question of the varying composition of European organisations, the Assembly proposed in 1952 (Rec. 25 and Opinion No. 3, Section C) applying to such situations a variant of the idea underlying the policy of partial agreements. The aim of this policy being to safeguard the general unity of all Member States, while enabling those so desiring to establish closer forms of cooperation within the framework of the Council, the same motive could be invoked in cases where certain Member States, or even all of them, wished to collaborate with non-Member States in specific fields. In its Recommendation concerning a merger with O.E.E.C. the Assembly proposed that the Committee of Ministers should be composed of representatives of all Member States of the O.E.E.C. (i.e. Member States of the Council of Europe phis Austria, Portugal and Switzerland) when economic questions were to be discussed, but that it should remain limited to the Member States of the Council of Europe whsn examining other methods of achieving tho Council's aims. Similarly, representatives of countries not belonging to the Council but being Members of O.E.E.C. should sit in the Assembly when economic questions were being debated. This system might be extended to other combinations between Member States and non-Member States in all fields of European co-operation.

32. This would lead to an extremely flexible structure whereby the membership of the Committee of Ministers and the Assembly would vary according to the question under discussion. Such a proposal •would give a precise meaning to the formula: "General framework of European policy".

2.4.2. Association of non-Member States

33. This proposal, however, raises one major difficulty : should countries which are not now Members of the Council become full Members ? The fact is that some of them find it impossible to join the Council in present circumstances, an attitude which the Council fully respects, just as these countries will certainly appreciate the Council's desire to bring all tho scattered European efforts under one roof. In Resolution (53) 1G the Ministers declared their willingness to conclude agreements with European non-Member States wishing to be

associated with certain of the Council's activities lines by linking the question of the regrouping of the various international organisations with that of the participation of non-Member States in certain of the Council's activities. Countries which 'are unable or unwilling to become full or associate Members of the Council would be offered a special status, enabling them to participate in such of the Council's activities as they wish, with all the rights and duties pertaining thereto, including that of being represented in the Committee of Ministers with right to vote whenever such activities come up, for discussion. They would also send Representatives on the same conditions to the Assembly, who would be on an equal footing with their colleagues.. A solution might be found on these

34. All European activities might then be brought into the framework of the Council. The Convention for European Economic Co-operation would be regarded as a Convention of the Council, instituting an Eighteen-Member Council of Ministers. The Convention establishing the European Transport Conference or any other institution would also become an instrument of the Council, creating a Committee of Ministers composed of certain full Members of the Council and certain other States. Assemblies of similar composition would be attached to each of these Ministerial Councils to supervise their activities.

35. The same procedure could also be applied to Conventions drawn up by the Council. Non-Member States wishing to become party to a certain Convention would also obtain the right to participate in the discussions of Committee of Ministers and the Assembly on the subject of this Convention. Thus a non-Member State having signed, for instance, a Convention on Cultural Co-operation, would send governmental and parliamentary representatives to attend all discussions of the Committee of Ministers and the Assembly on questions of cultural co-operation.

36. This proposal would entail an amendment of the Statute or, pending such amendment, the adoption of a text of a statutory character stating that the Committee of Ministers may invite a European country not only to associate itself with certain of the Council's activities on a contractual basis, thus with authority to participate, with all the rights and duties pertaining thereto, in the work of the Council in the specific field defined in that agreement, and to appoint Permanent Representatives to the Council, who would enjoy all the privileges and immunities accorded to the official representatives of member countries.

37. second difficulty arises from Article 14 of the Statute of the Council, which states that: "Representatives on the Committee [of Ministers] shall be the Ministers for Foreign Affairs". The latter may, however, be replaced by alternates. The spirit of the Statute would therefore not be violated if for meetings of Committees of specialised Ministers the Foreign Ministers were replaced by Ministers of Transport, Agriculture, Information and so forth. There still remains the objection that the technical Ministers are not alternates of the Foreign Ministers since they sit in their national Cabinets on an equal footing⁶. The Foreign Ministers themselves agree that transport and agriculture do not come within their competence. It is indeed true that the greater the progress made towards a United Europe the more will questions of unification come under the authority of the technical Ministers concerned rather than that of the Foreign Ministers, whose sole task should be to frame external policy towards non-European countries. In the present stage of European unification, however, the application of this idea would create insoluble problems of co-ordination.

38. The most logical attitude would be to regard each Committee of specialised Ministers (economic, agricultural, human rights, etc.) as a Committee of a Supreme Council, which would act as the co-ordinating body and take final decisions in the light of the political issues at stake. A similar structure has been chosen for N.A.T.O. where it is the Prime Ministers of Member States who compose the Council, even if they are generally represented by their Foreign Ministers. The Council of N.A.T.O. also possesses Finance and Defence Committees composed of the competent Ministers, who prepare its deliberations.

39. We may not yet, however, have reached that stage¹. At present, therefore, the task of co-ordination should remain in the hands of the Foreign Ministers.

40. At first sight the proposed system seems extremely complex. It, nevertheless, suits the present stage of European unification by ensuring the maximum of co-ordination with the maximum of diversity. It will enable the Council to act virtually both as centre and framework of European policy and at the same time infuse into it a certain vitality. The Assembly would become the parliamentary organ for all European activities except, of course, those of the supranational Communities. The national Governments would be closely associated with the Council by means of these Committees on which all the different Ministers would sit. The very name of the

6. This is probably one of the reasons why the Ministers for Agriculture and Transport preferred to have a separate organisation of their own.

Council would acquire a new meaning. It would no longer be an organisation restricted to a fixed number of Members but would foreshadow the merging of Europe as a whole, being composed both of original Members and of countries participating in one way or another in the task of unification.

2.4.3. Establishment of close links with the Specialised Communities.

41. The task of strengthening function of the Council as the general framework of European policy should be accompanied by the establishment of close links between the Council and the specialised European Communities ; experience having shown that any organic integration between these two types of European co-operation is impossible. This question has already been dealt with elsewhere², and there is no need to revert to it in detail. Although the Communities cannot themselves enter the system proposed in the foregoing paragraphs, its adoption would, by centralizing all European inter-governmental activities, help them to solve the problem of co-operation with non-Member States. The same applies, conversely, to the non-Member States. Their parliamentary representatives have already had direct contact with the E.C.S.C., for example, in the " Joint Meetings ". Under the systems here proposed their Ministers would have an opportunity of discussing with their colleagues on the Committees of specialised Ministers the effects of the decisions taken by the Communities on their own countries.

2.4.4. Consultation of the Council on all European proposals

42. In its Message to the Assembly at its Fifth Ordinary Session¹ the Committee of Ministers said that, on the basis of the principle that the Council should constitute the general framework of European policy, it had adopted Resolution (53) 13 inviting Member States to submit to the Council any future proposals for the creation of new organisations of a European character and to provide from the outset for the establishment of links between such organisations and the Council. The resolution thus acknowledges the wish expressed by the Assembly that its consultative functions should be defined more clearly, as advocated in the La Malfa proposal and the draft new Statute.

43. The La Malfa proposal (Rec. 54 (1950), Appendix II) suggested that Member States should forward to the Council "all initiatives and all projects of a European character which they are taking or which they are submitting to any of the international organisations". Similarly, in the draft new Statute it was stated (Rec. 23 (1951), Article 33 (b) (i)) : "Any initiative taken or draft agreement made by any Member with other Members and falling within the competence of the Council of Europe shall be transmitted to the Committee of Ministers, should the Member in question consider it to be of a character to influence the achievement of the aims of the Council of Europe". The Committee of Ministers has now limited consultation of the Council to proposals for the creation of new organisations of a European character. The institutional method, however, is not the only road to a United Europe. Many other measures coming within the province of the Council are adopted by Member States, and it would¹ seem logical that they should all be submitted to the Assembly.

44. The wish has been expressed in the Committee on General Affairs that the Assembly should be asked for its opinion on the agreements on Scandinavian co-operation and on the conclusion of the Balkan Pact, with particular regard to the creation of a Balkan Consultative Assembly. To have these agreements discussed by the Assembly would entail the great advantage of acquainting parliamentary and hence public opinion with their precise significance, thus preventing dangerous misunderstandings and paving the way for the extension of the agreements to other States.

2.4.5. Co-ordination of the external policy of Member States within the Council

45. The development of the Council's function as "the general framework of European policy" necessarily raises the question of co-ordinating the external policy of Member States. In this connection, the Assembly has already proposed in several of its political recommendations, in particular in Recommendation 21 (1951), that the Committee of Ministers should regard this co-ordination as one of its main functions. It would then be possible to work out a policy capable of being applied by all Member States in their relations with other Countries. Naturally, there is no question of imposing a rigid foreign policy on all Member States. The unanimity rule would in any case preclude any such attempt. The only aim would be to give the common interests of Europe greater force in international affairs than if they were defended by the European countries separately. Each Member State would contribute its own specific point of view, in accordance with its particular interests, based, for example, on the possession of overseas territories, or on political factors like the division of its own national territory. Discussion would lead to a better understanding of these various points of view and make it possible to reconcile them. The co-ordination achieved by N.A.T.O. has already shown how useful such discussions can be, and the fact that they take place regularly in the N.A.T.O. Council would imply that there are no constitutional or other objections to holding them. It might be argued that Atlantic

coordination makes European co-ordination superfluous. The Assembly, however, has always considered that European interests could be properly served only by the formulation of a joint opinion supported by all Member States on all problems of world policy, in accordance with the principle laid down in Resolution 44 : " The solidarity of the Western world must be firmly established, with due respect for the mutual independence of a United Europe and of the United States of America. "

46. In 1952, indeed, the Committee of Ministers held two discussions on political matters. It has, however, never repeated the experiment. It is therefore not surprising that in March, 1954 the Brussels Treaty should have been chosen as the framework for a consultation between its Member States before the Geneva Conference rather than the Committee of Ministers of the Council of Europe, which was, nevertheless, meeting at a convenient moment for such consultation, in May, 1954.

47. In reverting to its former recommendation the Assembly would adhere to its original motive of putting Europe in a position to play an independent role in world affairs, which entails constant efforts by Member States to adopt a common attitude to all developments in world affairs. The Assembly might therefore recommend the Committee of Ministers to support its own attempts at laying the foundations of a common policy by securing the effective co-ordination of the external policy of Member States. The Ministers should consult together regularly on the subject at each of their sessions, an arrangement which would be facilitated by the secrecy of their deliberations. Thus the Assembly resolutions on general policy would be turned to good account.

48. In reverting to its former recommendation the Assembly would adhere to its original motive of putting Europe in a position to play an independent role in world affairs, which entails constant efforts by Member States to adopt a common attitude to all developments in world affairs. The Assembly might therefore recommend the Committee of Ministers to support its own attempts at laying the foundations of a common policy by securing the effective co-ordination of the external policy of Member States. The Ministers should consult together regularly on the subject at each of their sessions, an arrangement which would be facilitated by the secrecy of their deliberations. Thus the Assembly resolutions on general policy would be turned to good account. international organisations, renewing — though in a limited way — its Recommendations 21 and 22 (1950) on the organising of preparatory conferences and consultations between Member States before sessions of international organisations. The Ministers stress the need for such consultations in order to define a common attitude, but note that there already exist arrangements for the joint examination by Governments of current problems. But, even if this is the case, the ad hoc character of these arrangements' has so far prevented them from having any effect. The Assembly's proposal was designed to fill a gap in the consultative system which has often been felt at meetings of international organisations, and to enable Members of the Council which are not members of a particular international organisation to express their views. It is therefore to be hoped that the Ministers will examine Recommendation 58 in detail when considering the co-ordination of external policy.

2.5. Conclusions

49. In the foregoing paragraphs it is proposed that the opinion of the Assembly on the Special Message of the Committee of Ministers should comprise the following points:

- a. The Assembly welcomes the decision of the Committee of Ministers to systematise and , thereby strengthen intergovernmental action by the Council of Europe within the framework. of the Programme of Work.
- b. While recalling its oft-repeated conviction that intergovernmental action alone is incapable of solving Europe's problems, it is willing to co-operate in the task of exploiting all the possibilities of inter-governmental action contained in the Statute.
- c. No examination by the Ministers of Assembly recommendations should be completed without exploring all possible ways of reaching agreement, including that of partial agreements. The statutory Report should indicate that this has been done, explaining the reasons why the Ministers could not reach unanimous agreement and the arguments for or against the conclusion of a practical agreement. Recommendations rejected by the Committee in the past should be re-examined by it and by the Assembly from this point of view.
- d. A unilateral decision by one Member State to implement a recommendation on its own territory (which often has a snowball effect) constitutes another method of implementing measures proposed by the Assembly; more use should be made of this method.

- e. Under the terms of the Statute the Council is committed to achieving closer unity between all Member States. In view of the lack of cohesion and dispersion of effort which characterise the European policy of Member States, this aim can be achieved only if the Council becomes the framework of European policy. The adoption of this principle would mean
1. The regrouping of European inter-governmental organisations round the Council of Europe.
 1. The regrouping of European inter-governmental organisations round the Council of Europe. The membership of the Committee of Ministers and of the Assembly would vary according to the number of Member States participating in each of the activities in question.
 1. The association of non-Member States. Non-Member States which belong to one of these organisations or which wish to be associated with certain of the Council's activities would be granted a special status, by means of an agreement fixing the conditions for their participation in certain specific activities of the Council, on an equal footing in both the Assembly and the Committee of Ministers. The Foreign Ministers would be responsible for coordination. This proposal would entail an amendment of the Statute or, pending this, the adoption of a text of a statutory character stating that the Committee of Ministers may invite a European State, not only to become a full or Associate Member, but also to associate itself on a contractual basis with certain of the Council's activities.
 1. The establishment of close links with the Specialised Communities.
 1. Consultation of the Council on all European proposals and not only, as suggested in Resolution (53) 13, on proposals for the creation of new organisations.
 1. The establishment by the Committee of Ministers of a procedure for regular consultation on external policy. This consultation would help the Assembly in its efforts' to outline an external policy for adoption by Member States. To this end a discussion on general policy, should be automatically placed on the agenda of each session of the Committee of Ministers. A procedure similar to that adopted in the Council should be devised for consultation between the delegations of Member States of the Council to organisations of wider membership (see Recommendation 58).

3. PART II - Improvement in Methods of Work

50. During the first few years of its existence the Council of Europe was compelled to improvise its methods of work as it went along. While these methods have so far proved more or less satisfactory, they should now be reviewed and placed on a systematic basis if the Council is to be really effective.

51. Any reform of this kind should apply to the relations between the Committee of Ministers and the Assembly (Section A), the methods of work of the Committee of Ministers (Section B), the relations between the Assembly, National Parliaments and governments (Section C), and, finally, to the methods of work of the Assembly itself (Section D). The proposals relating to the organisation of work made in Chapter I of the Special Message (paras. 10—20) are examined in the corresponding Section of this Report.

3.1. Co-operation between the Consultative Assembly and the Committee of Ministers

52. In this Section a series of proposals are put forward for creating a system of constant interchange between the Consultative Assembly and the Committee of Ministers so as to reinforce the present system of written communications, which gives rise to continual friction and misunderstanding. These proposals accord with the desire expressed by the Committee of Ministers (paragraph 10 of the Special Message) for closer co-operation between the two organs. They refer to the following questions :

- a. Participation of the Assembly in the establishment of the Budget ;
- b. Participation of the Committee of Ministers in Assembly debates ;
- c. Written questions ;
- d. Reciprocal participation in hitherto " restricted " meetings ;
- e. Exchange of documents ;
- f. Presentation of recommendations to the Committee of Ministers ;

- g. Attitude of the Committee of Ministers towards Assembly recommendations;
- h. The Joint Committee.

3.1.1. Participation of the Assembly in the establishment of the Budget

53. The first request to make, if a spirit of mutual confidence is to be created between the two organs of the Council, is that the Assembly should take an active part in the establishment of the Budget. Without claiming the right to exert any budgetary control it would be perfectly entitled to request the Committee of Ministers to be consulted on the Budget as a whole. As this question is now being considered by the Committee on Rules of Procedure and Privileges there is no need to dwell on it at length here, but merely to stress the great importance which the Assembly attaches to it.

3.1.2. Participation of the Committee of Ministers in Assembly Debates.

54. Co-operation between the two organs would be greatly assisted by an increase in personal contacts. To this end the Assembly might restore its former practice of holding a general debate on the statutory Report of the Committee of Ministers and invite the Committee to be represented at this debate by as many of its members as possible. The Committee on General Affairs does not suggest that the Committee of Ministers should attend in toto, which they consider would be asking too much. The Committee of Ministers is none the less collectively responsible for its activities, of which it furnishes details to the Assembly in its statutory Report. All the members of the Committee, moreover, are present in Strasbourg for the statutory meeting held by the Committee on the eve of the Assembly-Session. The Committee on General Affairs has, nevertheless, decided to confine itself to asking the Committee of Ministers to send as many members as possible to this debate. Should the Committee appoint Deputies with the rank of Secretary of State (see paragraph 69 below), they might well represent the Ministers on such occasions.

55. This debate would thus afford a unique opportunity for the two organs of the Council to draw up a joint inventory on the activities of the Council and an assessment of its rightful rôle. Such a debate would be introduced by a statement by the Chairman of the Committee of Ministers. This statement would not, as hitherto, be received without comment but would be followed by a general debate on the Report of the Committee. This debate would have been prepared beforehand both by the Committees and the political groups. The Chairman and other members of the Committee of Ministers- would also speak.

56. Such a development, however, will be possible only if the Report is no longer confined to a dry enumeration of the decisions taken but also gives explanations of the reasons for these decisions and information concerning the Committee's discussions on general policy. Furthermore, Representatives must have enough time beforehand to study the Report. Even if the Committee of Ministers holds over certain parts of the Report or Message until the meeting immediately preceding the General Debate, it should authorize the Deputies to transmit to the Bureau of the Assembly those parts on which they have already reached agreement. This should not create any difficulties, particularly if the decisions taken by the Committee between Sessions are communicated to the Assembly immediately. After all, there is no reason why the Committee should keep its resolutions secret until the eve of the Assembly Session.

57. The organisation of such a debate would involve a precise dovetailing of dates in order to avoid any loss of time for the Ministers. The Committee of Ministers might, for instance, begin its session on the same day as the Assembly or the day before. The Ministers would then be sitting while the Assembly was electing its Bureau and the political groups were meeting. On the following day the session of the Committee would be interrupted by the Assembly debate on the Report.

58. It would also be desirable that the Committee of Ministers should be represented at the General Debates which the Assembly holds annually on relations between the Member States and the outside world. Foreign Ministers should participate, since it is for them to give effect to the policy proposed by the Assembly. It is to be hoped that they will also make use of the opportunity thus presented to address an Assembly composed of parliamentarians representing the European peoples. To be really effective the Ministers should speak as representatives of their Governments and not as Representatives to the Assembly, in cases where they are both.

59. In order to place the relations between the Assembly and the Committee on a normal basis, there should be a " Ministers' Bench " in the Assembly Chamber. At present there are no permanent seats reserved for the representatives of the Committee of Ministers, a situation which is hardly in keeping with the dignity of Ministers for Foreign Affairs. In the national Parliaments the Ministerial bench is either in the body of the Chamber facing the President, or beside the President facing the deputies. Clearly the method chosen reflects

the respective strengths of Government and Parliament. On this basis the Ministers ought really when attending Assembly Sessions to sit on a raised platform facing the Representatives. In fact, the first right-hand or left-hand section of the hémicycle might be reserved for the Committee.

3.1.3. *Written questions*

60. Although in 1951 the Committee of Ministers adopted a resolution on the implementation of Rule 49 of the Rules of Procedure of the Assembly concerning written questions, only one written question has so far been submitted⁷. Any Report of the Committee of Ministers, however, may give rise to a whole series of questions which could be prepared by the Committees when first discussing this Report. They could then be posed and answered in the General Debate on the Report. The precedent created by the question put orally to M. van Zeeland⁸, when he presented by the Report of the Committee in 1953 is significant in this respect. Written questions relating to matters of detail, whether contained in the Report or not, should be tabled at least twenty-four hours before the Assembly debate, so that the Chairman of the Committee of Ministers, to whom they are addressed, may have, time, if he so wishes, to consult the Committee on the reply. Questions concerning the national policy of Governments would, naturally, be inadmissible.

3.1.4. *Reciprocal participation in hitherto "restricted" meetings.*

61. In the Special Message the Committee of Ministers expresses the wish to be kept better informed of the work of Assembly Committees and proposes the admission of its Deputies to Committee meetings as one method for the advancement of this aim (para. 11). Under Rule 45 of the Rules of Procedure of the Assembly, representatives on the Committee of Ministers or any other Minister of the Government of a Member State having a mandate from, or being authorized by, the Committee of Ministers, have the right of access to the Assembly and its Committees. Since this right is bound up with the political responsibilities assumed by each Minister, the Assembly, could, obviously, only extend it to Ministers' deputies who, as Secretaries or Under-Secretaries of State, have certain political responsibilities of their own. If the Committee of Ministers accepts the reform in its structure proposed below (paragraph 73) and sets up a Committee of Deputies composed of politicians, such a decision by the Assembly might have most beneficial results.

62. If the Assembly is unable therefore to grant the same facilities to the present Ministers' Deputies, who are officials of the Foreign Ministries, it would no doubt appreciate the argument that, pending a structural reform of the Committee of Ministers, the reasons for its decisions should be brought to the notice of the Deputies. In this respect, it might be useful to revive an old idea which has often been mooted — namely, that the Chairman and Rapporteur of Assembly Committees might, by invitation or at their own request, speak on behalf of their Committees at meetings of the Ministers' Deputies or of their Committees or of the appropriate Committee of Experts in order to explain the views of the Assembly or their Committee on some specific question. Conversely, it might be proposed that the Chairman of the present Ministers' Deputies or some other Deputy should be authorized by invitation or at his own request to explain to Assembly Committees or Sub-Committees on behalf of the Committee of Ministers the latter's views on a specific point.

3.1.5. *Exchange of documents*

63. In the Special Message (paragraph 11) the Ministers further propose that Committee documents should be made available to Member Governments. Under the provisions of Rule 42, para. 9 of the Rules of Procedure of the Assembly, all Committee documents are confidential, except Reports adopted or statements issued on the responsibility of the Chairman. The purpose of this Rule is to preserve the freedom of the discussions until the Report is actually adopted.

64. Nevertheless, the Assembly fully realises the value of informing the Committee of Ministers of the progress of its studies as early as it can, not only in order to help the Ministers to decide their own policy with the least possible delay, but also in order to avoid any misunderstanding or duplication from the outset. It is for this reason that the Bureau of the Assembly decided on 8th July to propose that Committees should send all Committee documents to the Ministers' Deputies, except where the Chairman of the Committee decided otherwise. Two schools of thought on this subject have emerged in the Committee on General Affairs : the first is that draft Reports submitted by Rapporteurs should be transmitted to the Committee of Ministers and

7. See 4th Session, 1952 : [Doc. 59](#) (Written question on the ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms submitted by Lord Layton).

8. By Mr. Beamish concerning the Cultural Fund for Exiles — see Official Report of Debates, Sitting of Friday, 8th May, 1953.

the Deputies only after they have been adopted by the Committee ; the second, that they should not be sent automatically, but only upon request. The Committee will draw up a final text on the subject at its meeting immediately preceding the Session.

65. In return the Assembly might express the wish that all documents of the Ministers' Deputies and of Expert Committees will be transmitted to the appropriate Assembly Committee, through the medium of the Secretariat-General, unless the Chairman of the Ministers' Deputies or of the Expert Committee concerned should make a ruling to the contrary in any specific case.

3.1.6. Presentation of Recommendations to the Committee of Ministers

66. In the past, the Assembly has frequently attached to recommendations addressed to the Committee of Ministers the Explanatory Memorandum submitted to the Assembly by the Rapporteur. This Memorandum helps the Ministers to understand the Assembly's reasons for adopting the recommendation. There is however, room for further development on these lines. The Clerk to the Assembly is the most suitable person for introducing Assembly recommendations to the Committee of Ministers. In so doing, he might explain the motives underlying the Recommendation and supply any further information required. It would also be his duty to point out to the Committee of Ministers the various possible ways of implementing the recommendation.

3.1.7. Attitude of the Committee of Ministers towards Assembly recommendations

67. In response to the complaints of Representatives, the Committee of Ministers has explained in the Special Message (paragraph 13) the various procedures which it proposes to adopt in future in respect of Assembly recommendations and resolutions. This attempt at systématisation cannot but meet with the Assembly's full approval. These procedures would, nevertheless, seem to call for more detailed elaboration if they are really to afford any improvement. The Ministers enumerate them as follows.:

3.1.7.1. Adoption in toto, immediate or deferred :

Two comments are called for here. An examination of the action taken by the Ministers on Assembly recommendations reveals the striking fact that in numerous cases the Ministers have confined themselves to the question of procedure involved without really going to the heart of the problem⁹. The real problems are thus evaded, and their solution deferred. Such an attitude on the part of the Ministers can clearly not be regarded as the adoption of an Assembly recommendation.

Neither can a simple recommendation from the Ministers to Member Governments be regarded as an execution of the Assembly's wishes. In paragraph 95 it is proposed that in future all Recommendations should be followed up by the Assembly and its Committees, not merely until their adoption by the Ministers, but until their implementation by Member States. To enable it to do so the Assembly should be kept regularly informed of the action taken by Member States on Recommendations forwarded to them by the Committee of Ministers. This information should reach the Assembly by its following Session at the latest, while the subject is still topical. In order to obtain the views of the Governments within this period, the Ministers would do well to apply the second clause of Article 15 (b), which authorizes them to request Member States to inform them of the action taken on their recommendations. Each Government should also be required to take its decision on the recommendation, whether in a positive or negative sense, within six months of its transmission. This time-limit should only be extended at the specific request of a Member State, which should give its reasons.

3.1.7.2. Partial adoption, immediate or deferred, with due regard to Rule 15 of the Rules of Procedure of the Committee of Ministers

The Assembly will be glad to note that the Committee of Ministers itself contemplates putting Article 15 of its Rules of Procedure into effect. The Assembly has greatly regretted the fact that this Article has never yet been applied, though the possibility of so doing is now envisaged- in the case of the Cultural Fund for Exiles, on which question the Assembly was particularly insistent. Rule 48 of the Assembly's Rules of Procedure stipulates that a question submitted by the Committee of Ministers for further consideration shall be included in the Assembly's Agenda. The Assembly feels that in such cases a special document should be submitted explaining the reasons for the attitude taken by the Ministers, so that the Assembly and its appropriate Committee may re-examine the question with a full knowledge of the issues involved. It is with these considerations in mind that the Ministers should apply Article 15 of their Rules of Procedure.

9. See Chapter III, Reply of the Assembly to the Fifth Report of the Committee of Ministers.

3.1.7.3. Reference of a question to "some other organisation for international co-operation"

The Committee of Ministers has worked out a procedure (paragraphs 16 - 20 of its Special Message) to govern co-operation with international organisations . of a technical character. The right of the Council of Europe to concern itself with any problem, even of a technical nature, the solution of which might promote greater unity among its Members is expressly recognised. This procedure primarily concerns the Committee of Ministers since, logically, there can be no danger of overlapping with the activities of inter-governmental organisations. Any problem coming within the purview of the Statute may be examined by the Assembly, whether it is already being studied by an intergovernmental organisation or not. (The question of transmission of the Assembly's resolutions to inter-governmental organisations is at present being studied by a Sub-Committee of the Joint Committee.) A question referred for study to another organisation by the Committee of Ministers should not be removed from its Agenda. Otherwise, if the organisation delays its reply, the question may be completely forgotten. To avert this danger the Ministers might suggest to the organisation a time-limit of six months in which to prepare its reply, with a possible extension of the period at the specific request of the organisation, accompanied by its reasons. By keeping the question on their Agenda the Ministers will also be able to take it up again at any time, in order, if necessary, to stimulate study of the matter by the organisation in question.

3.1.7.4. Rejection pure and simple

The Assembly, being a consultative body, cannot dispute the right of the Ministers to reject its recommendations. The purpose of all Assembly recommendations is, however, to achieve the objectives of the Council of Europe. " Rejection pure and simple " takes no account of this fact. There may be two reasons why the Ministers feel unable to give effect to a Recommendation : either because they consider this recommendation to be contrary to the Council's aims, or because certain Ministers feel it to be contrary to their national interests. In both cases the Ministers owe the Assembly a frank explanation, though without necessarily revealing the individual position taken by Member States. If partially acceptable recommendations are to be referred to the Assembly for further consideration, the same should also apply to unacceptable recommendations. The Assembly can then decide whether it feels that the reasons advanced are sound.

68. Finally, the action taken by the Ministers on the recommendations of the Assembly would be greatly facilitated and expedited if the Ministers were themselves to fix a time-limit within which to decide on the procedure to be adopted for each new recommendation. This should not create any difficulties for the national administrative authorities, since, during the five years of the Council's existence, the machinery necessary to deal with such requests has no doubt been set up in each Member State. It could thus be avoided that recommendations remain without effect, as happened to certain Assembly recommendations adopted in the first years of the Council of Europe's existence, (Examples are : Recommendations 4 and 8 (1949), 14 (1950) and 2 (1951)).

3.1.7.5. The Joint Committee

69. The Joint Committee, the first result¹⁰ of the attempt to create a system of regular exchange of views between Ministers and Assembly, was devised as a body in which Ministers' and parliamentarians could settle any dispute between them by frank and amicable discussion. All Assembly recommendations which the Ministers feel unable to accept should automatically be placed on the Agenda of the Joint Committee before a final decision is taken. This will enable Ministers and parliamentarians to review, in a meeting small enough to allow for complete frankness, the arguments for and against any recommendation, including those which would not normally be expressed in a written communication to the Assembly. Moreover, more stress should be laid on the right accorded to the Joint Committee to call the attention of the two organs to questions which appear to be of interest to the Council and to make proposals concerning the draft Agendas of their respective sessions. The Joint Committee should meet automatically during each session of the 'Committee of Ministers and the day before the opening of the Second Part of the Assembly Session, when the Committee of Ministers does not necessarily meet under the terms of the Statute. Any such increase in the functions of the Joint Committee also raises the question of appointing a Secretary to deal exclusively with its affairs. Since the Joint Committee does not come under the exclusive authority either of the Assembly or the Committee of Ministers, this Secretary might be directly attached to the Private Office of the Secretary-General.

10. Under the terms of the Resolution establishing the Joint Committee, adopted by the Ministers in May, 1951, this Committee has the following tasks : to examine the problems which are common to the two other organs ; to draw the attention to such questions as appear to be of particular interest to the Council ; to make proposals for the draft Agenda of the respective sessions ; to examine and promote means of giving practical effect to the recommendations adopted by one or other of these two organs.

3.2. Working methods of the Committee of Ministers

70. Are the working methods of the Committee of Ministers the most efficient possible ?⁹ The Committee usually holds two short sessions a year : the statutory session on the eve of the Assembly session and another in the autumn. During these sessions, the Ministers — who, even then, are often replaced by their Secretaries of State or by Ambassadors — settle problems which their Deputies have been unable to solve. The rest of the work is carried out by the Ministers' Deputies, who normally meet once a month. Some of the Deputies are the Permanent Representatives of their countries to the Council of Europe, the others being officials of the Paris Embassies or of their Ministers.

71. Does this enable the Committee of Ministers to carry out the tasks assigned to it by the Statute ? As the Assembly remarked in its Reply to the Fourth Report of the Committee of Ministers, the authors of the Statute " 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 that the Committee of Ministers should become a real centre for the thrashing out and adoption of a common European policy ; that it should make frequent declarations as the Ministerial body representing free Europe ; that 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".

72. If it is to play this dynamic part and also exercise the right of supervising the work of the Assembly, the Committee of Ministers must be a Ministerial body in fact as well as in name. The Assembly accepts the argument of the Committee of Ministers that the crushing burden under which Foreign Ministers now labour prevents their more frequent attendance at Strasbourg, but this only strengthens its conviction that the only way out of the deadlock is that in each Government, or more specifically, in each Foreign Ministry, there should be a special appointment for European affairs. In its Recommendation 9 (1951) the Assembly proposed the appointment of " charges d'Affaires Européennes ". This Recommendation has not been put into force since it is almost impossible to draw the line between the powers of a Minister for European Affairs and those of the Foreign Minister. At the present stage of European unification therefore the task of co-ordination should perhaps remain in the hands of the Foreign Ministers. "While upholding its view that a Minister specialising in European affairs should sooner or later be appointed, the Assembly might confine itself at present to requesting the appointment within each Government of a Secretary or Under-Secretary of State' with special political responsibilities for European affairs. His duties, for which, at the present stage of European unification he would remain responsible to the Minister for Foreign Affairs, would be. to co-ordinate the measures for European co-operation taken in his country, to provide the necessary motive force and bring about speedy decisions on points raised by the Assembly.

73. The holders of this post could really perform the functions of Ministers' Deputies, for they would be politicians responsible to their Government and Parliament. They alone would be fully capable of pursuing genuine negotiations for a solution acceptable to all Member States and yet furthering European unity. Officials bound by precise instructions are not given the necessary latitude for such negotiations and can put forward only their several points of view. The most that can be expected in this way is the adoption of the attitude of the most cautious Member State. It is easy to see what results this procedure has so far produced.

74. The present Ministers' Deputies should serve a very different purpose. As Permanent Representatives to the Council of Europe they represent the permanent link between the Council and the national Governments and are in an ideal position to keep a Minister and his Deputy in-touch with the latest trends at Strasbourg, thus enabling him to come to the meetings of the Deputies in full possession of the facts. If they are to fulfil this function adequately, they should hold unofficial meetings once a week, when the Secretary-General would keep them abreast of current developments and they could learn by informal discussion the attitude of each other's Governments, the difficulties encountered in preparing texts and so forth. The constant meetings of the Permanent Representatives to O.E.E.C. and N.A.T.O. provide a good example of the way in which such machinery for consultation and regular information could work. To sum up, the Assembly might send a strong recommendation to the Committee of Ministers suggesting that it divide its work among the following organs: The Committee of Ministers, consisting of Ministers for Foreign Affairs ; the Committee of Ministers' Deputies, consisting of politicians with real responsibility for the current affairs of the Council of Europe and a Committee of Permanent Representatives whose duties would be to prepare the ground and provide information. This re-organisation would not affect the Committees of Experts.

3.3. Relations between the Consultative Assembly, the national Parliaments and Governments

75. This brings us to the crux of the matter : why has the action of the Assembly not been more effective 1 It is because its Members have never made full use of the power they possess as Members of the national Parliaments which, in the last analysis, decide what European policy shall be. This remained unused. Although there have been some exceptions, on the whole the Parliaments have never been associated with the work of the Assembly, with the curious result that the conclusions of the Assembly, with the curious result that the conclusions of the Assembly, which derive their inspiration from the Parliaments of the Member States, have hitherto been judged by representatives of the State executives who have been without any instructions from their Parliaments. The Executive has therefore imposed its views on those of the legislature.

76. The Assembly has been aware of this shortcoming from the outset, but its attempts to remedy it have not had much success. [Recs. 8 taking action rested with the Committee of Ministers (1949), 14 (1950)]. As the responsibility for its failure, nothing was done. The Assembly also called upon its Members [Resolution 10, (1950)] " to use their best endeavours to ensure the adoption of the Resolutions of the Assembly for which they had voted by their respective Parliaments ". However, in their own Parliaments representatives have shown as little initiative as the Committee of Ministers.

77. This seems an opportune moment to revive a procedure of this nature, with additions to make it more effective. Two aims must be kept in view : first, the national Parliaments must be induced to devote one debate a year to the Council of Europe, its work and achievements ; secondly, they must ensure that the Governments are implementing the recommendations of the Assembly. The Bureau has regularly transmitted the printed volume of texts adopted to the national Parliaments, but, with a few exceptions, no action has been taken. In its Special Message (paragraph 9) the Committee of Ministers undertakes to recommend Member Governments to do what they can to bring such a discussion about. Thus, in those Parliaments where the Government fixes the agenda, we may henceforth expect such debates to be held regularly. In the others, the same result will be achieved if Representatives table a motion instructing the Bureau to include in the agenda the examination of texts transmitted by the President of the Assembly. Two technical proposals would round off this system : the texts adopted by the Assembly (printed volume) should be translated at Strasbourg into the languages of each Parliament as a matter of normal procedure so that members of national parliaments can study them. Of course, before any final decision is taken in this respect the Secretariat-General would have to be asked to examine the technical implications and the cost involved. The President might also be invited to enclose a covering note pointing out the significance of the decisions adopted by the Assembly and soliciting the support of the Parliaments on specific issues.

78. Such debates would in themselves reveal how far Representatives to the Assembly reflect the outlook of their national Parliaments. It would add immeasurably to their effectiveness if they were to culminate in a vote upon Motions tabled by the Assembly Representatives embodying the terms of the recommendations for which the support of the Parliaments is desirable. In this way a close link would be forged between the Assembly and the Parliaments, and, in adopting its recommendations, the Assembly would be aiming to secure, not only the approval of the Ministers, but also the support of the Parliaments. Thus, whenever a recommendation opinion or resolution is to be drafted, the Chairman and Rapporteur of the Committee concerned, with the assistance of the Secretariat-General, should consider how the support of the national Parliaments for these texts may best be secured.

79. The simplest method would be for Representatives to challenge their Governments in their own national Parliaments. This would compel the Governments to inform the Parliaments of their attitude in each specific case. It would be even more effective if the Parliaments were to vote on the Motions tabled by Assembly Representatives. Obviously, the circumstances would vary with each Parliament, and the Rapporteur has asked the Secretary-General to draw up a document on the appropriate procedure in each specific case.

80. Valuable experience has already been gained in several Parliaments {cf. the text of the German Bundestag Motions appended to this Report}. In Parliaments where no Motions can be submitted without the consent of the political group to which the author belongs such Motions must, obviously, be first submitted to the group. The Committee discussed whether this procedure would deprive Assembly Representatives of their independence and their position as stimulators of the national political groups. Your Rapporteur feels that this risk should be taken, since the support of the national parliaments is essential if the Assembly's work is to be made more effective.

81. In order to help Representatives who so desire to table Motions embodying the terms of such Assembly recommendations as lend themselves to this procedure in their national Parliaments, the following simple procedure might be adopted : The Clerk would draw up a text in the form normally given to general recommendations in each Parliament. Each Representative who had voted for the recommendation in

question would then sign and table this Motion with his Parliament or his political group. Thus, little extra work would be required of him ; a necessary condition for the success of this innovation. This procedure is, of course only appropriate for a limited number of Assembly texts. It would for instance be clearly impossible to table a recommendation addressed to the " Six " in the Parliament of a State which was not one of the Six.

82. The substantive text of these motions would vary with the content of each recommendation. It might simply call upon the Government to instruct its Representative on the Committee of Ministers to vote for the recommendation adopted by the Assembly. It might call upon the Government to lose no time in submitting a bill for the ratification of a Convention signed by the Committee of Ministers or by another organisation, where ratification had already been requested by the Assembly (e. g. ILO or UNESCO Conventions, Convention on fishing in the North Sea, etc.), or it might request Parliament itself to effect such ratification. Then again, it might request the Government to adopt a certain attitude towards problems under consideration by O.E.E.C., thus indirectly influencing the work of this organisation. In extreme cases this procedure might even serve to mitigate the unanimity rule in force in the Committee of Ministers, for, if Governments were challenged by national Parliaments to disclose the attitude they intended to adopt towards an Assembly recommendation, Representatives would then be acquainted with the main factors involved in the decisions to be taken by the Committee of Ministers. Lastly, the Motion might request the Government in question to take unilateral action by putting an assembly recommendation into effect on its own territory (see paragraph 18 above).

83. In brief, our work can only become effective by associating the Parliaments with the proceedings and decisions of the Assembly. Here, within our grasp, is the very instrument which can offset the weakness of the Assembly in relation to the Committee of Ministers. The participation of the Parliaments will have a further beneficial effect : Representatives will be obliged to take more care in casting their vote in the Assembly. If every vote in the Assembly constituted a formal undertaking to a national Parliament, the consequences of a vote would be more carefully pondered. This, in its turn, would reduce the number of texts adopted, and this could not but enhance the prestige of the Assembly.

84. If the action of the Consultative Assembly were straightened by the re-organis-ation of its work on the systematic lines suggested in the foregoing paragraphs, Member Governments would probably pay closer attention to its proposals and even bring their influence to bear upon it. Recent steps taken by the Governments in this direction show that they are already displaying increased interest in the Assembly's work. It must, nevertheless, be recalled that Representatives to the Assembly are entirely independent of their Governments. In no sense do they represent them. They vote in the Assembly as European Members of Parliament and not in accordance with the wishes of their Governments. If this principle were abandoned or watered down, it would spell the end of the Assembly.

85. It is indeed admissible and even desirable that a Representative should ascertain the attitude of his Government before voting. In his constituency or his Parliament, a Member listens to the case presented by particular interests against a bill, and decides quite freely how much weight to attach to their points of view. Assembly Representatives should adopt the same attitude towards the views of their Governments.

3.4. Working methods of the Consultative Assembly

86. Bien que les méthodes de travail de l'Assemblée ne soient pas mentionnées dans le message spécial, il a été jugé utile d'adjoindre à ce rapport un titre contenant plusieurs propositions qui ont pour objet d'améliorer quelques-unes de ces méthodes. Les propositions ont trait aux questions suivantes :

- a. Right of initiative and fixing of the agenda ;
- b. Strengthening of political groups ;
- c. Dissemination of information concerning the work of the Assembly.

3.4.1. Right of initiative and fixing of the agenda.

87. Under the present Rules of Procedure, any Representative desiring to put before the Assembly a matter which he considers worthy of interest is required by Rule 15 to table a request for its inclusion in the Agenda, bearing signatures of at least ten Representatives. This document may contain only the title of the proposed question and the reasons in favour of its inclusion. The Assembly must then decide by a two-thirds majority of the votes cast whether it should be included. Only at this stage can a Representative table a motion for a Resolution or Recommendation setting forth the purpose of his motion. In practice, only this latter document is of real significance, since it reveals the fundamental attitude of Representatives underlying their proposals and thus opens the way for a possible exchange of views.

88. The formalities for including an item in the Agenda are an outmoded survival of the time when the Committee of Ministers controlled the Agenda of the Assembly. In the original version of the Statute of the Council of Europe, Article 23 (oe) laid down that " The Consultative Assembly shall discuss any matter... which has been approved by the Committee of Ministers for inclusion in the Agenda ". Despite the amendment of the Statute and the abolition of the rule requiring prior authorisation by the Committee of Ministers, the system governing requests for inclusion has been retained, but deflected from its original purpose. Generally speaking, this procedure would appear to damp the initiative of Representatives.

89. This is already serious, but it is further aggravated by the confused state of the Sessional Agendas. The Agendas, grow longer with each succeeding Session, but they never show exactly what matters will actually be discussed and on what dates. The present system of listing " questions " merely results in fictitious lists purporting to be a permanent Agenda for the Assembly, from which a few questions are selected at each Session. It would be advisable, therefore, first to abolish requests for inclusion and then to establish a method of preparing a genuine Agenda for each part of the Session, which could be published well before the Sessions begin.

90. It seems desirable, therefore, that the procedure for tabling motions and fixing the Agenda should be reformed on the following-lines :

90.1. Representatives will be entitled to table motions for a Resolution, Recommendation or Order on any subject within the purview of the Council of Europe, provided that they bear the minimum number of signatures necessary to keep the number of texts within reasonable proportions. Such motions must adopt a definite attitude on the substance of the question concerned and not merely request its inclusion in the Agenda of the Assembly.

90.2. The Agenda for each part-Session will be prepared at least six weeks in advance, either by the Bureau or by the Standing Committee, and will accompany the letters of convocation. Resort to the emergency procedure will still remain open.

91. If these principles are accepted, it remains to consider their effects on the working methods of the Assembly and the Committees.

92. When the Assembly adopts a Recommendation or a Resolution on the basis of a Report by the appropriate Committee the matter is theoretically at an end. This assumption has proved, however, to be dangerous for, in a large number of cases, not only has the Committee of Ministers ignored recommendations, but the Assembly has omitted to remind it of their existence. This is due to the Assembly's bad habit of piling up new recommendations without keeping a close watch on those already before the Committee of Ministers.

93. To bring a matter before the Committee of Ministers, it has always been necessary to go through the elaborate procedure of requests for inclusion. Consequently, some Committees have sought to retain all their questions on the Agenda by regularly asking the Assembly to adopt an Order instructing them to pursue their examination of them. It has resulted in an over-loaded Agenda, which could well have been avoided by a more satisfactory procedure.

94. Committees should, therefore, systematically follow up matters within their province without special instructions from the Assembly. For this purpose, the Agenda of each committee meeting should automatically contain this item: action taken upon Recommendations within the competence of the Committee. Any comment which the Committee wished to make as a result of such periodical examination could either take the form of a written question put in the debate on the statutory report of the Committee of Ministers or be inserted in the draft Reply of the Assembly to that Report, which would thus become the vehicle for intercourse between the two organs. Should a Committee wish to submit a new Report rather than use this channel for its comments, it should then obtain the permission either of the Assembly, or (between Sessions) of the Standing Committee. Such permission could be granted permanently as is now the case with the Committee on General Affairs, which has been instructed to follow the progress achieved in the sphere of European Defence and present periodic Reports to the Assembly.

95. One final question remains : may Committees place a question on their Agenda with a view to determining whether the Assembly, or alternatively the Standing Committee, should be asked to refer it to them ? Even though Article 41 of the Rules of Procedure states that Committees are only authorised to examine questions referred to them by the Assembly or the Standing Committee, it seems that they can discuss other questions tentatively, or the proposal of one of their members, in order to decide whether to get them referred to the Committee by tabling a draft Resolution, Recommendation or Order in the Assembly.

96. Just how long should Committees pursue a matter in accordance with general instructions not to lose sight of questions which have come before the Committee of Ministers ? This question is easily answered in the case of a draft Convention proposed by the Assembly and adopted as it stands by the Committee of Ministers, although the Ministers' signature relieves neither the Assembly nor the Committee of Ministers of responsibility for securing speedy ratification by Parliaments. It is more difficult to draw a line of demarcation for other questions, and one has only to consider the history of Assembly recommendations to realise how difficult it has often been to decide whether a request by the Assembly has finally been satisfied. (i) Clearly, a recommendation from the Committee of Ministers to the Member Governments embodying the substantive text of an Assembly Recommendation cannot be regarded as "the last word". On the contrary, the Assembly should continue to exert pressure until the Recommendation is implemented by the Governments themselves. For this purpose, the Committee of Ministers should keep it informed of the steps taken by the Governments to implement its Recommendations (see paragraph 66). (ii) As the Assembly alone is responsible for its own decisions, the rejection of a Recommendation by the Committee of Ministers does not exonerate it from considering whether or not to accept such rejection as final (see paragraph 66).

97. To sum up, the principles set forth above seem to entail the following corollaries :

After a Resolution, Recommendation or Opinion has been adopted by the Assembly, the Committees should remain responsible for following up the matter, either as part of their examination of the statutory Report of the Committee of Ministers — in which case they would insert their comments in the draft Reply of the Assembly — or in virtue of new instructions from the Assembly or the Standing Committee — in which case the Committee concerned would present a new Report to the Assembly.

Every Committee would keep in touch with all proposals it had originated until finally disposed of either through their implementation by Member Governments, or the acceptance by the Assembly of their rejection by the Committee of Ministers.

98. If the Assembly adopts the basic principle set forth above, these proposals with regard to procedure should be referred to the Committee on Rules of Procedure.

3.4.2. The political groups

99. None of these modifications of procedure can replace the catalysing agent, which has so far been lacking in the Assembly : the thrust and parry of Government and Opposition parties, which is a feature of national parliaments. As long as the Assembly remains consultative, there can be no such sharp division, but the grouping of Representatives according to their political sympathies might introduce a more controversial and dynamic approach and help to bring out the full potentialities of the Assembly. Moreover, it is the undoubted aim of the Assembly to overcome national differences, and political grouping would be an excellent means to this end. It would often help to smooth out conflicts of opinion and prepare the way for a compromise.

100. It is up to the political groups to keep their members regularly informed of the progress of the work and to suggest what action should be taken, what attitude, should be adopted and who should be appointed to fill the various posts. This would help Representatives to play a more active part in the proceedings of the Assembly and its Committees.

101. If the political groups, present or future, are to perform these tasks effectively, they should be given special rooms at the seat of the Council of Europe. They should have the use of all technical facilities, such as reproduction, mail services, etc. Moreover, it would be necessary to set aside time for their meetings, particularly at the beginning of the Session, before the election of the Bureau and before important debates and crucial votes.

3.4.3. Dissemination of information on the work of the Assembly

102. Only at Strasbourg is the Council of Europe known as a permanent organisation. Outside the city, those who have heard of it regard it as only a Conference meeting from time to time. Public opinion is unaware of its aims, its achievements and, above all, of its day-to-day activities. This is mainly because the international press becomes interested in Strasbourg only during the major debates of the Assembly. Nor is Strasbourg suitably placed for sustained publicity, lacking as it does any direct contact with governmental and parliamentary circles. Furthermore, the Committee of Ministers has tended to adopt an "anti-publicity" policy.

103. The Assembly might slightly improve the situation by its own efforts by reverting to a previous suggestion, for in 1950 Mr. Norton tabled a motion for a Resolution proposing that meetings of the Assembly's Committees should rotate among the capitals of Member States ([Doc.15](#)). Although it is a fact that several

Committees and Sub-Committees have taken the initiative of meeting in other Member States, this principle has never officially been adopted. Nevertheless, meetings of Assembly Committees outside Strasbourg provide an excellent opportunity of spreading a knowledge of the Council of Europe. These are occasions for the press to give its readers general information about the Council, and the Chairman and members of the Committee provide details at press conferences. It would also be useful if, at such press conferences, Representatives to the Assembly reviewed all the fields of activity of the Council and not only the subject of the Committee's work. In order to make the most of these meetings, arrangements might be made, through the Secretariat-General, between members of committees and local European organisations for lectures to be given during the Committee's stay.

104. The only argument so far advanced against this proposal is the greater cost of meetings outside Strasbourg. However, though the journey might be longer for some Representatives, it would be shorter for others, and the burden would therefore be fairly distributed among the various national exchequers. This would not apply to the Secretariat-General, whose members would be required to travel more frequently. But the greater expenditure entailed thereby would be justified by the advantages to be gained ; nor would it be exorbitant, considering how few members of the staff are required for Committee meetings. The Committee on General Affairs felt it should maintain this view, even though the Standing Committee, at its meeting on 9th July, had expressed some concern at the expense involved in holding Committee meetings outside Strasbourg. The Committee on General Affairs thought that the resulting benefits would amply compensate for the expense.

105. It will be for the Assembly to decide whether Committee meetings should in principle be held in European towns other than Strasbourg or compulsorily at the seat of the Council. In the former case it might request members of Committees to be available to lecture on the Council of Europe to the European organisations in the cities concerned. It might also recommend the Committee of Ministers to make provision in the Budget for the travelling expenses of Secretariat staff required to attend these meetings.

3.5. Conclusions

106. These are the proposals for improving the working methods of the organs of the Council of Europe which have been put forward in the preceding paragraphs :

3.5.1. Co-operation between the Consultative Assembly and the Committee of Ministers

The Rapporteur proposes :

(a)

1. that the Committee of Ministers be invited to request as many of its members as possible to attend- the general debates of the Assembly on the statutory Report of the Committee of Ministers, Ministers' Deputies with the rank of Secretary or Under-Secretary of State being authorised to replace the Foreign Ministers ; — to send representatives to Assembly debates on general policy ; — to take advantage of this opportunity of addressing an Assembly consisting of Members of Parliament of the Member States ; (ii) that a Ministerial bench be provided in the body of the Assembly ;
2. that a Ministerial bench be provided in the body of the Assembly ;

(b)

1. that Representatives to the Assembly, and especially Committee Chairmen and Rapporteurs, avail themselves more frequently of the opportunity of putting written questions to the Committee of Ministers ;
2. that Committees be invited to raise questions on points included in the statutory Report of the Committee of Ministers, or on other points, when this Report is first discussed and before the General Debate ;

(c)

1. that the right to attend Sitzings of the Assembly and meetings of its Committees, granted to Ministers under Rule 45 of the Rules of Procedure, be extended to Ministers' Deputies with the rank of Secretary of State or Under-Secretary of State ;
2. that the Committee of Ministers be recommended to allow the Chairman and Rapporteur of a Committee to put before them, or before the Ministers' Deputies, the views of the Assembly on specific subjects under consideration ;

3. that the Chairman of the Ministers' Deputies of another Deputy acting on his behalf be invited to put before Assembly Committees the views of the Committee of Ministers on specific subjects under consideration.

(d) that, in view of the decision of the Bureau to transmit committee documents to the Ministers' Deputies, subject to certain conditions, a parallel recommendation should be made to the Committee of Ministers to transmit to the competent committees of the Assembly documents of the Ministers' Deputies and of Committees of Experts, apart from specific cases where the Chairman of the Deputies of any of the Chairmen of those Committees otherwise decide ;

(e) that the Clerk to the Assembly be authorised to present the recommendations of the Assembly to the Committee of Ministers and to comment on them ;

(f) that the Committee of Ministers be invited to place the following interpretation on the four procedures which it proposes to adopt with regard to Assembly Recommendations ;

1. The " complete adoption of a Recommendation " refers to substance and not merely procedure. Adoption should not be considered final until the Governments have put the Recommendation into effect. The Committee of Ministers should therefore be urged in all cases to inform the Assembly within a fixed period of the action taken by Governments to implement Assembly Recommendations;
2. A partially adopted text should be referred back to the Assembly for further consideration, with reasons given ;
3. Recommendations referred to an intergovernmental organisation for study should remain on the Agenda of the Committee of Ministers, so that the work may be followed up and expedited ;
4. With a view to ensuring that the reasons for rejection of a Recommendation by the Committee of Ministers should be explained to the Assembly it should be prescribed that the Committee of Ministers be recommended to fix a time-limit for deciding upon the procedure to be followed in respect of each Recommendation.

(g)

1. that all Assembly Recommendations which the Committee of Ministers may have had difficulty in adopting be ipso facto placed on the Agenda of the Joint Committee for discussion, before the final decision is taken ;
2. that the role assigned to the Joint Committee of stimulating action be further developed;
3. that the Joint Committee be convened automatically during each meeting of the Committee of Ministers and immediately before the second part of the Assembly's session, as this is not preceded by a meeting of the Committee of Ministers.

3.5.2. Working methods of the Committee of Ministers

The Rapporteur proposes :

Ministers divide up its work so that it may operate at three different levels : Committee of Ministers for Foreign Affairs ; Committee of Ministers' Deputies with the rank of Secretaries or Under-Secretaries of State and with powers to deal with the current affairs of the Council of Europe on their own responsibility; Committee of Permanent Representatives with preparatory and informatory functions.

3.5.3. Relations between the Consultative Assembly and the national Governments and Parliaments

The Rapporteur proposes :

(a) That each Parliament be encouraged to hold an annual debate on the problems of the Council of Europe, and, in this connection,

1. that Representatives be invited to table motions in their Parliaments instructing the Bureau to place the texts adopted in the course of the year by the Consultative Assembly on the Orders of the Day ;
2. that the Clerk to the Assembly be instructed to arrange for translation of the texts adopted into the languages of all member countries by a procedure to be determined later ;

3. that the President be invited to transmit the texts adopted to the national Parliaments together with a note interpreting the significance of the decisions taken, and requesting their support on particular issues;

(b) That the national Parliaments be induced to vote on Motions tabled by Representatives to the Assembly embodying the political measures proposed in Assembly recommendations or other texts adopted by the Assembly for which the support of the Parliaments might be secured. To this end the Clerk should be requested to draft a Motion or interpellation in the form in current use in each Parliament. This would be signed by the Representatives and tabled by them with their Parliament or political group.

(c) That Representatives be invited to find out the point of view of their Governments — without in any way committing themselves to adopt it — before and during preparation of an Assembly Report.

3.5.4. Working methods of the Consultative Assembly

The Rapporteur proposes :

(a) That the procedure governing the right of initiative and the establishment of the Agenda be revised with the following aims in view :

1. by abolishing requests for inclusion in the Agenda, to allow Representatives to table motions for Resolutions, Recommendations or Orders bearing the requisite number of signatures ;
2. to ensure that a reasonably short Agenda is prepared for each part of the Session more than six weeks in advance ;
3. to ensure that Committees are instructed, after the Assembly's adoption of a Resolution, Recommendation or Opinion, to follow up the questions until they are finally settled either through implementation by the Member Governments or acceptance by the Assembly of the Committee of Ministers' decision to reject them ;

(b) that assistance be given to the political groups, present or future, in their activities by allotting official time for their work and by granting them material facilities (office accommodation, etc.) ;

(c) that committee meetings between Sessions be held in cities other than Strasbourg, and that members of committees be invited to take advantage of their visits to spread a knowledge of the work of the Council of Europe by means of press conferences, lectures and speeches.

Appendix Motions tabled in the Bundestag embodying the terms of Assembly Recommendations

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MOTION tabled by the Parliamentary Group of the S.P.D. (German Social Democratic Party) concerning the simplification of frontier formalities for travellers

That the Federal Government be urged :

1. to give full support in the Committee of Ministers of the Council of Europe to Recommendation 51 on the simplification of frontier formalities for travellers, agreed to by all German Representatives and adopted by the Consultative Assembly on 23rd September, 1953 ;
2. while recalling the previous Recommendations of the Council of Europe and O.E.E.C. and the unanimously adopted Recommendation 51 of the Consultative Assembly, to propose at the next meetings of the Committee of Ministers of the Council of Europe and the Organisation for European Economic Co-operation that all visa requirements should be abolished, thereby ensuring the abolition of visas, on a reciprocal basis, as between the Federal Republic and other Member States ;
3. to refer the Governments of Member States to the said Recommendation and to urge them in notes drafted in similar terms to ensure such reciprocity ;
4. as a further step towards, the restoration of personal freedom of movement, as it existed before the first World War, to extend the application to citizens of States with which the Federal Republic maintains diplomatic relations, of the Order of 30th June, 1953 (Official Gazette I, page 465), concerning travel documents to be accepted thereafter in the Federal Republic instead of passports and categories of persons exempt from the passports and visas requirements, in order that ;
 - a. visas may be completely abolished;
 - a. official identity cards issued by those States may be regarded as affording proof of identity for the purpose of crossing the frontiers of the Federal Republic, and
 - a. in cases where a neighbouring State does not issue official identity cards, other identification papers may be considered as sufficient proof of identity ;
5. by extending the application of the Order of 30th June, 1953, in such a way as to make it sufficient for Germans to produce only identification cards when crossing the frontiers of the Federal Republic ;
6. to inform the States mentioned in paragraph 4 above of this new arrangement and to request them to take corresponding measures as soon as possible in favour of German travellers;
7. to extend forthwith the benefits of the Order of 30th June, 1953, to Spain, Finland and Yugoslavia, as well as to holders of special passports for aliens and refugee passports ;
8. to approach the High Commission with a view to the suppression of the regulation, which causes delay on entry into the Federal Republic, whereby the Information Services of the Occupying Powers require the completion of registration cards, and to instruct German frontier officials no longer to insist on the filling up of such cards.

Bonn, 20th January, 1954.

Ollenhauer and others of the Parliamentary Group of the S.P.D.

The Federal Parliament resolves,

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VERBAL REPORT of the Committee on Questions of Internal Administration (Eighth Committee) on the Motion tabled by the Parliamentary Group of the German Social Democratic Party concerning the simplification of frontier formalities for travellers

Rapporteur :

M. Maier, Deputy (Freiburg-).

Motion tabled by the Committee :

The Federal Parliament resolves,

That the Federal Government be urged :

- a. to give full support in the Committee of Ministers of the Council of Europe to Recommendation 51 on the simplification of frontier formalities for travellers, agreed to by all German Representatives and adopted by the Consultative Assembly on 23rd September, 1953 ;
- b. while recalling the previous Recommendations of the Council of Europe and O.E.E.C. and the unanimously adopted Recommendation 51. of the Consultative Assembly, to propose at the next meetings of the Committee of Ministers of the Council of Europe and the Organisation for European Economic Co-operation that all visa requirements should be abolished, thereby ensuring the abolition of visas, on a reciprocal basis, between the Federal Republic and other Member States ;
- c. to refer the Governments of Member States to the said Recommendation and to urge them in notes drafted in similar terms to ensure such reciprocity ;
- d. as a further step towards the restoration of personal freedom of movement as it existed before the first World War, to extend to citizens of States with which the Federal Republic maintains diplomatic relations the application of the Order of 30th June, 1953, (Official Gazette 1, page 465), concerning travel documents to be accepted thereafter in the Federal Republic instead of passports and categories of persons exempt from the passports and visas requirements, in order that :
 - e. visas may be completely abolished;
 - f. national identity cards issued by those States may be regarded as affording proof of identity for the purpose of crossing, the frontiers of the Federal Republic, and
 - g. in cases where a neighbouring State does not issue national identity cards, other identification papers may be considered as sufficient proof of identity ;
1. by extending the application of the Order of 30th June, 1953, in such a way as to make it sufficient for Germans to produce only identification cards when crossing the frontiers of the Federal Republic ;
2. to inform the States mentioned in paragraph (iv) above of this new arrangement and to request them to take corresponding measures as soon as possible in favour of German travellers.

Bonn, 12th, April, 1954.

the Committee on Questions of Internal Administration Maier (Deputy for Freiburg) Chairman and Rapporteur.