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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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To M. Paul-Henri Spaak, President of the Consultative Assembly: reply to the texts adopted by the Consultative Assembly during the coursr of the Session which closed on 8th September, 1949

Letter
Committee of Ministers

Mr. PRESIDENT,

Under cover of your letter of 9th September last, you were good enough to transmit to my predecessor, for the information of the Committee of Ministers, the texts of Reports adopted by the Consultative Assembly during its last Session.

The Committee of Ministers, which met in Paris on 3rd, 4th and 5th November, made a careful study of these documents and took the following decisions with regard to the Assembly's Recommendations:

1. With regard to the proposed Amendments to the Statute, the Committee considered that it was, in general, preferable to avoid modifying a convention which was only ratified a few months ago by the participating Governments. As far as possible, however, it endeavoured to meet the desires of the Consultative Assembly.

Attached hereto are the texts of the Resolutions which were adopted in this matter. These Resolutions relate to Articles 4 and 5, Article 23 and Articles 36 and 37 of the Statute.

The Committee of Ministers found itself in agreement with the Consultative Assembly in considering that the system of Substitutes had not been satisfactory. Since the suppression of the system of Substitutes would entail certain difficulties with regard to States with a limited number of Representatives, the Committee decided that a new study of the question should be undertaken. The results of this study should be sent to the Standing Committee, since the Committee of Ministers was anxious to have their views.

2. I n reply to that part of your letter relating to the admission of new Members, I have the honour to inform you that, in principle, the Committee of Ministers was in favour of associating Germany as soon as possible with the Council of Europe. The Committee therefore decided, in applying the procedure laid down in its Resolution relating to Article 4 and 5, before taking a final decision,^ to invite the views of the Standing Committee of the Assembly on the admission of German Federal Republic to the Council of Europe as an associate Member, under the conditions laid down in Article 5 of the Statute.

With regard to the Saar, the Committee adopted the following Resolution:

"The Committee of Ministers,

"Having before it a request, received through the French Minister of Foreign Affairs, on behalf of the Government of the Saar, that the Saar should be accepted as an associate Member of the Council of Europe,

"Having noted that developments in the Western Zones of Germany, with particular reference to the territory of the Saar, have resulted in the Saar being at the present time without representation in the Council of Europe;

"Considering it desirable that, pending a final definition of the status of the Saar in a Treaty of Peace, the population of the Saar should be afforded the means, in conformity with the aims and objects of the Statute of the Council of Europe, to be represented on the Council;

"Decides therefore to ascertain the views of the Standing Committee on the question whether the Saar should, pending the definition of its status, be accorded representation under Article B of the Statute."

With regard to the admission of Austria, it appeared to the Committee of Ministers that, on account of general political considerations, it would be, for the moment, premature to make any decision in this matter.

3. The Committee of Ministers paid special attention to the Recommendations adopted by the Assembly with regard to economic' questions. Recognising the great importance of these Recommendations, it wished to show, at the same time, its desire that they should receive a detailed study, and its desire to avoid setting up organs which would duplicate those already in existence. It was in this spirit, that it adopted the following Resolution:

"The Committee of Ministers,

"Considering Article 1 (c) and 23 (b) of the Statute of the Council of Europe;

"Recognising that the 0. E. E. C. is the organisation set up for the study of questions relating to economic co-operation between the European countries concerned; and has already under consideration many of the problems to which the Recommendations of the Consultative Assembly on economic questions relate;

" Considerin g therefore that it would be premature for the Committee of Ministers to reach any conclusions on the above-mentioned Recommendations, until they have been examined by the 0. E. E. C. and any other intergovernmental organisations concerned,

"Resolves:

"1. To invite the Council of the 0. E. E. C, to examine the Preamble and the Proposals contained in Part I of the above-mentioned Recommendations and to communicate to the Committee of Ministers any observations it may wish to make thereon, with particular reference to the action taken or being taken by the 0. E. E. C. on the matters referred to therein;

"2. To invite the Council of the 0. E. E. C. to arrange, as necessary, with any other intergovernmental bodies representing the countries concerned, for the provision of any relevant information on such of these matters as fall within their competence;

"3. To instruct the Secretary General to establish the necessary contact with the Secretary General of the 0. E. E. C. in order to implement this decision. "

With regard to the Proposal contained in Part II of the Recommendations on economic matters, made by the Assembly and relating to the despatch of a delegation from the Council of Europe to the Government of the United States, it appeared to the Committee of Ministers that this possibility could not usefully be considered until all the necessary information had been collected, under the conditions laid down in this Resolution.

The Committee of Ministers finally decided to instruct the Secretary General to collect all useful material on the question of the creation of a European Patents Office and on the national laws of the countries concerned. The Secretary General should prepare a Report for the Committee on the best method to be employed for handling it.

4. The Committee of Ministers, in adopting the Recommendation of the Consultative Assembly with regard to the conclusion of cultural conventions beween Members, decided to recommend to the Governments of Member States that they should implement it, and should continue the action already undertaken in this field.

With regard to the Recommendations concerning the free circulation of cultural works, cooperation in the field of scientific research and the pooling of material resources, and the encouragement of private associations working to promote European culture, the Committee decided that it would be useful, for reasons of efficiency, to instruct the Secretary General to establish contacts with the organisations already working in this field, particularly the United Nations Educational, Social and Cultural Organisation, the Brussels Treaty Powers and the Cultural Commission of the Scandinavian States. The Secretary General should prepare a Report for the Committee on all these different problems.

The Committee finally decided that the three other Recommendations submitted for its consideration in the cultural field (the conference of Ministers, of Education, the meeting of responsible university authorities and the creation of a Cultural Centre) could more usefully be considered if it were provided with the material mentioned above. For this reason, is decided to defer the study of this question until its next Session.

5. With regard to the Recommendations of the Consultative Assembly concerning co-operation between Members in the field of social security, the Committee of Ministers decided to transmit, these Recommendations to the Governments of the Member States. It also instructed the Secretary General to collect material on the questions at issue, and, in this connection, to establish contact with the Governments of the Member States of the Council.

The Committee of Ministers furthermore approved the Recommendation concerning the ratification of the Migration for Employment Convention, adopted by the International Labour Conference in 1949. It decided to recommend the ratification of this Convention to the Governments of the Member States.

6. After examining the Recommendation of the Consultative Assembly concerning the drawing up of a draft Convention for a collective guarantee of Human Rights and fundamental freedoms, the Committee of Ministers decided to instruct the Secretary General to invite each of the Governments of the Member States to appoint a qualified personage to be a member of a committee responsible for drawing up a draft Convention, which might serve as a basis for future discussions in the Committee. Due attention should he paid to the progress which has been achieved in this matter by the competent organs of the United Nations.

7. The Committee of Ministers decided, in accordance with the Assembly's Recommendation, to refer the question of the creation of a European passport to the Governments for study.

8. Finally, I have the pleasure to inform you that the Committee of Ministers, understanding the importance of giving the Consultative Assembly speedy notification of its activities, will continue to inform you of its future decisions on the Assembly's Recommendations, as soon as they have been taken,

I am, Mr. President,

Your humble and obedient Servant,

Signed (see overleaf)

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Signed:

Appendix APPENDIX

AMENDMENT TO ARTICLES 4 AND 5

The Committee of Ministers,

Having regard to the Recommendations, of the Consultative Assembly envisaging the amendment of Articles 4 and 5 of the Statute of the Council as follows;

Article 4: Insert after "may" in the first line of the printed text the words: "with the approval of the Consultative Assembly, such approval to be by a simple majority",

Article 5: Insert after "may" in the first line of the printed text the words: "with the approval of the Consultative Assembly, such approval to be by a simple majority",

Reserves its decision on the said Recommendations;

Decides to hear the views of the Standing Committee on any Proposals on the admission of new Members and of new associate Members, and to take no final decision thereon until after it has heard the views of the Standing Committee, which shall be communicated to the Chairman of the Committee of Ministers through the President of the Assembly.

AMENDMENT TO ARTICLE 23

The Committee of Ministers,

Having regard to the Recommendation of the Consultative Assembly envisaging the amendment of Article 23 of the Statute in the following manner:

Substitutes a new Article to read as follows:

"The Consultative Assembly may discuss and make Recommendations upon any matter within the aim and scope of the Council of Europe as defined in Chapter I; and it shall discuss and may make Recommendations upon any matter referred to it by the Committee of Ministers with a request for its opinion",

Reserves its decision on the said Recommendation;

Decides not to exercise in practice its right of control over the Assembly's Agenda, deriving from the strict application of Article 23 of the Statute so long as the Assembly's Debates are limited to such subjects as fall within the scope of the Council of Europe as defined in Article 1 of the Statute.

AMENDMENT TO ARTICLES 36 AND 37

The Committee adopted the following Resolution:

Pending the amendment of Article 36 and 37 of the Statute, the Consultative Assembly is authorised to appoint, on the Recommendation of the Committee of Ministers, a Chief of Administrative Services of the Assembly. This official shall carry the rank of Deputy Secretary General and shall act under the authority of the Secretary General.