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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Participation of European non-Member States in certain of the council's activities

Report
Relations with European Non-Member Countries
Rapporteur: Mr Karl BØGHOLM, Denmark

A. Draft Resolution

The Assembly,

Reaffirming its often expressed wish that all the nations which are geographically part of Europe should eventually become Members of the Council of Europe ;

Having regard to the' statement made by the Committee of Ministers in their Fourth Report that the Council of Europe remains open to the accession of all European nations which, as the Statute requires, acknowledge the rule of law and the sanctity of fundamental freedoms ;

Having regard to the following statement made by the Chairman of the Committee of Ministers, Chancellor Adenauer, in the Assembly on 20th May, 1954 : " It is true that as yet the Council docs not comprise all European States but we desire and hope that those who have not yet joined will also become Members. We do not wish, and indeed are unable to continue without them in the long run, and they must know that we are expecting them here ",

1. Welcomes the present arrangements whereby Government Experts from European non-Member States on this side of the Iron Curtain may be, and in some cases are, invited to participate in the Avork of certain Committees appointed by the Committee of Ministers .and recommends to the Committee of Ministers that any practical possibilities of extending such arangements should be developed to the full ;

2. Expresses the hope that other democratic European non-Member States will adopt the practice of sending parliamentary observers to sessions of the Assembly, as is the caso with Austria, and trusts that all such possibilities will be fully explored ;

3. Decides that parliamentary observers from democratic European non-Member States shall have the right, in accordance with such procedure as may be agreed, to speak in general debates in the Assembly as well as in Committees, but not to vote ;

4. Decides that Assembly Committees may invite representatives from national committees set up by refugees from the subject nations of Central and Eastern Europe to be heard on specific subjects at meetings of the committees.

B. Draft Order of the Assembly

The Assembly instructs the President to forward Resolution... on the participation of European non-Member States in certain of the Council's activities to the Committee of Ministers for action in connection with paragraph 1 of this Resolution.

C. Draft Order of the Assembly

The Assembly instructs the Special Committee appointed to watch over the interests of European nations not represented in the Council of Europe to continue its work on the question of the participation of European non-Member States in certain of the Council's activities, and to submit in due course such further reports on this question as may be considered necessary.

D.

1.

1. In deciding on 24th June, 1953 to place the question of the " Participation of European non-Member States in certain of the Council's activities" on its Agenda, and to refer it to the Special Committee appointed to watch over the interests of European nations not represented in the Council of Europe (see Document 161) the Assembly recognised the need to review and clarify its attitude towards European States which are not, at present, Members of the Council.

2. The Assembly has alway felt that its efforts to achieve closer unity in Europe would lie necessarily incomplete if they did not take into account, so far as possible, the interests of European States which, for various reasons, are not yet represented at Strasbourg. The setting up of the Special Committee in November, 1950, showed that it was never intended to restrict the Council to its present membership and was the first gesture of sympathy, friendship and understanding ' towards absent partners. Europe thereby proclaimed that it did not accept mutilation.

3. ' The Assembly has given constant support to these views which were reaffirmed, in particular in a Resolution on the unity of the whole of Europe which was unanimously passed by the Assembly in September, 1952. The text of the Resolution is as follows :

" Th e Assembly,

Recognising that Europe represents one spiritual and economic whole, linked by a common cultural heritage, by geography and historical tradition ;

Considering that friendly co-operation between all European countries would. provide a firm foundation for an honourable and lasting peace, solidly based on collective security, respect for the rule of law, social justice and a rising standard of living,

1. Looks forward to the day when all countries of Europe shall feel able or shall be free to join the Council of Europe ; when all those now subject to foreign constraint or . a totalitarian régime may enjoy the liberties enshrined in the European Convention on Human Rights, and thus be eligible through their freely elected representatives to become Members of the Council of Europe, as contemplated by the Preamble and by Articles, 1, 3 and 4 of the Statute, and to work together with unity of purpose for the maintenance of peace and the promotion of the well-being of all Europe ;

2. Would welcome the adoption of any peaceful measures which will hasten that day. "

In introducing this Resolution, the Chairman of the Special Committee, Major Tufton Beamish, M. C., M. P., enphasised that the Assembly had no wish to interfere in the domestic affairs of non-Member States and added, that it was natural that the Assembly should take à special interest in the countries of Central and Eastern Europe which were an essential part of Europe. He stressed that the Council had no thought of engaging in any form of action which might be termed subversive but that it was aiming at keeping alive, and developing wherever possible, the feeling of the unity of Europe as a whole.

4. Having thus committed itself, the Assembly expressed deep satisfaction when the Committee of Ministers stated in its Message to the Consultative Assembly on the occasion of the Fifth Ordinary Session of the Consultative Assembly : " On this, the fourth anniversary of the foundation of the Council of Europe, the Member States, convinced, as they affirmed in the Preamble to the Statute, that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation, solemnly declare that the Council of Europe remains open to the accession of all European nations which, as the Statute requires, acknowledge the rule of law and the sanctity of fundamental freedoms. "

5. Such general expressions of sympathy are welcome, but in the view of the Special Committee the time has now come to explore in a very preliminary way and in general terms the possibility of giving them a concrete meaning. In doing this, the Special Committee would appear to be in broad agreement with the Committee of Ministers which, at its Twelfth Session, adopted the following Resolution which was communicated to the Assembly in the Message of the Committee of Ministers of May, 1953 (see Doc. 126) :

" Th e Committee of Ministers,

1. Considering that it is desirable to facilitate participation of those European countries, which are not Members of the Council of Europe, in certain of the Council's activities,

2. 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 governing ways and means of such association. "

6. In its Reply to this Message, the Assembly stated that it " fully approved the desire of the Committee of Ministers to associate with the work of the Council of Europe certain States which accepted the provisions of the Statute but which were not willing to become full Members. The Assembly has been most happy to welcome Members of the Austrian Parliament, as observers at its plenary Sessions, and at meetings of its Committees and suggests that similar means of association with the work of the Assembly might be adopted in other cases ". (See Reply of the Consultative Assembly to the Fourth Report of the Committee of Ministers — 25th June, 1953.).

7. In this speech to the Assembly on 20th May, 1954, Chancellor Adenauer, speaking as Chairman of the Committee of Ministers, said : " Under the terms of the Statute [of the Counci l of Europe] every European State ready to do so is to take an active share in the Council's work. It is true that as yet the Council does not comprise all European States, but we desire and hope that those who have not yet joined will also become members. We do not wish, and indeed are unable, to continue without them in the long run, and they must know that we are expecting them here. "

8. The Special Committee subsequently discussed the problem under review at meetings on 21st May, 1954 and 29th July, 1954. The following factual information served as a basis for these discussions :

Full Membership of the Council of Europe

9. The conditions for membership of the Council of Europe are laid down in Articles 3 and 4 of the Statute of the Council of Europe, which are worded as follows :

"Article 3. — Every Member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council as specified in Chapter I.

Article 4. — Any European State, which is deemed to be able and willing to fulfil the provisions of Article 3, may be invited to become a Member of the Council of Europe by the Committee of Ministers. Any State so invited shall become a Member on the deposit on its behalf with the Secretary-General of an instrument of accession to the present Statute. "

It should be added, moreover, that the Statute of the Council of Europe not only states that the aim of the Council is to " achieve a greater unity between its Members " but adds " for the purpose of safeguarding and realising the ideals and principles which are their common heritage. "

associate Membership

10. In addition to the fourteen Member States of the Council of Europe there is one Associate Member, namely the Saar. The conditions of Associate Membership are described in Article 5 of the Statute :

a. In special circumstances a European country, which is deemed to be able and willing to fulfil the provisions of Article 3, may be invited by the Committee of Ministers to become an Associate Member of the Council of Europe. Any country so invited shall become an Associate Member on the deposit on its behalf with the Secretary-General of an instrument accepting the present Statute. All Associate Members shall be entitled to be represented in the Consultative Assembly only.

b. The expression " Members " in this Statute, includes an Associate Member except when used in connection with representation on the Committee of Ministers. "

11. A Resolution taken by the Committee of Ministers on 5th August, 1950, states that " The Committee of Ministers proposes, where appropriate, to invite representatives of the German Federal Republic and the Saar to join the Committee in a consultative capacity for the examination of specific questions as they arise. Such invitations will in each case be the subject of a separate decision by the Committee of Ministers ". Furthermore, this Resolution states that " the German Federal Republic and the Saar will be invited to take part in such governmental working parties as the Committee of Ministers considers appropriate. "

Observers to the Assembly

12. The Special Committee finds that there are at present the following three categories of observers :

1. Observers from the Austrian Parliament who attend the Sessions of the Assembly but do not take part in the debates. The Austrian Parliamentary Delegation was invited, in 1952, with the consent of the Chairman of each Committee concerned, to nominate one or two observers to attend the meetings of the Committees of the Assembly. In practice these observers contribute to the discussions on the invitation of the Chairman of the Committee concerned, but they do not have the right to vote.

2. Observers from certain overseas countries which could not, of course, join the Council of Europe but which have constitutional links with one of its Members. It was on 28th August, 1950, as a result of a Resolution on liaison between the Council of Europe and overseas countries, that the Assembly instructed the Standing Committee to invite the Parliaments of the overseas countries in question to send observers to the subsequent session of the Consultative Assembly (see Doc. 126). The Parliaments of Canada and South Africa accepted the invitation and sent representatives as observers to the third Session. It transpired, however, that in the case of these two countries and of other countries concerned, the proposal to send Parliamentary representatives to Strasbourg raised serious practical difficulties, and the Bureau accepted that they should be represented by Governmental observers. Observers of the Canadian, Australian, New Zealand, South African and Indian Governments have, in fact, at different times attended the sessions of the Assembly as distinguished strangers.

3. The Special Committee notes in this connection that in its Opinion No. 6 the Assembly agreed in principle to accept, under certain conditions, observers from certain international non-governmental organisations. Observers from inter-governmental organisations, such as the O.E.E.C., the International Labour Organisation, the Brussels Treaty Organisation, etc.) have since 1951 been invited to attend not only sessions of the Assembly but, on the invitation of the Chairman concerned, meetings of certain Committees. They have, of course, no right to speak in the Assembly but may address Committees with the permission of the Chairman.

Observers to the Committee of Ministers

13. Committes of Governmental Experts, under Article 14 of the Rules of Procedure for Committees of Governmental Experts, " may decide by unanimous vote to admit observers from non-Member States and from inter-governmental organisations and request assistance of special experts ".

Austrian observers have been invited to attend the meetings of the committees of experts for establishing a uniform type of passport, for patents questions, for extradition and for consideration of the draft Convention for the Peace-fid Settlement of Disputes. Switzerland sends observers to the Committee of Experts on Patents.

Comments

14. As was pointed out by Mr. Roberts in the Assembly in 1951, and repeated by numerous other speakers, the non-represented nations on behalf of whose interests the Special Committee holds a watching brief may conveniently be divided into two different groups : in the first are all the nations now under Soviet domination ; in the second are Austria, Finland, Portugal, Yugoslavia, Spain' and Switzerland.

15. The Assembly lias often expressed the view that it considers all the nations in both categories to form part of the European family of nations. It is clear that it will extend a warm welcome to any European non-Member State which acknowledges the rule of law and the sanctity of fundamental freedoms, in accordance with the Statute of the Council of Europe.

16. At the same time, the Special Committee feel that, as there are rules of membership for the European club, these must be respected. It is well aware of the point of view of the realist who says that we must look at the world as it is rather than as it should be. Nevertheless, the Special Committee has no hesitation in recommending that the rules of membership be honestly and objectively applied. There are countries in Europe today where human rights are not upheld. We should not be maintaining a consistent and honourable attitude if, because it was to our passing convenience, we were to pretend that these countries qualify for membership of the Council.

17. Thus, as regards our democratic friends, we are quite ready to welcome them whether as full Members or as observers, if they should want to come to Strasbourg. As regards other European nations, where genuine democracy is still withheld from the people, we can but extend to them a message of warm sympathy and solidarity and express the hope that these countries may soon be able, or may soon qualify under the

requirements of the Statute, to join the Council, thereby enlarging the area of Europe to which human rights are internationally guaranteed. Each new addition to the Assembly must surely be interpreted as a moral victory for democracy.

18. The Special Committee felt, in this connection, that it would be desirable to extend the contribution of parliamentary observers from democratic European non-Member States who in practice already enjoy the right .to speak in ' Committees, with the consent of the Chairman concerned, and grant them the right to speak in the general debates of the Assembly, thereby making it possible for them, if they so wish, to state their opinion on the major issues which, are debated in the Assembly.

19. The Special Committee, furthermore, wishes to point out that some non-Member States which do not at present qualify under the requirements of the Statute to join the Council of Europe, might respond to on invitation to participate in certain of the technical activities of the Council. It is felt that cooperation with such countries, in connection, for example, with the work now being done, on patents or on social security, would be profitable.

20. Finally, the Special Committee considered that in view of the foregoing proposals a gesture of sympathy and encouragement should be made towards the exiled representatives of the captive countries of Europe from the Baltic to the Black Sea. Aware of the many difficulties which this delicate question raises, the Special Committee ' confined itself to proposing that Assembly Committees might henceforth invite representatives for the different Committees set up by refugees from the subject nations of Central and Eastern Europe to be heard by these Committees on specific subjects.

21. The draft Resolution which is appended to this Report ' was unanimously adopted by the Special Committee on 28th July, 1954. It is submitted to the Assembly in an endeavour to show that the Council of Europe has a rôle to play and can have a wide influence on countries which are not Members but which can, nevertheless, benefit from its work.