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Draft opinion on the special message of the Committee of Ministers

Opinion
Committee on Political Affairs and Democracy
Committee on Legal Affairs and Human Rights
Committee on Economic Affairs and Development
Social, Health and Family Affairs Committee
Committee on Migration, Refugees and Population
Committee on Culture, Science and Education

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2. INTRODUCTION

1. The arguments for European unity are no less cogent today than in 1949. Nevertheless, it must be admitted that in the six years which have elapsed since the signature of the Statute of the Council of Europe the hopes then generally entertained for rapid progress towards uniting Europe have not been fully realised. The structure of Europe remains so weak that its political, economic and spiritual independence is constantly threatened. The unity of Europe can alone make us sufficiently masters of our fate to make a contribution to world progress worthy of the hopes of our peoples and of the achievements of our past.

2. The Statute of the Council represents an appropriate instrument for building the unity of Europe, provided always that full use is made of the possibilities which it offers. The programme of work drawn up by the Committee of Ministers contains a number of useful suggestions; and the new method adopted by the Ministers, which consists in incorporating their suggestions in a coherent programme, and in proposing at the same time new arrangements for collaboration between the Committee of Ministers and the Assembly, is most welcome.

3. The Assembly hopes it may regard the rôle which the Committee has assigned to itself in the programme of work as evidence of a new spirit of initiative. The Ministerial Committee has, indeed, refrained far too long from playing its part as the executive organ of the Council. This the Ministers themselves specifically admit. As long as Governments do not use the Council of Europe in order to define their policy towards the problem of European unification, all resolutions to make the Council the general framework of European policy will remain a dead letter. Here a heavy responsibility rests upon the Governments. For its part, the Assembly hopes to co-operate to the full with the Committee of Ministers in the implementation of the programme of work. It is in this spirit that the Assembly has drawn up the present Opinion, and has put forward proposals to render the work of the Council as at present constituted more effective. Furthermore, the Assembly intends to seek new means of increasing the political effectiveness of its own work, notably by associating the parliaments of member countries more closely with its activities, and by seeking the advice of independent experts [1] in the drafting of some of its Recommendations.

4. The Assembly recalls, however, that in 1949 it expressed the view that intergovernmental action, useful though it is, is itself insufficient to achieve that unity which is the aim of the Council. Even if practical effect were given to all the proposals contained in the programme of work, the result would amount to no more than an improvement in intergovernmental co-operation among Member States in the various fields of activity which fall within the Council's competence. The majority of the Representatives to the Assembly consider that intergovernmental cooperation is insufficient, without, however, suggesting that solutions of a supranational character should be imposed on all the member countries. The Assembly has proposed, on the one hand, that the powers of the Assembly should be enlarged by means of a revision of the Statute and, on the other, that efforts to establish Specialised Authorities and restricted Communities should he made within the framework

1. In its Opinion on Vote II of the Council of Europe Budget for 1956 the Assembly will submit to the Committee of Ministers proposals to increase this appropriation (Sub-head 37 of tho Budget for 1955).

of the Council in order to maintain at all costs the cohesion of its Members. The Assembly intends to pursue its efforts in this direction and to seek new ways in which the Council may contribute more effectively towards the unification of Europe.

5. In accordance with the sub-division of the Special Message of the Committee of Ministers, this Opinion is divided into seven chapters, which deal respectively with the rôle of the Council in the political, economic, social, cultural, scientific, legal and administrative fields, and in the matter of refugees and over-population. The relevant texts contained in Opinions Nos. 9 and 12 of May and September, 1954 have been included, so that the Committee of Ministers may find in one document the complete Reply of the Assembly to the Special Message. The Preliminary Report presented to the Assembly on behalf of the Committee on, General Affairs in September, 1954 [2]may he considered as the Explanatory Memorandum elucidating the present proposals.

3. CHAPTER I - Role of the Council of Europe in the political field - Draft Opinion on the political chapter of the Special Message presented, on behalf of the Committee on General Affairs [3], by M. MOMMER

3.1. A. RESPECTIVE ROLES OF THE CONSULTATIVE ASSEMBLY AND THE COMMITTEE OF MINISTERS

3.1.1. (a) The function of the Assembly as a consultative body [4]

6. The experience of the Assembly over the past six years shows clearly that it is only with the co-operation of the Committee of Ministers that it is able to fulfil its consultative rôle effectively. Only on rare occasions has satisfactory co-operation been forthcoming.

7. The Committee of Ministers has, on occasion, asked the Assembly to express an opinion on a question, without giving it any indication that could serve as a basis for discussion. Examples of this are to be found in the Special Message (paras. 25, 28, 34, 87). By acting in this way the Committee gives the impression that it regards the Assembly as a debating club. It is useless for the Committee of Ministers to ask the Assembly to discuss a number of varied and complicated questions without giving any indication of its own policy, or without providing the Assembly with the technical help or documents, necessary to enable it to carry out a useful examination of the various aspects of the problems involved. If that is to be the method of consultation, it may as well be admitted that the Committee of Ministers has no suggestion to make, and, consequently, that full responsibility for initiating any action to be taken by the Council must fall upon the Assembly.

8. On other occasions the Committee of Ministers has consulted the Assembly on draft Agreements or Conventions already drawn up by Government experts and accepted by the Committee. Without wishing to deny that consultations of this type are necessary if international relations are to be governed by democratic principles, the Assembly feels that in giving its opinion on proposals that have already been approved by the Member Governments it is not making any effective contribution to the unification of Europe. It must be allowed scope to intervene in the course of intergovernmental negotiations conducted within the framework of the Council in order to assist in working out agreements representing real progress towards European unification.

9. If this is accepted, it follows that the Assembly should be consulted each time that one or more Governments decide to bring forward proposals of European interest destined to further the objects for which the Council was created.[5] Any Government putting forward such proposals ought, in any case, to be ready to defend them in the Assembly and to provide the latter with such documentation or expert help as it may need. In this way, from the outset of negotiations on any particular question, collaboration between the delegates of Governments and the parliamentary representatives could be assured in a way which alone can enable the Council to play a useful and effective rôle in the construction of Europe.

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2. Doc. 264.
3. Adopted in Committee by 21 votes to 0 with no abstentions.
4. See Doc. 264 (Preliminary Report), paras. 41-43
5. There have been two occasions on which the Committee of Ministers has referred a proposal of this type to the Assembly and asked for the latter's opinion. The first was when it asked whether the Assembly considered that a multilateral convention on the reciprocal treatment of nationals of Member States would advance the objects of the Council (Doc. 11 (1950) Appendix B), and the second when it asked the Assembly for its views on the Eden Plan (Doc. 11 (1952) Resolution (52) 35 of the Committee of Ministers).

10. Furthermore, the rôle of the Assembly should not come to an end with the transmission of an Opinion to the Committee of Ministers. Whenever a question on which the Assembly has furnished an Opinion at the request of the Committee of Ministers is debated in the national Parliaments, the Governments should communicate that Opinion to their Parliaments.

11. The Assembly therefore considers that its consultative functions should be developed in the following respects by the Committee of Ministers :

1. That the Assembly be consulted each time one or more Governments decide to bring forward proposals of European interest falling within the mandate of the Council;
2. that any requests for an Opinion of the Assembly be accompanied by detailed documentary material based on reports from the national civil services ;
3. that in the preparation of its Opinion the Assembly be given the assistance of governmental experts;
4. that the Assembly's Opinion be communicated to each national Parliament by the respective Governments.

3.1.2. (b) The rôle of the Assembly vis-à-vis European intergovernmental organisations

12. The potentialities of the Assembly, as a consultative body could be developed if it were to be consulted regularly not only by the Council's Committee of Ministers, but also by the ministerial committees of European inter-govci'nmental organisations. Only the Council of Europe possesses a parliamentary organ capable of securing the indispensable support of public opinion for these numerous intergovernmental activities.

13. In paragraph 16 the Special Message implicitly recognises that the Assembly has a function to perform in this field—where it is stated that " it will usually be undesirable for our Committee to study the same problem at the same time as the Ministerial body of another international organisation, but that it may often be helpful for the Assembly to do so, because it looks upon the issues before it from a different angle ". For some years now, the O. E. E. C. has submitted a Report on its activities to the Assembly. This practice could with advantage be supplemented by submission to the Assembly of requests for an Opinion on specific subjects. The Assembly hopes that a similar procedure will be adopted by the Ministerial Committee on Agriculture and Food and the European Conference of Ministers of Transport. Neither the E. C. S. C, which is a supranational organisation, nor W. E. U., which has its own Assembly, comes into this category. The establishment of links with world intergovernmental organisations is dealt with in paragraph 15 below

14. As the Assembly comes to be accepted as their parliamentary organ, so will the ministerial bodies of the European intergovernmental organisations be drawn closer together, as a step towards the co-ordination of their activities. The ideal solution (see Doc. 264, paras. 27-31) would, obviously, be to consider each ministerial body as a specialised Committee of Ministers, which would come under a Committee of Prime Ministers as the final coordinating organ. Until such an organ exists it is incumbent upon the Assembly to ensure that the activities of the various ministerial Committees are not dispersed but are based upon a common concept of European co-operation. [6]

3.1.3. c) Participation of non-Member States in certain activities of the Council [7]

15. Such a rationalisation of European intergovernmental activities raises, nevertheless, one major difficulty. Should the States which are not at present Members of the Council become full Members? As matters stand at present, it is, in fact, impossible for certain of them to join the Council, and the Assembly understands and respects their position — in the same way as the States concerned will certainly understand the Assembly's wish to become the parliamentary body for all European intergovernmental activity. The Committee of Ministers has already[8] expressed its intention of associating certain of the non-Member States with the work of the Council. [9] The Assembly hopes that non-Member States will avail themselves of this opportunity.

16. The association of non-member States with the work of the Council mâytake two forms :

a. a non-Member State of the Council may sign one of the Council's Conventions;

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6. See Doc. 335, Report of the Committee on General Affairs on duplication of work in the various European organisations.
7. See Preliminary Report, Doc. 264 (1954), paras. 32- 39.
8. Resolution (53) 16 of the Committee of Ministers, adopted 7th May, 1953 [see Appendix to Doc. 126, (1953)].
9. A good example of this type of " partial association " is provided by the recent agreement between tho O. E. E. C. and Spain, whereby the latter will participate, on an equal footing, in the work of the Committee of Ministers on Agriculture.

b. a State which is not a Member of the Council may belong to one of the European intergovernmental organisations for which the Assembly acts as a parliamentary body.

In both cases the problem will eventually arise of how such States are to be represented in the Committee of Ministers, or in the Assembly. The two organs of the Council will decide this question as soon as a practical case presents itself. Meanwhile, the consultative function of the Assembly in relation to all other European intergovernmental organisations should forthwith be strengthened. For this purposes, the Assembly invites the Council of the Organisation for European Economic Co-operation, the Ministerial Committee for Agriculture and Food, and the European Conference of Ministers of Transport, not only to transmit to it reports on their activities, but also to consult it on specific questions, and to make available for that purpose such technical information as may be required.

3.1.4. (d) Relations tvith intergovernmental organisations of world-wide membership

17. With regard to relations between the Assembly and world intergovernmental organisations, the Assembly is in full agreement with the views expressed in paragraph 17 of the Special Message, namely that in the fields referred to in Article 1 (d) of the Statute, the Council is authorised to concern itself with any problem-—— even of a technical nature—of which the solution might promote greater unity among its Members, whether or not such a problem is already under consideration by a world organisation. The Assembly has always considered itself qualified to provide the impetus and political guidance in connection with activities undertaken in Europe by world organisations. There are many tasks which can more easily be brought to a successful conclusion within a homogeneous group, such as that of the European countries, than on a world scale. The Assembly can play a useful part by ensuring that this fact is borne in mind by the specialised world organisations and by influencing their activities in this respect.

18. This point of view is reflected in the relations which the Assembly has established with the I. L. O. and with UNESCO. In its reply to the Fourth Report of I. L. 0.[10] the Assembly has re-affirmed the principles which should govern co-operation between that organisation and the Council, namely :

the advantages of the existence of a group of countries with closely comparable economic and social structures;

the function of the Assembly as the general framework for European policy;

the rôle of the Assembly in initiating and supervising intergovernmental activities.

19. The Assembly also recalls the proposal contained in its Recommendation 22 (1950) that the Committee of Ministers should consult it in advance on questions due to be discussed at meetings of world organisations. This would enable the Assembly to put forward a European point of view, which would then be defended by the Member Governments of the Council at such meetings. One question on which the Assembly wishes to be consulted in due course by the Committee of Ministers is the revision of the United Nations Charter.

3.1.5. (e) Relations with regional groups at governmental level

20. The Consultative Assembly proposes to establish direct relations with the Assemblies recently created or envisaged by the European regional groups. The Assembly also considers that it would be useful for contacts to be established at the governmental level, so that the results achieved by intergovernmental cooperation within the regional groups could be turned to good account by the Council of Europe The Assembly hopes that the Committee of Ministers will take appropriate steps to ensure this.

3.2. B. CO-OPERATION BETWEEN THE CONSULTATIVE ASSEMBLY AND THE COMMITTEE OF MINISTERS

3.2.1. (a) Organisation of the general political debate

21. Since September, 1953, the Assembly has regularly debated the policy of the Council of Europe in the light of developments in the international situation. These debates have had considerable repercussions on public opinion, as has been recognised by the Ministers in their Resolution (54) 34.

10. Doc. 336.

22. The Assembly, nevertheless, believes that these debates would gain in importance if, in this respect also, the Committee of Ministers were willing to co-operate. This co-operation might take two forms. In the first place, the Committee of Ministers should request the opinion of the Assembly on one or more specific issues of political interest to the member countries, and provide the Assembly with the necessary documentary and background material. In the second place, Ministers should themselves take part in the political debate, either in their personal capacity or as representatives of the Committee. Then the Committee of Ministers should in its turn hold a discussion on the political Resolutions of the Assembly. It has been argued that the Member Governments have recently developed the habit of discussing general political questions in N. A. T. 0. rather than in the Council of Europe.[11] But a distinction must be made here. Although certain matters of a military nature can be best discussed in N. A. T. 0., questions of a general European political nature should properly be discussed in the Council of Europe. The Assembly considers that as far as possible the European countries should define their common political attitude with regard to all major questions of world policy. In this context the Assembly recalls the principle laid down in Resolution 44 that " 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 ".

3.2.2. (b) Participation of the Committee of Ministers in Assembly debates

21. The Assembly attaches great importance to the participation of the Committee of Ministers, and of Ministers themselves in their personal capacity, in its debates, particularly in the general debate on the statutory Annual Report and, as already suggested, in the general political debate. If need be, the Ministers may be replaced by representatives of the rank of Secretary or Under-Secretary of State.

22. The Assembly proposes that a " Ministers' bench " be provided in the Assembly Hall. This question will be first discussed in the Joint Committee.

3.2.3. (c) Participation by Assembly Representatives in meetings of the Committee of Ministers

23. If the Ministers are to be kept fully informed of the intentions of the Assembly, it would be advisable for them to request the President of the Assembly, assisted in appropriate cases by the Chairman or Rapporteur of the competent Committee, to explain Assembly Recommendations to meetings of their Committee., The Assembly recalls in this connection the precedent established in 1950. It is true that this practice was abandoned after the formation of the Joint Committee, which was intended to serve as a co-ordinating organ between the Committee of Ministers and the Assembly. Nevertheless, the one procedure should complement the other. In certain cases, it would in fact be preferable that the explanations that the Assembly might wish to supply to the Committee of Ministers through its President should be given to the Committee of Ministers in plenary session, and not only to those Ministers who are members of the Joint Committee.

3.2.4. (d) The Joint Committee

24. The Assembly recommends that the Committee of Ministers agree to refer automatically to the Joint Committee Assembly recommendations which have met with an unfavourable response in the Committee of Ministers. It is desirable that the Joint Committee meet several times in the course of the year, independently of meetings of the Committee of Ministers. It should also be recalled that the Joint Committee is empowered to draw the attention of the Assembly and of the Committee of Ministers to questions of interest to the Council as also to propose items for the Agenda of both the Council's organs. Finally, the Assembly requests the Secretary-General to appoint a Secretary to the Joint Committee who should he attached to the Private Office.

3.2.5. (e) access to meetings of Assembly Committees of the Ministers' Deputies and of members of Committees of Experts

25. In its Special Message the Committee of Ministers had expressed the desire to be more fully informed of the work of Assembly Committees. The Assembly has given its opinion on this point in Opinion No. 12, paragraph 7, in which the Assembly accepted the proposals of the Committee of Ministers, on the condition of reciprocity. [12]

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11. Tims, the communiqué issued after the last NATO Ministerial meeting referred to a discussion of the situation ni the Middle and Far East, and of a report on the Bandoeng Conference.

12. The text of the Assembly's opinion on this point was as follows : SECTION A Access to meetings of Assembly Committees, of the Ministers' Deputies and of Committees of Experts The Assembly, Having regard to the request for an Opinion embodied in paragraphs 10-12 of the Special Message of the Committee of Ministers concerning co-operation between the Consultative Assembly and the Committee of Ministers; Sharing the desire of the Committee of Ministers that

In its sixth statutory Report the Committee of Ministers stated that it approved the procedure suggested in Opinion No. 12 as regards the attendance of Deputies at meetings of Assembly Committees and of Assembly Representatives at meetings of the Deputies. It felt unable, however, to authorise Committees of Experts to hear the views of the Chairmen and Rapporteurs of Assembly Committees dealing with the same questions. It considered that joint meetings between delegations of Assembly Committees and of Committees of Experts would be adequate to ensure the necessary co-ordination.

26. The Assembly lays particular stress on the need for closer co-operation between its representatives and committees of experts. It has always maintained that representatives of the Assembly should be entitled to take part in the work of the Expert Committees. There have already been certain specific cases in which the Committee of Ministers has authorised the desired contacts, which have been of great value. These are, however, too infrequent, ft would be of advantage to develop them, and to ensure that, whenever Governments arrange meetings of Experts to draft Agreements or Conventions, Representatives to the Assembly are authorised to collaborate. In this Avay, possible differences of opinion between the Assembly and the Committee of Ministers could be minimised. The experts, whose instructions are in most cases based on the desire to safeguard the interests of their own countries over the questions at issue, should be continually reminded of the Assembly's long-term objectives. This task would fall upon the parliamentary representatives as politicians; and for their part, the politicians would have opportunities of understanding more clearly the difficulties with ,which the national civil services have to contend.

As for the question of documents, the Committee of Ministers duly authorised Committees of Experts to transmit their documents to Assembly Committees, but expressed no views on the Assembly's request to be kept regularly informed of the progress of work of the DepuLies. The Committee of Ministers may take a decision on this point in the near future.

3.3. C. WORKING METHODS OF THE COMMITTEE OF MINISTERS

3.3.1. (a) Unilateral initiatives

27. The Assembly proposes that the Committee of Ministers invite the member countries to implement its recommendations in appropriate cases by unilateral action. Examples of this method have been given in the Preliminary Report (Doc. 264, paras. 18-22).

3.3.2. (b) Partial agreements

28. The system of partial agreements was introduced, at the request of the Assembly [13], by Resolution (5l; C.° of the Committee of Ministers, in order to promote the conclusion of agreements between a small number of Members within the framework of the Council, in a form which should not impede the progress of European co-operation among all Member States.

29. It is to be expected that the importance of the method of partial agreements will increase with the development of European integration within the framework of tho regional groups.

30. The Resolution of the Committee of Ministers subjects the conclusion of a partial agreement to a previous unanimous decision by the Committee. This provision was introduced to protect the interests of Governments not participating in a given agreement. It is questionable, however, whether this provision should bo

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such co-oporation should so far as possible be increased, I 1. Decides to extend the right to attendance and speech at meetings of the Assembly and its Committees, granted to Ministers by virtue of Rule 45 of the Rules of Procedure, to Ministers' Deputies holding (he rank of Minister or Under-Secretary of Slate; 2. Authorises Committees to hear the Deputy of the Chairman-in-office of the Committee of Ministers, or any other Minister's Deputy, by invitation or at his own request, on one or more specific points; II 1. Recommends that the Committee of Ministers should authorise the Ministers' Deputies and the Committees of Experts to hear the Chairman and Rapporteur of any Committee, by invitation or at their own request, on a specific point under consideration; 2. Recommends that the Committee of Ministers should encourage personal contacts, particularly between the Committees and Sub-Committees of the Assembly and the Committees of Experts, by setting up joint Working Parties. SECTION B Exchange of documents between Assembly Committees, Ministers' Deputies and Committees of Experts The Assembly, Being convinced that the exchange of documents between the two organs of the Council would lead to a bettor understanding of the respective intentions of each body, I Authorises the Bureau to communicate Commi ttee documents, confidentially, to the Committee of Ministers; II Recommends that the Committee of Ministers should authorise : [a] the Ministers' Deputies to keep the Assembly regularly informed of the progress of their work; (b) the Committees of Experts to communicate their documents to the appropriate Committees of the Assembly.

13. Recommendation 3 (1950).

maintained. A group of Member countries is always free to conclude an agreement outside the framework of the Council, and this has, in fact, frequently occurred. To allow Member States the right to veto the conclusion of partial agreements entails the risk that Governments intending to conclude such an agreement may deal with the matter outside the Council, in order to obviate this preliminary procedure. Were it to be abolished, a Member State which considered its interests prejudiced by the conclusion of a partial agreement could still raise objections in the Committee of Ministers with a view to safeguarding its interests by friendly arrangement.

31. The Assembly therefore proposes that the preliminary vote concerning the conclusion of a partial agreement be omitted, and that any recommendation acceptable to a number of member countries be considered as adopted by them in the form of a partial agreement concluded within the framework of the Council.

32. Any additional expenditure falling upon the Council in consequence of the adoption of a partial agreement would be borne solely by the countries participating in the agreement.

33. Furthermore, the Assembly hopes that the Committee of Ministers will not conclude the examination of any of its recommendations in a negative sense without exploring the possibility of reaching a partial agreement.

34. The statutory Report of the Committee of Ministers to the Assembly should set forth the reasons which have prevented the Committee from reaching unanimous agreement and the reasons for and against a partial agreement.

35. The proposals of the Assembly concerning partial agreements are therefore as follows :

1. That the Committee of Ministers abolish the first cote required for deciding whether abstention shall be permitted under the provisions of Resolution (51) 62 on partial agreements ;
2. That, following upon the single vote which would then be taken on a Recommendation of the Assembly, the Committee of Ministers consider those States voting in favour of such a Recommendation as being thereafter bound as between themselves by a partial agreement, providing that the States that have voted in favour so agree;
3. That the Committee of Ministers in no circumstances conclude the examination of a Recommendation without having explored to the full all possibilities of reaching agreement, including the possibility of reaching a partial agreement ;
4. That, should the Committee of Ministers be unable to accept a Recommendation of the Assembly, even in the form of a partial agreement, the statutory Report give a full explanation of the reasons which led the Committee of Ministers to take up this position.

3.3.3. c) Working methods of the Committee of Ministers

36. The Assembly suggests that if the Committee of Ministers is to play a more active part it must also modify its present working methods.

37. It would be of advantage for the Ministers' Deputies to meet every fortnight. They would then have opportunities for a preliminary exchange of views on Assembly Recommendations before receiving instructions regarding them from their respective Governments.

38. The Governments could then issue their instructions in the light of information received from their Ministers' Deputies as to the probable attitude of other member countries, instead of framing them, as is at present the case, solely with an eye to the national interest. To give effect to these proposals it is a manifest necessity that all Member States appoint Permanent Representatives resident at Strasbourg. The Assembly urges that action be taken before October, 1955 on the numerous Recommendations it has made to this effect.

39. The Assembly wishes to draw the attention of the Committee of Ministers to the difference in the respective positions of the Secretary-General of the Council and of the Secretary-General of N. A. T. 0. The latter presides over the meetings of the Ministers' Deputies and is permanent Vice-President of the Council of Ministers. The statutory position of the Secretary-General of the Council is much more modest. Nevertheless, it cannot be denied that he is the person best qualified to keep the long-term objectives of the Council constantly before Member States and to make suggestions of a nature to lead to their achievement. The

Assembly suggests that the Committee of Ministers bring the position of the Secretary-General of the Council into alignment with that of the Secretary-General of N. A. T. 0., and that the Secretariat-General be recognised as an organ of the Council of Europe, as is the case in the United Nations.

40. Finally, the Assembly maintains that responsibility, not for the administration of the Council, but for ensuring its progress as an organisation, can be assumed only by politicians responsible to their Government and Parliament and empowered to take decisions. Ministers' Deputies who are civil servants, however useful their activities may be, fall short of this requirement. Only Secretaries or Under-Secretaries of State with special responsibilities for European co-operation can carry out effectively the tasks laid upon the Committee of Ministers under the terms of the Statute. The demands made upon Foreign Ministers are too heavy for them to follow the affairs of the Council sufficiently closely. The Assembly repeats its proposal that each Government appoint a Secretary or Under-Secretary of State as deputy for the Minister for Foreign Affairs. These Secretaries or Under-Secretaries of State could also co-ordinate the activities of the Member Governments in international organisations concerned with European cooperation, thus ensuring that the policies of Member States in this field are not defined in isolation, as is often the case, but are founded on common principles.

41.With regard to the working methods of the Committee of Ministers the Assembly therefore makes the following proposals :

1. That the' Committee of Ministers follow the example set by the O. E. E. C. and. N. A. T. 0. by arranging for the Ministers" Deputies to meet once every fortnight;
2. That the Committee of Ministers invite all Member States to establish Strasbourg as the place of residence of their Permanent Representatives ;
3. That each Member State appoints an Under-Secretary of State, or junior Minister, for European Affairs who shall be responsible for coordinating governmental activities in the various European organisations.

4. CHAPTER II - Role of the Council of Europe in the economic field [14]

4.1. (a) General considerations Paragraphs 23-26 of the Special Message

42. The Assembly is in full agreement with the Committee of Ministers concerning the right of initiative of the Council of Europe in all questions connected with the economic organisation of Europe, including those which are under consideration by other international organisations. The Assembly considers, however, that this right of initiative should apply not only in the technical, economic and social fields, but also in the field of general economic policy.

43. The Assembly has always considered that its rôle in the economic field was to act as a European parliamentary tribune for discussing regional economic co-operation in Europe. The Assembly has never had any intention of itself implementing the policy of economic integration in Europe. It regards itself as a body through which public opinion can influence the economic co-operation undertaken by various organisations, and through which these specialised organisations can, in their turn, address public opinion. Moreover, the Assembly has always felt it its special responsibility to consider the economic measures proposed within the context of their political and social consequences, to which the more technical organisations, on account of their differing constitution, cannot devote the same degree of attention. The Assembly is gratified to learn that the Committee of Ministers shares this view and it regards paragraphs 23 to 26 as confirmation of the policy so far pursued by the Consultative Assembly in the economic field.

44. The Assembly welcomes the suggestion put forward by the Committee of Ministers that it should increase the proportion of its debating time devoted to the discussion of major economic questions in order to keep public opinion informed on the progress of economic integration in Europe. The Committee on Economic Questions of the Assembly has already taken certain measures directed to this end.

45. In September, 1953, for instance, the Committee instructed the Secretary-General to prepare, in consultation with O. E. E. C, E. C. E. and E. C. S. C, a study of the present position of economic integration in Europe, in order to ascertain whether the various methods of integration hitherto employed were compatible with one another, and to put forward constructive proposals concerning future efforts in this field.

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14. Adopted by the Assembly on 24 th September, 1954 (Opinion No. 12).

46. The Committee on Economic Questions hopes to have its final report on. this problem ready for the first part of the Seventh Session of the Consultative Assembly, and the Assembly calls on the Committee of Ministers for support both as regards the publication of this study and its transmission to the specialised organisations.

47. The Assembly trusts that the Committee of Ministers will take all appropriate steps to improve or facilitate relations between the Assembly and the Secretariat-General, on the one hand, and the various specialised organisations working in the economic field, on the other.

4.2. (b) The Strasbourg Plan

Paragraph 27 of the Special Message

48. In its Recommendation 61 of May, 1954, the Assembly made known its view on the comments of 0. E. E. C. on the Strasbourg-Plan.

49. The Assembly notes that, in its Supplementary Report, the Committee of Ministers expressed the intention of reaching a conclusion regarding the proposals put forward by the Assembly in its Recommendation 26 of September, 1952, as also its Recommendation 61 of May, 1954.

50. Before it does so, however, the Assembly requests that the question be discussed in the Joint Committee, in the presence of representatives of the Committee on Economic Questions.

4.3. (c) Economie development of Southern Europe

Paragraph 28 of the Special Message

51. The Assembly welcomes the suggestion from the Committee of Ministers that it should examine the problems of the economic development of Southern Europe. In accordance with the instructions given by the Assembly during the first part of the Sixth Session (Order of the Assembly No. 57), the Committee on Economic Questions has decided to set up a Working Party consisting of a representative of each of the countries concerned and four representatives for the remainder of the Member States. In view of the manifest urgency of early action to improve economic conditions in the area under consideration, this Working Party proposes to embark on its studies on the spot as soon as the necessary material has been made available, and will present its report to the Seventh Session of the Assembly.

4.4. (d) Convertibility

Paragraph 29 of the Special Message

52. The Assembly has always been aware of the importance of the problem of convertibility of currencies — a problem which is of particular interest at the present moment. It is transmitting its conclusions on this point to the Committee of Ministers in a special recommendation.

4.5. (e) Low Tariff Club

Paragraphs 30-33 of the Special Message

53. The Assembly, which entirely approves the procedure followed and the action contemplated by the Committee of Ministers in this connection, considers that it would also be desirable for the Member Governments of the Council of Europe to call the attention of their representatives to G. A. T. T. to this Council of Europe plan and to the importance they attach to the regional aspect of this problem, which G. A. T. T. regards chiefly from a world point of view.

4.6. (f) European Companies

Paragraph 34 of the Special Message

54. The Committee on Economic Questions considers that the establishment of European Companies would not in every case represent a constructive contrilmtion to the economic integration of Europe. The Committee on Economic Questions considers, however, that European Companies with a legal and administrative status jointly defined by Member States might be of real value in certain specific cases.

55. The Committee on Economic Questions hopes that during the Seventh Session it will be able, in conjunction with the Committee on Legal Questions, to submit definite proposals on this subject.

4.7. (g) European Transport

Paragraph 35 of the Special Message

56. The problem of co-ordinating European transport will be touched upon in the report, referred to above, on the present position of economic integration in Western Europe

4.8. (h) Agriculture

Paragraph 36 of the Special Message

57. Nothing to record.

4.9. (i) Patents

Paragraph 37 of the Special Message

58. The Assembly expresses its satisfaction with the results already achieved by the Committee of Ministers in this sphere, particularly as regards the questions of classification.

4.10. (k) Prevention of animal epidemics and protection of plants

Paragraphs 38-40 of the Special Message

59. The Assembly welcomes the suggestions put forward by the Committee of Ministers, and considers that a solution should be sought et the regional level.

5. CHAPTER III - Rôle of Council of Europe in the social field [15]

60. The Assembly has studied with great care Chapter III of the Special Message from the Committee of Ministers, which contains proposals for a programme of action in the social field.

61. It wishes to convey to the Committee of Ministers its great appreciation of this valuable initiative, which goes a long way towards meeting the point of view of the Assembly.

62. The Assembly recalls that it has on various occasions expressed its opinion on a common policy in social matters : first, in Recommendation 14 of 1951; then, in Recommendation 27 of 1952 on the creation of a Social Committee, and, most recently, in Opinion No. 5 of 1953, Moreover, it has adopted Recommendations on various specific social questions, such as, for example, housing.

63. The Assembly has, therefore, examined the proposals concerning social questions in the light of these earlier Recommendations and of Opinion No. 5. ft has noted that the proposed programme contains a number of items which correspond to a large extent, although not completely, to views expressed by the Assembly, as also some items which are new and based directly on suggestions made by various Governments. The Assembly has, therefore, first undertaken a comparison between the proposed programme and its own views as expressed in various Recommendations and particularly in Opinion No. 5 of 1953. Then it has examined the new proposals separately.

15. Adopted by the Assembly on 28tb May, 1954 (Opinion No. 9).

5.1. (a) COMPARISON RETWEEN OPINION No. 5 OF 1953 AND THE PROPOSED PROGRAMME

64. The Assembly notes with satisfaction that most of the ideas contained in Opinion No. 5 [16] are also included in the Special Message, It hopes that the establishment of a European Social Charter may be initiated without delay, since it attaches great importance to the creation of such a Charter.

65. The procedure proposed by the Assembly for the speedy abolition of discrimination between nationals of the Members of the Council of Europe in the social field, namely to draw up, as a first step, a comparative table showing the present extent of discrimination, has not been adopted by the Committee of Ministers. The Assembly agrees that the conclusion of the Convention on Reciprocal Treatment of Nationals may go some way towards solving this problem. It wishes, however, again to stress the importance of its speedy solution and hopes that the Committee of Ministers will keep this constantly in mind.

66. The special questions of the social security rights of the families of migrant workers and the conclusion of a multilateral convention on social security are not mentioned in the Special Message. The Assembly understands, however, from the Fifth Report of the Committee of Ministers that these questions are on the Agenda of the Committee of Experts on Social Security. It realises that they are difficult of solution and that it may be an advantage to await the results obtained within the framework of the European Coal and Steel Community.

67. With regard to harmonisation of social legislation, there is no particular mention in the Special Message of the co-ordination of legislation in the stage of preparation and the " parallel legislation " referred to in Opinion No. 5. It is, however, possible to interpret the Special Message, and particularly point (c) of the proposed terms of reference of the Social Committee, so as to permit of such action.

68. The question of comparability of social statistics is not included in the social programme proposed in the Special Message. The Assembly can, however, agree with the view expressed in the Report of the Committee of Ministers that this highly technical question should on the whole, be left to the technical organizations especially equijoped to deal with it. The Assembly appreciates the initiative of the Committee of Ministers in asking the Member Governments to ratify International Labour Convention No. 63 on Statistics of Wages and Hours of Work.

69. The Assembly appreciates particularly the creation of a Social Committee, composed of. senior officials of the appropriate national Government Departments. This will greatly facilitate and stimulate the future social work of the Council of Europe and secure its continuity. The Assembly considers that, on the whole, the proposed terms of reference of the Social Committee are satisfactory, although they differ somewhat from what was suggested in Recommendation 27 (1952). The main thing is that the new committee should be left a certain initiative to make suggestions of its own to the Committee of Ministers. The Assembly would, however, like to see included in the terms of reference the last item proposed in Recommendation 27 (1952), which reads as follows : " To keep the Committee on Social Questions of the Consultative Assembly as fully informed as possible of the progress of its work. "

70. It is important that the new committee should work in as close liaison as possible with the Assembly and its Committee on Social Questions. The Assembly, therefore, is of the opinion that joint meetings of the two committees should be held from time to time.

5.2. (b) EXAMINATION OF TIIF. NEW PROPOSALS

5.2.1. (i) Employment of the older worker

71. Much consideration has lately been given to this question by Governments as well as by international organizations. It is studied both from the point of view of national economy — to utilise the economic value in skill and experience of older people as long as possible and if it be socially and economically desirable —and from the social point of view, in relation to the individual worker. It is particularly this latter aspect which, in the opinion of the Assembly, should be stressed by the Council of Europe in its social programme. The possibility

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16. In Opinion No. 5, adopted on 23rd September, 1953, the Assembly gave its views on the proposals for a social programme contained in the Memorandum prepared by the Secretariat-General on the activities which the Council of Europe could properly carry out in the | social field. Opinion No. 5 contains the following principal ideas and suggestions : establishment of a European Social Charter; abolition of discrimination in the social field as between nationals of the Members of the Council of Europe; harmonisation of social legislation, existing legislation as well as legislation in preparation; comparability of social statistics; establishment of a social documentation centre; establishment of a new Social Committee composed of senior officials in the social administrations of the Member Stales.

should be opened for older workers to continue their work if they so desire, through an appropriate organization of the working processes, so that the skill of these workers can be utilised with due consideration to their physical abilities and without danger of over-strain. They should, however, not be forced to continue their work by any direct or indirect means, such as, for example, by the raising of the ordinary pensionable age. The question of the retirement age is | included in the Agenda of the European Region- ! al Conference which the International Labour Organisation will be convening towards the end of this year. The results of that Conference will, no doubt, be of value to the Council of Europe in its own approach to the question. [17]

5.2.2. (ii) Full Employment

72. The Assembly recalls that it has already adopted three Recommendations on a common policy for full employment, namely : Recommendation 25 (1950), Recommendation 5 (1951) and Recommendation 10 (1951). Present trends in world economy seem to give added importance to a well-planned policy of full employment, and the Assembly wholeheartedly supports the further study of this important question.

5.2.3. (iii) Vocational training

73. The Assembly notes that the Committee of Ministers places special emphasis on the vocational rehabilitation of adult workers. The Assembly is aware of the fact that the whole question of vocational training is being studied by various other international organizations. It wishes to draw particular attention to International Labour Recommendation No. 88, concerning the vocational training of adults, including disabled persons. This Recommendation, which was adopted by the International Labour Conference in 1950, contains, a special chapter on international co-operation in the, training of adults. It might well serve as a basis for the work of the Council of Europe in this field. The Assembly wishes, however, in this connection, to stress the importance of vocational training also for young persons. It is of the opinion that the study of the general question should not be limited to vocational rehabilitation of adult workers.

5.2.4. (iv) Social problem of youth.

74. In the belief that young people — the age-group between school children and adult workers — are in special need of social protection and vocational training, the Assembly emphasizes that this problem is all the more important because in many countries current demographic statistics indicate that we must expect a marked increase in the number of young persons during the next ten years.

5.2.5. (v) Adjustment of the individual to the new conditions resulting from the growth of industrialisation

75. During the Third Part of its Fifth Session, in September 1953, the Assembly placed a similar question on its Agenda and referred it to the Committee on Social Questions. The Motion concerning this was contained in Doc. 212 of the Fifth Ordinary Session, which envisaged a collaboration between national social research institutes for the establishment of a method of research giving particular attention to man as an individual and to the family as such.

76. The Assembly notes with satisfaction that the Committee of Ministers has decided to await the opinion of the Assembly on this question. It will in due course submit its recommendation in this connection.

5.2.6. (vi) Assistance in the event of disasters

77. Since speed is often one of the decisive factors in the efficiency of such assistance, the Assembly agrees that it will be expedient to study the possibility of providing for a scheme by which the assistance to a country, victim of a disaster, could enter into operation quickly and automatically, without, however, precluding spontaneity of action on the part of the peoples themselves.

5.2.7. (vii) Public Health

78. It is with particular satisfaction that the Assembly welcomes these proposals. Since the negotiations for the creation of a " White Pool " have so far not led to positive results, it is important that the Council of Europe should realise some progress in that direction.

17. This conference was held from 211.1) January to 5th February, 1955.

79. The Assembly has taken note of the letter of 23rd March, 1954 from the Director of the Regional Office for Europe of the World Health Organisation, and it wishes to express its appreciation of the readiness of that Organisation to co-operate with the Council of Europe. The Assembly agrees that services already existing in the framework of the W. H. 0. should be utilised in so far as they can be adapted to the particular needs of Europe. It notes with satisfaction the intention of the W. Ii. 0. to develop such services on a regional basis, and agrees that progress can be made more rapidly within a group of countries having broadly identical health problems.

80. The Assembly agrees with the procedure suggested by the Committee of Ministers to convene without delay a Committee of governmental experts to study the proposals of the Governments, the reply of the W. H. 0. and the Opinion of the Assembly. [18] It would welcome further proposals from the Governments for a wider collaboration in the health field. In this connection, the Assembly would draw attention to its study of the possibilities of an exchange of war-cripples, and possibly other invalids as well, for the purpose of medical treatment in other countries.

5.3. (c) CONCLUSION

81. In the light of the above considerations the Assembly approves and welcomes the proposals for a social programme contained in the Special Message from the Committee of Ministers. The Assembly wishes, however, to repeat what it has already stressed on many occasions, namely that certain aspects of the housing problem should also be included in the programme.

6. CHAPTER IV - Role of the Council of Europe in the cultural field - Draft Opinion on the cultural chapter of the Special Message presented, on behalf of the Committee on Cultural and Scientific Questions[19], by Mr. HOLLIS

6.1. A. INTRODUCTION

82. The Assembly has examined Chapter IV of the Special Message containing the principles upon which the Committee of Ministers intends that the execution of its cultural programme should be based. It has, moreover, studied Appendices II and VI, in which are included the proposals which the Committee of Ministers considers should be, if not put into effect, at least taken into consideration by its Committee of Cultural Experts.

83. The Assembly welcomes the spirit of initiative which inspires this programme. It wishes to pay special tribute to the Committee of Cultural Experts on whose work it is based. The Assembly will do its utmost to ensure that the tasks now undertaken are brought to a successful conclusion.

84. Nevertheless, the Assembly thinks it necessary to enlarge the scope of the cultural programme as at present conceived. It is not enough to approve and carry out a certain number of individual projects, however desirable and successful each one may be. In order to ensure that its cultural activities are in keeping with the standing and importance of the Council, it is necessary that they should be the expression of a far-reaching and clearly-defined policy in the cultural field.

85. The Assembly recalls that such a policy is foreshadowed in the Statute, in which it is laid down that the cultural activities of the Council should aim at strengthening the unity between its Members, and that the definition of this policy has been carried a stage further in the provisions of the European Cultural Convention.

86. Clearly, it is in the cultural field that the effort to work out a common policy for the Member States of the Council will meet with the least opposition. There is, in fact, general agreement that everything possible should be done to protect and develop our common cultural heritage, and it will be generally accepted that the Council of Europe is the best qualified among existing organisations to assume this responsibility.

87. The Assembly has always maintained the principle that the Council of Europe should become the focal point for all efforts made towards achieving European unity, and, accordingly, that it should undertake the task of co-ordination leading to an effective co-operation of which it would be the initiator.

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18. This Committee of governmental experts met from 5th to 7th July, 1954, from 15th to 18th February, 1955, and will meet again from 11th to 13th July, 1955.
19. Unanimously adopted by the Committee.

88. This being so, the Council's activities can be considered as falling into three categories :

First, the activities for which the Council will itself be responsible through the medium of its Committee of Cultural Experts and its Secretariat. These activities would be either of a general character—for example, the preparation of Conventions—or would be practical and administrative—in connection, for example, with the organisation of study courses and the award of the Council of Europe fellowships.

Secondly, the activities which, although initiated by the Council of Europe, will in practice be carried out by Governments. This category includes all measures designed to develop the European Cultural Convention.

Finally, the activities which could be carried out at the non-governmental level. This would be the case when proposals emanating from the Council of Europe are put into effect either by means of agreements concluded with independent organisations—for example, with the non-governmental organisations, both national and international—or in collaboration with individual Europeans who are eminent in the cultural field.

89. The Assembly considers that the cultural programme contained in the Special Message could be implemented more effectively if a clear distinction were made between each of these three different categories. The Assembly considers that the Council should avoid making itself responsible for the execution of such projects as could equally well be carried out by other organisations, in order thereby to strengthen its own rôle as initiator.

90. The Assembly would emphasize, however, that the Council cannot hope to play this rôle of initiator until a solution has been found for two problems, whose importance should not be under-estimated simply because they are of a technical and administrative character :

In the first place, arrangements must be made to co-ordinate, under the aegis of the Council of Europe, the activities of all international organisations working in the European cultural field, both at the governmental and the non-governmental level.

Secondly, new methods of financing the activities of the Council must bo found, so that these activities may be fully olfectivc.

91. Before presenting certain concrete proposals in this respect, the Assembly would once again place on record the importance it attaches to the methods outlined in Chapter I for ensuring co-operation between the Committees of Experts and its own Committees. There is no more appropriate field for such co-operation than the cultural field, and the Assembly therefore has the greatest satisfaction in welcoming the positive results achieved by the joint meetings which have taken place between members of the Committee of Cultural Experts and members of its own Committee on Cultural and Scientific Questions, and particularly by the Special Meeting of April, 1955, which, from every point of view, marks a new point of departure in European cultural co-operation. [20]

92. In order to give a formal and permanent character to this oo-0])eration, the Assembly proposes that the Committee of Ministers:

should establish a Standing Joint Committee for the purjDosc of maintaining close and effective co-operation between the Committee of Cultural Experts and the Assembly Committee on Cultural and Scientific Questions;

should authorise the regular exchange of working papers between the two Committees;

should instruct the Secretary-General to coordinate the programmes of the two Committees so as to facilitate the work of the proposed Standing Joint Committee.

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20. The Special Meeting convened by the Committee on Cultural and Scientific Questions at Strasbourg from 'it.li to Gth April, 1955, with a view to the preparation of the cultural part of the present document, was attended not only by the members of the Committee and by a delegation of the Committee of Cultural Exports, but also by representatives of UNESCO and of the Brussels Treaty Organisation, tho Director of the European Cultural Centre, the President of tho Association of Institutes of European Studies, the Seerolary-Goneral of the Union of International non-Governmental Associations, the Director of the Carnegie Endowment for International Peace, and tho Director of the European Institute for Politics and Economy of Frankfurt (see Final Report, Doc. AS/CS (6) 50).

6.2. B. Co-OPERATION AT THE INTERGOVERNMENTAL LEVEL

93. The Assembly has explained in Chapter I of this document its views with regard to the question of co-ordination at the intergovernmental level, which are summed up in the statement of principle to the effect that the Council of Europe should be regarded as the general framework for the activities which member Governments may undertake inEurope.

6.2.1. (a) Co-ordination with intergovernmental organisations

94. In the Assembly's view the best means of giving effect to this principle in the cultural field, taking into account the need to elaborate a European cultural policy, would be to set up a Co-ordinating Committee, which would make it possible for the Council to maintain close and regular contacts with Western European Union, the Nordic Council, the Balkan Assembly and other regional bodies, as well as with UNESCO.

95. The form which this Co-ordinating Committee might take was to a certain extent foreshadowed by the Special Meeting of the Committee on Cultural and Scientific Questions mentioned in paragraph 91.

96. The Committee should he instructed to submit, for the benefit of all the organisations represented in it, an annual report summarising their activities and including proposals designed to contribute to their success and to bring them into line with an agreed policy based on the European Cultural Convention.

97. The Assembly, accordingly, proposes that the Committee of Ministers should examine the possibility of creating a Co-ordinating Committee composed of representatives of all intergovernmental organisations working in the European cultural field, as well as of members of the Committee of Cultural Experts and of the Assembly's Committee on Cultural and Scientific Questions.

6.2.2. (b) Relations with UNESCO

98. The Assembly has always underlined the great importance which it attaches to the relations between UNESCO and the Council of Europe. It therefore welcomes the progress made in this respect at the Secretariat level as the result of the Special Agreement concluded in November, 1952.

99. The Assembl y proposes that the examination of the annual progress reports of UNESCO should be placed on the agenda of the Standing Joint Committee (c/. paragraph 92) so that a discussion may take place of those items of UNESCO's programme which have a hearing on the activities of the Council of Europe.

100. Furthermore, in pursuance of Recommendation 58 (1954), which called for the establishment of a procedure for consultation between the European delegations to world organisations, the Assembly proposes that the delegations of Member States to UNESCO's general conferences should include at least one of the persons who regularly attend meetings of the Committee of Cultural Experts or of the Assembly's Committee on Cultural and Scientific Questions.

6.3. C. Co-OPRATION AT THE NON-GOVERNMENTAL Level

101. While the efforts to achieve the coordination of cultural activities at the intergovernmental level are making satisfactory, progress and have already produced results, the same cannot be said of the situation at the non-governmental level, where everything remains to be done.

102. The Assembly considers that the nongovernmental organisations are destined to play an increasingly important rôle in international co-operation, and the contribution which they can make is far too valuable to be ignored. It is, certain on the other hand, that these organisations themselves recognise the need for the introduction of some form of collaboration with the intergovernmental organisations

103. The development of international cooperation is one of the most striking characteristics of our century, and the present tendency is towards the association of the public and private initiatives which have inspired it.

104. This association cannot, however, take shape until the non-governmental and intergovernmental organisations have established among themselves a network of relations which will enable them to co-operate with one another while maintaining their freedom of action in their own respective spheres. The example of the United Nations shows what can be done in this respect, and the introduction of consultative status now makes it possible for the Council of Europe to work out a similar system.

105. In the Assembly's view it is of the greatest importance to make the maximum use of the possibilities of collaboration which result from the granting of consultative status. The Assembly feels, moreover, that it is desirable, to increase gradually the number of organisations Avhich enjoy this status, and to conclude special agreements for collaboration in cases in which the granting of consultative status is not an appropriate solution.

106. The cultural field is perhaps the one which best lends itself to experiments in this new type of international relations. It is in connection with its cultural activities that the Council of Europe can most effectively play its rôle of co-ordinator. In the cultural field it can hope to obtain the disinterested support which will enable it to spread its ideas among widely varying circles and to put into effect, with the help of the qualified organisations, large-scale projects which it is incapable of carrying out by itself.

107. There are many international nongovernmental institutions and organisations, with far-reaching ramifications, working in each of the main sectors of the Council's cultural programme. The Assembly considers that the Council should call on their good offices whenever possible.

108. The Assembly proposes in the near future to invite representatives of these organisations to a meeting with its Committee on Cultural and Scientific Questions. The discussions at this meeting will indicate, on the one hand, to what extent it may be possible to call on their assistance in connection with the implementation of the cultural programme, and on the other, the way in which the organisations in question consider that the Council can help them in their own activities: the answers to these two questions should provide the basis for a jointly agreed programme of activity, leading to the elaboration of a common policy acceptable both to the Council and to the organisations concerned. [21]

6.4. D. THIS CULTURAL FUND OF run COUNCIL OF EUROPE

109. The Assembly is aware that the influence which the Council of Europe will be able to exert on the organisations eventually grouped around it, will largely depend on the financial aid which it is able to give them, ft has already expressed its conviction that the means at present available to the Council under the budget of the Committee of Cultural Experts arc quite inadequate even for the execution of that Committee's current programme. If a cultural policy of the scope desired by the Assembly is to be implemented, other means of financing it will have to be found.

110. The Assembly has accordingly considered how the necessary new funds could be raised otherwise than by appealing to the Member Governments. It believes that the answer is to be found in the establishment of a " Cultural Fund of the Council of Europe ". As this proposal forms the subject of a separate Recommendation to be tabled in the Assembly, it has been thought sufficient to include in this document only the following brief analysis of its characteristics and its purpose.

111. It is intended that the Fund shall be financed by contributions from private individuals, commercial and industrial organisations, trade unions, public or private institutions, associations or bodies, from municipalities, and from such Governments as may be willing to give their support to the Fund.

112. The main purpose of the Fund will be to give effective support to the increasing number of cultural and scientific activities whose development cannot be contained within any one national framework. It will promote and assist in the establishment of cultural and scientific institutions which arc of European importance, and it will be used to stimulate cultural and scientific exchanges between the member countries of the Council and— in order to spread the knowledge outside Europe of European culture and of the European idea— between those countries and other countries and regions of the world.

113. The establishment within the Council of Europe of a Fund financed by donations would be made possible by the amendment of Article 38 of the Statute, in accordance with Article 41, paragraph (d).

114. The administration of the Fund would be entrusted to a Committee of Administration whose membership would include at least one representative of each country which had acceded to its constitution.

115. The Committee of Ministers would approve the Report of this Committee and the annual accounts of the Fund, after recommendation by the Assembly.

116. The costs of the secretarial services connected with the administration of the Fund would be borne by the Council of Europe and chargeable to its budget.

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21. See the list in the following document issued as a result of I he Special Meeting : Co-operation with nongovernmental organisations (AS/CS (6) 49).

117. The Assembly attaches the greatest importance to the establishment of the Fund. It will meet a real need in Europe which has so far been geneally ignored, reliance having hitherto been placed, to an extent which can be no source of pride to Europeans, on the generous contributions made for purposes corresponding to those of the Fund by the American foundations. By appealing for subscriptions to private individuals and organisations, it will moreover promote the interest of the European man-in-the-street in the efforts made to unite Europe and will give him a feeling of personal responsibility for their success. Finally, it will, as has been pointed out, give to the Council the means of bringing together and encouraging the activities of the many non-governmental organisations which serve the cause we all accept, the maintenance and further development of the cultural ideals which arc the foundation of our common European heritage.

6.5. E. CREATION OF SPECIALISED EUROPEAN INSTITUTES IN THE CULTURAL FIELD

118. In order to pave the way for an ultimate pooling of Government and private efforts within the framework of European institutions, the Assembly has included in its Recommendation on the Cultural Fund proposals for the creation of " Special Foundations ".

119. These " Special Foundations " arc intended to be responsible, sach in its own sector, for stimulating, orchestrating and, where thought appropriate, supervising and directing all the activities both public and private which could contribute to the carrying out of a European policy in that sector.

120. Originally created by, and under the auspices of, the Council of Europe, these Foundations would eventually become largely autonomous as far as their administration and activities were concerned. They would be set up by special conventions.

121. An example of what the Assembly has in mind can be found in the European Council for Nuclear Research at Geneva.

122. Following this precedent, a Foundation of the type proposed could be brought into existence in three phases :

In the first phase, the non-govcrnmcnt-tal organisations themselves might define the fields in which the creation of special Foundations would stimulate developments and lead to greater efficiency. In doing so they would be guided by an appreciation of the advantages to be gained from a more rational division of labour between them and from a pooling of the Government subsidies which they receive. This phase might be introduced during the meeting mentioned in paragraph 108.

In the next phase, the Governments would be called upon to consider what form their contribution would take. In this connection the Assembly is studying a proposal, which it reserves the right to present in due course, for the pooling of certain appropriations set aside for European cultural purposes in the budgets of the various Member States.

Finally, a special convention would be drawn up to introduce any administrative machinery which might be required and to define the precise functions of the special Foundations thus created.

123. The creation of such Foundations might be envisaged, for example, in connection with education, the exchange of persons, and the presentation of the European idea outside Europe.

124. At a later date the Assembly intends to submit definite proposals developing the ideas summarised above.

6.6. F. CULTURAL CONVENTIONS

125. In making the proposals contained in this Chapter of its Reply to the Special Message, the Assembly has been guided by the desire to contribute to the proper development of the provisions of the European Cultural Convention. The conventions leading to the establishment of Special Foundations, which will form the subject of a further report by the Assembly, should, accordingly, in the view of the Assembly, be considered as the means of implementing the European Cultural Convention in certain selected fields.

126. Finally, the Assembly proposes to study, in the light of the foregoing, the provisions and practical effect of the bilateral cultural conventions concluded between member countries, with particular reference to any budgetary allocations earmarked for their implementation. For this purpose it suggests the association of the Council of Europe in the studies being undertaken by UNESCO on bilateral agreements. Having instructed the Secretariat-General to get together preliminary material for this study, it invites Member Governments to give the Secretarial, every assistance in this task.

7. CHAPTER V - Role of the Council of Europe in the scientific field - Draft Opinion on the scientific chapter of the Special Message i presented, on behalf of the Committee on Cultural and Scientific Questions [22], by Mr. MOLLIS

127. The Assembly shares the opinion expressed by the Committee of Ministers that the scientific field, in which, " more than in any other, cooperation appears to be a pre- ! requisite for the achievement of progress in preserving Europe's leading position ", is one in which the Council may hope to play a pioneer rôle. The Assembly expresses the wish that it be consulted at the appropriate stage in the work of the exports appointed to study the questions specified in Appendix VII of the Programme of Work.

128. For its own part, the Assembly, through its Standing Committee, has adopted an Order [23] inviting the Secretary-General, with the help of scientific advisers, to prepare a study of the problems connected with the use of atomic energy for peaceful purposes, and to submit it at the opening of the Seventh Ordinary Session. It is the intention of the Assembly that this report should serve as the basis for subsequent study of the question by the competent Committees.

8. CHAPTER VI - Rôle of the Council of Europe in the legal and administrative fields [24]

8.1. (a) Harmonisation and unification of national laws

129. The Assembly notes with interest the suggestion of the Committee of Ministers that the work of harmonising national laws should be pressed forward. Unification over the entire field of legislation is not, of course, a practical possibility and could not, in fact, be carried out with any lasting effect except by a transfer of legislative powers from the national Parliaments to a European Parliament. But it is without doubt desirable to unify laws—and experience shows this to be feasible—in certain fields where divergences are found to create difficulties in relations between persons of different nationality. Unification of laws on such points should be a simple matter as between States whose systems of law are based on similar principles and which share a desire to establish closer relations between them.

130. The Assembly does not believe it practicable, however, to lay down a general and systematic plan for the work which the Council of Europe might undertake in this field during the next few years.

131. The method most likely to lead to satisfactory results is for the Council to take as a basis the needs encountered in practical life, and also to make use of such progress as may have been achieved in other quarters.

132. As a starting-point, the Council should consider the studies on a number of questions that have been undertaken in various international organisations, both governmental and non-governmental, which are listed in the special message of the Committee of Ministers.

133. Should it be found that the study of a specific question is desirable and when such question is not under examination by a specialised organisation, it would be appropriate for the Council of Europe to request whatever organisation it may think best qualified to do so to prepare a report on the matter.

134. In the opinion of the Assembly, however, a distinction should be drawn between the Hague Conference on Private International Law and other organisations not empowered to convene, on their own initiative, international conferences. One of the subjects on which national laws could most conveniently be unified is the law on the sale of goods (corporeal movables) between nationals of different countries. A. draft uniform law on this subject was given a first reading at an international diplomatic conference held at The Hague in November, 1951; the text, as revised by a special committee, is to be submitted to another conference to be convened at a later date by the Netherlands Government. It would clearly be inappropriate for the Council of Europe to undertake a study of the same question, it appears, moreover, that most of the Member States are already participating in the meetings sponsored by The Hague Conference on this subject.

135. It might be suggested, however, that. Iceland, Turkey, and possibly the Saar, should also take pari; in these discussions, and that, should certain difficulties be raised by non-Member States of the Council of Europe, the Members of the Council should consider the possibility of signing a Convention within the framework of the Council.

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22. Unanimously adopted by the Committee.
23. Order of the Assembly adopted by the Standing Commit lee on 12th February, 1955.
24. Adopted by the Assembly on the 24 lb September, 1954. (Opinion No. 12).

136. With regard to other legal questions, a recent study by the Secretariat-General has shown that although the Rome Institute for the Unification of Private Law has prepared draff uniform laws, no official action has been taken on them.

137. The work of the Institute to which this observation applies includes :

1. Compulsory insurance for motor vehicles ;
2. The liability of inn-keepers for loss of, or damage to, goods belonging to guests;
3. Arbitration procedure in respect of international relations in private law;
4. Representation in international relations pertaining to private law.

138. The Assembly considers that the three first questions are of sufficient interest, for a study to be undertaken at once with a view to determining whether the laws of the Members of the Council of Europe concerning them could be unified on the basis of the draft laws prepared by the Rome Institute. In accordance with what are believed to be the wishes of the Committee of Ministers, the Assembly has already requested its Committee on Legal and Administrative Questions to undertake such studies.

139. It has also been suggested that, on the one hand, the laws concerning registered trade names of goods the origin of which is guaranteed should be brought into harmony, and that, on the other hand, practices should be made uniform, wherever conflicts arise between national penal laws. It has also been felt desirable that Member States should take into account judgments passed in other Member States wherever there may have been stay of judgment or in cases of renewed offences.

140. The Assembly, nevertheless, considers that it would be premature for it to undertake such work until more comprehensive studies have been made by specialised institution.

141. The Assembly suggests that, if the Committee of Ministers is agreed on the importance of these questions, the Secretary-General should be authorised to approach the Berne Office regarding the first, and the International Penal Law Association concerning the other two, in order that these bodies may begin preparatory work.

8.2. (b) European Commission on Civil Status

142. The Assembly fully concurs with the opinion expressed by the Committee of Ministers that Member States could usefully arrange for the direct exchange between the competent authorities of information concerning civil status. It notes that protocols concerning the International Commission on Civil Status, set up in 1948 by an exchange of letters between Belgium, France, Luxembourg, the Netherlands and Switzerland, had been signed by those countries on 25th September, 1950 and 25th September, 1952, whereby other States may become members of the Commission.

143. So far, only Turkey has accepted the invitation.

144. The Assembly readily supports the view of the Committee of Ministers that tho ten Members of the Council of Europe, which are not yet members of the Commission should also take part in its work.

8.3. (c) Simplification of frontier formalities for travellers

145. The Assembly welcomes the decision of the Committee of Ministers to include this question in the Programme of Work of the Council of Europe and observes with satisfaction that the importance of its proposals is appreciated and recognised by the Committee of Ministers which finds them " a valuable source of inspiration ". The Assembly can assure the Ministers that, in réponse to their invitation to continue its work on these questions, it will spare no effort to secure improvements in the present situation and will not be content until this aim is realised.

146. The Assembly, nevertheless, finds it difficult to understand why the Committee of Ministers' expression of intention has not so far been backed up by positive action on its part during the whole year which has elapsed since Recommendation 51 was passed by the Assembly. This situation is thought by the Assembly to be unfortunate, and it is hoped that appropriate action will be taken by the Committee of Ministers without further delay.

147. The Ministers have, it is true, and this gesture is appreciated, transmitted the comments of thirteen Governments on Recommendation 51 to the appropriate Sub-Committee of the Committee on Legal and Administrative Questions. While these replies show some improvement in the attitude of some Governments

as compared with previous statements, the Assembly regrets that there should still bo comparatively little understanding and insufficient appreciation among certain Governments of the need for reforms and of the very real possibilities of achieving them. A study of the comments of some Member Governments gives the impression that the views expressed on certain points may not be so much the views of Governments as those of their permanent officials at home. The Assembly cannot accept many of the comments put forward which seem to be based on the immutable principle that frontier formalities are one of the assumed discomforts of life.

148. The Assembly would, therefore, welcome a thorough and broad discussion at the Ministerial level of the possibility of reforms such'as have been recently carried out successfully in the Scandinavian countries. The appropriate Assembly Sub-committee recently had occasion, through the courtesy of the Danish authorities, to inspect the system of control recently instituted between the Scandinavian countries. It is entirely convinced that equally radical yet practical measures can very well be taken by other European countries to free travel from unnecessary and useless restrictions and formalities. The experience of the Scandinavian countries shows conclusively that many of the technical difficulties mentioned by certain Governments arc not insuperable and can be overcome with a little effort of goodwill and imagination.

149. It is to the Ministers themselves and their Deputies that the Assembly looks for prompt, resolute and farseeing measures of simplification. As was pointed out in the Assembly's two reports, the whole range of existing frontier formalities should be approached with a fresh mind. Wherever it cannot be proved that their abolition would, in practice, result in generally harmful consequences, formalities should be swept away.

150. The Assembly formally pledges its support in this task. Already the legislatures in France and the German Federal Republic are about to take important decisions in these matters. Individual members of the Assembly have undertaken to urge Member Governments in their national Parliaments to implement the decisions of the Assembly. It is greatly to be hoped that, as a result of a combination of all these endeavours on the part of the Assembly and the Committee of Ministers, Member Governments will now join together, in the words of the Committee of Ministers, " with the aim of reducing to a minimum the delays and hindrances to which travellers in Europe are subject ".

8.4. (d) National minorities

151. The Assembly recalls, moreover, that, in Document 77 of 1949 and in Document 6 of 1950, the attention of the Committe of Ministers, was twice drawn to the need for a more precise definition of the rights of national minorities, the principle of which was later included in Article 14 of the Convention for the Protection of Human Plights and Fundamental Freedoms. If the Committee of Ministers were of opinion that it is desirable to guarantee to national minorities other rights than the nondiscrimination stipulated in this Convention, it would seem appropriate for this matter to be referred to and studied by the Commission of Human Rights.

9. CHAPTER VII - Role of the Council of Europe in connection with refugees and and over-population [25]

152. The Assembly requests the Committee of Ministers to devote a separate chapter of the Programme of Work to the Council's Activities in the field of refugees and over-population. The Assembly suggests that the proposals put forward by the Special Representative should be included therein as a specific objective to be attained by the Council of Europe. The Committee on Population and Refugees has had the opportunity of studying the report submitted by M. Schneiter.

25. Adopted by the Assembly on 28th May, 1954 (Reply to the Fifth Report of the Committee of Ministers).