Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 7
07 August 1950

Work of the Standing Committee

Report
Standing Committee

1.

In both character and function the Standing Committee is essentially different from other Assembly Committees.

It is not called upon to study questions in some field of activity falling within its specific province, but, under the terms of reference received from the Assembly, to act as a kind of substitute for the latter between Sessions, in order to ensure continuity and a smoother flow of work.

It has thus both maintained contacts with the Committee of Ministers and taken a certain number of decisions on problems of varying character and importance. These activities are described in the present Report.

1.1. I. Creation and Aims

During its first Session, the Consultative Assembly felt it essential that a permanent body should be set up for the purpose of supervising, between Sessions, the implementation of decisions taken by the Assembly, to co-ordinate the work of Committees, and in general to " take any measures that, appear calculated to facilitate or expedite the work of the Assembly. "

As a result, the Assembly adopted a Resolution on 5th September 1949 (Part II of Document 87, Ordinary session 1949) setting up a Standing Committee, to be composed of the Assembly Bureau and 23 Representatives, the latter distributed among the various nationalities represented according to the method adopted for an ordinary Committee of 23 members (Article 37 of the Rules of Procedure approved on 18th August 1949), the Chairman of the six ordinary Committee being ex officio members of the Standing Committee.

It was agreed that the Committee should meet at the instance of the President of the Assembly whenever he thought necessary, and at least four times a year.

1.2. II. Functions

The Assembly assigned the following duties to the Committee :

To co-ordinate the different Resolutions of the Assembly and the Reports or Recommendations produced by the various Committees;

To consider the steps to be taken to prepare the work of the Assembly for the following Session;

To consult with the Committee of Ministers, through the medium of the President of the Assembly, as to the advisability of convening an Extraordinary Session, and also in regard to any matter arising out, of the Agenda of the previous Session

The Assembly further gave the Standing Committee the following instructions (Part III of Document 87, Ordinary session 1949) :

1. To study the various Proposals for the convocation of an Extraordinary Session early in 1950;
2. To request the Committee of Ministers to ensure that, as provided under Article 19 of the Statute, the different questions transmitted by the Committee of Ministers to the Assembly for its opinion should in each case be dealt with in precise Reports and clearly worded Proposals;
3. To examine a resolution recommending the Committee of Ministers to propose " to the Governments of Members of the Council of Europe that they should systematically organise the instruction of the great mass of the people, pointing out to them the undeniable advantages of union for Europe and at the same time the dangers inherent in national isolation; "
4. To study two proposed Amendments to Articles 13 of the Statute and various Proposals to create a European political authority with clearly defined aims and definite powers; to endow the Committee of Ministers with intergovernmental or supra-national powers and rights; and to create a corps of European civil servants.

1.2.1. III. Composition

In accordance with the Assembly's request, the Bureau proceeded to submit Proposals, as a result of which it was decided that the Standing Committee should be composed of the following members (Document 114, ordinary session 1949):

Chairman : M. SPAAK

Vice-Chairmen :

M. DE MENTHON,

M. JACINI,M. KRAFT, Lord LAYTON.

Members :

Belgium: MM. ROLIN, VAN CAUWELAERT

Denmark : M. JAKOBSEN

France : MM. BIDAULT, REYNAUD, MOLLET.

Ireland : Mr. NORTON.

Italy : MM. CASATI, DOMINEDO, BENVENUTI.

Luxembourg : M. LOESCH.

Netherlands : MM. SERRARENS, VAN DE KIEFT.

Sweden : MM. OHLIN, WIGFORSS.

United Kingdom: Sir David MAXWELL FYFE, Mr. CRAWLEY, Mr. LEE.

Greece: MM. DROSSOS, CASSIMATIS.

Turkey : MM. GULEK, BALTA.

1.2.2. IV. Report of Activities

1st Session

The day following the close of the Assembly Session on 9th September 1949, the Standing Committee met in Strasbourg in order to carry out the responsibilities entrusted to it.

It firstly drew up the text of a letter to the Chairman of the Committee of Ministers on the various Resolutions taken by the Assembly in the course of its meetings.

Having decided that each of its members could appoint and name another Representative as Substitute, the Standing Committee fixed the conditions under which the time-table of the meetings of the various Committees and Subcommittees and the plan of their work would be drawn up.

Before the Committee dispersed it decided that its next meeting would be held the day after the meeting of the Committee of Ministers which was to examine the Resolutions adopted by the Assembly.

Second Session

After the Committee of Ministers had met in Paris on 3rd, 4th and 5th November, 1949, the Standing Committee met on the 7th in the same city to consider the decisions of the Committee of Ministers. These decisions were contained in a letter addressed by the Chairman of the Committee of Ministers to the Chairman of the Committee on 5th November (Doc. 116, ordinary session 1949. See appendix 1 hereafter).

In particular the Committee of Ministers requested the opinion of the Standing Committee on the admission of the German Federal Republic and the Saar to the Council of Europe as associate Members.

The study of Document 116 occupied the greater part of the five meetings which were held by the Standing Committee on 7th-9th November. The results of this study were put in the form of a letter addressed by the Chairman of the Committee to the Chairman of the Committee of Ministers on 10th November (Doc. 117, ordinary session 1949. See appendix 2 hereafter). The Standing Committee was in favour of admitting Germany and the Saar as Associate Members of the Council of Europe.

It was apparent during this session—as emerges clearly from the study of the Documents 116 and 117—firstly, that the points of view of the Committee of Ministers and of the Assembly showed wide divergencies; secondly, that to lessen these differences, the best way was to increase contact and to institute more frequent collaboration between the Committee of Ministers and the Assembly as represented by the Standing Committee.

Third Session

In these conditions the idea arose that it would be advisable to set up a Joint Committee made up of members of the Committee of Ministers and of the Standing Committee which would provide a meeting-ground for exchanges of views between the two bodies so as to avoid the dead-ends to which discussions taken separately might lead each of these two organs.

Meanwhile a proposal along these lines had been studied by the Committee on General Affairs during its March session. The Standing Committee kept this principle in mind during its third session held in Strasbourg on 31st March and 1st April. It therefore appointed, besides its Chairman, MM. JACINI, Sir David MAXWELL FYFE and M. Guy MOLLET to contact certain members of the Committee of Ministers who had been selected for the purpose by their colleagues. The meeting took place on 1st April. This was the origin of the Joint Committee.

Further continuing to carry out the work for which it had been made responsible, the Standing Committee drew up a time-table of Committees and studied the programme of their work also reminding them of the necessity of sending their Reports rapidly to all Representatives.

While examining the conclusions to which the work of the Committee on General Affairs had led, the Committee studied the r61e to be played in the future by the Assembly Bureau, the Standing Committee and the Joint Committee.

With regard to cultural questions, in particular the European Centre of Culture, it decided to await the report which a Committee of Experts appointed by the Committee of Ministers had been instructed to prepare.

The Standing Committee instructed the Committee on Rules of Procedure, (a) to study the problems arising out of the admission of new Member States or Associated States, with respect to their participation in the work of Committees, (b) to make concrete suggestions on the ways in which Committee documents should be circulated.

It decided that during the Assembly's next session, as well as the verbatim report which would be printed in the two languages as quickly as possible, a duplicated precis would be distributed to Representatives from day to day.

The Committee noted that the question of the European Patents Office was being studied by governments and asked the Secretary-General to request governments to settle the question of a European Passport before the next Session of the Assembly.

It decided to send a representative from the Council as an observer to the Congress of Migrant Workers organised by the International Labour Office.

Finally, having fixed the 7th August, 1950 as the opening date of the Second Session of the Assembly, it instructed the Bureau to settle any problems which might arise between then and the meeting of the Assembly, either by taking the decision itself or by convening the Standing Committee if it thought necessary.

The Committee met on the morning of 7th August.

It proceeded to examine the Report, required under the Statute, from the Committee of Ministers to the Assembly.

In this connection it took the following decisions :

With regard to the right of access of Members of the Committee of Ministers to the Assembly :

It addressed a letter (Appendix 3) to the Chairman of the Committee of Ministers pointing out that, in its opinion, there was no incompatibility between Articles 12 and 12A of the Rules of Procedure of the Committee of Ministers and Article 42 of the Provisional Rules of Procedure of the Assembly.

It also addressed a letter (Appendix 4) to the Chairman of the Committee of Ministers, as a supplement to the last-mentioned letter, expressing the wish that the Committee be represented in the Assembly so that it might take part in the Debate on the Report from the Committee of Ministers and on the latter's Message.

Finally, it addressed a letter (Appendix 5) to the Minister for Foreign Affairs of the French Republic requesting him to give the Assembly an exposition of the plan of which he is the author.

In connection with paragraph 7 of the Report from the Committee of Ministers the Standing Committee drew attention to the discussion which had previously taken place in regard to the question of substitutes.

Thus, during its First Session, the Assembly had adopted a Recommendation to the effect that substitutes should be abolished and that the number of titular Representatives should be doubled.

This recommendation was transmitted to the Committee of Ministers, which rejected it and instructed the Secretariat-General to submit a new Proposal to the Standing Committee.

The Standing Committee referred the Secretariat's Report (Appendix 6) for examination to the Committee on Rules of Procedure. The latter was of opinion that, in view of the importance of this question, it should be brought before the Assembly at its Second Session.

The Standing Committee appiwed the decision of the Committee on Rules of Procedure and agreed that the Assembly was alone competent to settle this question. It expressed its hope that the Assembly would come to a decision on the subject during its Second Session.

The Standing Committee adopted the provisional Agenda of the Second Session of the Assembly.

Having agreed, that, until such time as new Committees should have been appointed, the present Committees would be competent to deal with matters still under discussion, the Standing Committee adopted the present Report, which has to be examined by the Assembly together with the Statutory Report and the Message from the Committee of Ministers. (Item 1 of the Assembly's Agenda.)

Appendix 1 APPENDIX 1

COUNCIL OF EUROPE - Committee of Ministers The Chairman

Paris, 5th November 1949.

Mr. President,

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

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

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

Attached hereto are the text\s of the Resolutions which were adopted in this matter. ' These Resolutions relate to Articles 4 and 5, Article 23 and Articles 36 and 37 h i the Statute.

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

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

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

" The Committee of Ministers,

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

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

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

" Decides therefore to ascertain the views of the Standing Committee on the question whether the Saar should, pending the definition of its Status, be accorded representation under Article 5 of the Statute. "

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

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

" The Committee of Ministers,

" Considering Articles 1 (c) and 23 (b) of the Statute of the Council of Europe,

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

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

" Resolves :

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

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

3) " To instruct [the Secretary-General to make the necessary communication to the Secretary- General of the O. E. E. C. in order to implement this decision. "

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

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

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

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

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

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

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

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

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

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

I am, Mr. President, Your humble and obedient Servant,

Signed : Gustav RASMUSSEN

Monsieur P.-H. SPAAK,

President of the Consultative Assembly of the Council of Europe.

PARIS

Appendix 2 APPENDIX

Amendment to Articles 4 and 5

The Committe of Ministers,

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

ARTICLE 4

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

ARTICLE 5

" Insert after " may " in the second line the words : " with the approval of the Consultative Assembly, such approval to be by a simple majority. "

Reserves its decision on the said Recommendations ;

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

Amendment to Article 23

The Committee of Ministers,

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

" Substitute a new Article to read as follows :

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

Reserves its decision on the said Recommendation.

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

Amendment to Articles 36 and 37

The Committee adopted the following Resolution :

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

Appendix 3 APPENDIX 2

COUNCIL OF EUROPE - Consultative Assembly The President

Paris, 10th November 1949

Mr. Chairman,

I have submitted to the Standing Committee of the Consultative Assembly the letter which you were good enough to send me on 5th November, after the Meeting of the Committee of Ministers.

The Standing Committee has instructed me to send you, in reply to this letter, the following observations, which I should be glad if you would transmit to the Committee of Ministers :

1. The Standing Committee understands that the Committee of Ministers did not wish to reject outright the Assembly's Recommendations to amend different Articles of the Statute and, in this matter it has taken up an interim position. If this is indeed the case, the Committee can only take of the provisional solutions adopted by the Committee of Ministers. The Standing Committee, however, continues to support all the Assembly's Recommendations and hopes that final decisions will soon be taken and the procedure for amendment will be adopted as soon as possible.

2. The Standing Committee agreed in principle in favour of the admission of the Federal German Republic as an associate Member of the Council of Europe. It decided that the reply to the request which, the Committee of Ministers had made for its views on this matter should be a favourable one, because it is convinced of the necessity of providing a place for Western Germany within the framework of Europe, which is that of the Council. It considers it essential however that before proceeding to this admission, the German Federal Republic should state that it is willing to abide by the provisions of the Statute and to give clear proof of its desire to de so.

The Standing Committee considers it necessary to call the attention of the Committee of Ministers to this point of capital importance to the harmonious reconstruction of Europe.

After carefully weighing the terms of the Resolution transmitted to it, to which it gave its approval, the Standing Committee also gave an opinion in favour of the admission of the Saar as an associate Member of the Council of Europe.

With regard to Austria, the Standing Committee took note of the communication which the Committee of Ministers, was good enough to make to it on this subject.

3. The following observations relate to the third, fourth and fifth paragraphs of your letter.

(a) The Committee instructed me—and I should like to call attention to the unanimity of its opinion—to inform you of the disappointment it felt when it realised that the Assembly's Recommendations, in the economic, social and cultural spheres had merely been referred for study, either to international organs or to governmental technical services, without any time limit being fixed for the presentation of Reports and without any account being taken of the procedure suggested by the Assembly.

The Committee could not dispel the impression that the character of extreme urgency of the problems debated at Strasbourg had been ignored, and that the methods chosen by the Committee of Ministers would tend in effect to stultify the role of the Council of Europe in this field.

Consequently the Standing Committee requests that the replies of the Committee of Ministers should be transmitted to it as soon as possible.

(b) According to the information imparted to it by the Secretary General, it appeared that while the Committee of Ministers had shown itself disposed to recognise the permanent character of the work of the Standing Committee and the Committees on General Affairs and Rules of Procedure, it had thought it well to recommend that the other Committees set up by the Assembly should meet once only before the next Session, with a view to preparing the work of that Session. The Committee of Ministers seems to have feared lest the work of these Committees should result in the duplication of existing governmental organs, such as the O. E. E. C, the I. L. O. and the U. N. E. S. C. O.

In this connection, the Standing Committee would like to point out that this attitude of the Committee of Ministers arises apparently from a conception of the role of Committees which differs considerably from that of the Assembly.

The Assembly never intended to set up technical organs which would in practice duplicate the work of those just mentioned. As an essentially political organ, the Committee considered that it was absolutely necessary, in view of the urgency of the questions to be handled, to give to its Committees without delay, the means of examining, on the political plane, questions of a technical nature which had already been the subject of studies at the expert level. It was with this in mind that it proposed to ask for the help of the O. E. E. C, the I. L. O. the U. N. E. S. C. O., etc..

(c) It is therefore useless for the Assembly's Committees to meet to prepare the work of the next Session, if the task of these Committees is made impossible. It is indeed difficult to understand how they can prepare the work of the Assembly, if they are not able to study, in good time, the views of Governments, to examine the underlying reasons and to prepare a Report on the matters entrusted to it for study.

(d) In these circumstances, the Standing Committee can only insist on the maintenance of all the Assembly's Committees and on their right to meet as often as they consider necessary. The Standing Committee would like to point out that the constitution and operation of Committees are, in the light of the provisions of Article 24 of the Statute, within the special competence of the Consultative Assembly. It would moreover be an advantage to leave the Assembly free to administer the credits included in the relevant Chapters of the Budget, subject to the approval of the Committee of Ministers in respect of the total expenditure of this body.

4. With regard especially to the Economic Committee, the Standing Committee considered that a meeting could not be long postponed. This Committee should continue without further delay the work entrusted to it. Its first care, moreover, should be to review the economic situation of Europe, in the light of events which have occurred since the meeting in Strasburg.

In this connection the Standing Committee asked me to renew the request made to the Committee of Ministers to de all that lies within its power to facilitate the establishment of relations between committees and the technical organs controlled by Governments; this is especially the case with regard to the O. E. E. C. for which each of the Member States of the Council of Europe carries its share of responsibility.

The Standing Committee has no remarks to make with regard to the portion of your letter relating to the despatch of a delegation of the Council of Europe to the United States, except to emphasise that it would only be after discussion in the Assembly, during its next Session, on the Reports of the Economic Committee, that such negotiations could be envisaged, subject always to the approval of the Committee of Ministers.

Finally, with regard to the plan to create a • European Patents Office, the Committee takes leave to recall the fact that the Assembly had asked to be informed of the opinion of each of the Governments concerned before the next Sessions.. It can only renew this request.

5. The Standing Committee has nothing to add to the general remarks made in paragraph 3 above, with regard to the Recommendations of a cultural nature. There, as is the case elsewhere, the Assembly's Committee has had its place usurped. The Secretary-General is instructed to make a Report; the volume of work which the Committee of Ministers intends to give him is such that it might be asked whether he is in a position to de it satisfactorily, without considerable increases in staff, which no one advocates.

In these circumstances, the Standing Committee will ask the Cultural Committee to continue the study of the body of proposals which it has put forward with a view to putting them into effect..

6. The same applied with regard to the Committee on Social Questions, whose sub-Committees on Social Security, Housing and Emigrant Workers are to meet soon. In this matter, the Standing Committee considers that it would be more convenient if the Committee on Social Questions were to establish direct contact with the I. L. O. with regard to the questions it is instructed to study, since this latter organisation systematically collects all material on social legislation. It should also establish contact with the specialised branches of the international organisations, whose activity might help in the achievement of its work.

7. The Standing Committee regrets that the Committee of Ministers did not think it desirable to give its approval in principle to the draft convention for a collective guarantee of Human Rights which the Assembly had adopted. It sees no objection to this question being remitted to a Committee of lawyers for study, but it would like to point out that it would be regrettable if this Committee was to be given a mandate to undertake the study of the question ab initio; the more so since the Assembly's draft was in fact based on work done by the United Nations. The Committee fear that to defer the matter until a decision is taken by the United Nations would mean that the proposal would merely be pigeon-holed. If the Committee of lawyers meet (as is desirable if the preceding remarks are taken into account) it would seem essential that it should maintain close contact with the Chairman of the Assembly's Legal Committee. One of the main purposes of the proposed

Convention is to strengthen the mutual confidence of all Members of the Council that the basic principles of democracy will be maintained by both existing and future Members alike. Its consideration should therefore be treated as a matter of urgency.

8. The Standing Committee has noted the decision of the Committee of Ministers to refer the Assembly's Recommendation, for the establishment of a European passport, to the Governments of Member States for study. It requests the Committee of Ministers to inform it how long it will be before the Assembly will be shown a final draft plan. The Standing Committee would further like to point out that this scheme forms part of the wider field of questions relating to the legal status of foreigners which the Legal Committee proposes to study.

9. Paragraph 8 of your letter makes no mention of the Assembly's desire mentioned at the end of my letter of 9th September, to receive full reports and clearly defined proposals with the appropriate documentation from the Committee of Ministers, in accordance with Article 19 of the Statute. I consider it is necessary here to emphasise the importance which the Assembly attaches to this point, the full significance. of which appears to have escaped the Committee. It is indeed essential. The Report or Reports of the Committee of Ministers will constitute the principal item of the Assembly's Agenda at each of its Sessions.

I have the honour to be, Mr. Chairman,

Your most Humble and Obedient Servant,

Signed : P.-H. SPAAK.

His Excellency

Monsieur Gustav RASMTJSSEN

Minister for Foreign Affairs of the Danish Government

Chairman of the Committe of Ministers of the Council of Europe.

Appendix 4 APPENDIX 3

COUNCIL OF EUROPE - Consultative Assembly - The President

Strasbourg, 7 th August, 1950.

Sir,

I have informed the Standing Committee of the Consultative Assembly of the decision taken by the Joint Committee at its meeting on 5th August 1950, to the effect that the manner in which the Committee of Ministers is to be represented in the debates of the Consultative Assembly should be referred to the Standing Committee.

Article 27 of the Statute of the Council of Europe specifies : " The conditions under which the Committee of Ministers collectively may be represented in the debates of the Consultative Assembly, or individual representatives on the Committee may address the Assembly, shall be determined by such rules of procedure on this subject as may be drawn up by the Committee after consultation with the Assembly."

The Standing Committee has examined Articles 12 and 12 A of the Rules of Procedure of the Committee of Ministers and Article 42 of the provisional Rules of Procedure of the Assembly on the subject of the representation of the Committee in the debates of the Assembly. In the opinion of the Standing Committee there is no incompatibility between the provisions of these two rules of procedure.

The Standing Committee has accordingly instructed me to inform you that, in its opinion, there can be no objection to the Committee of Ministers being represented in the Assembly, or to a Representative on the Committee addressing the Assembly in an individual and personal capacity.

I have the honour, Monsieur le President, to be Your most bumble and obedient servant,

Chairman of the Standing Committee of the Consultative Assembly

Signed : P.-H. SPAAK.

The Chairman of the Committee of Ministers of the Council of Europe,

Town Hall

STRASBOURG.

Appendix 5 APPENDIX 4

COUNCIL OF EUROPE - Consultative Assembly - The President

Strasbourg, 7th August, 1950

Sir,

Further to my letter of to-day in which I had the honour, on behalf of the Standing Committee, to convey to you its views on the representation on the Committee of Ministers in the debates of the Consultative Assembly, I have now to inform you that the Standing Committee has unanimously expressed its desire that the Committee of Ministers should be represented in the Assembly, in order that it may take part in the forthcoming debate on the Report received from the Committee and on its Message.

The Standing Committee is of opinion that this Debate should be given the fullest possible scope.

I have the honour to be, Monsieur le President, Your humble and obedient Servant,

Chairman of the Standing Committee of the Consultative Assembly.

Signed : SPAAK.

The Chairman of the Committee of Ministers of the Council of Europe,

Town Hall,

STRASBOURG.

Appendix 6 APPENDIX 5

COUNCIL OF EUROPE - The Secretary General

Monsieur le President,

As you know, the Committee of Ministers has agreed with the Assembly that the system of Substitutes has not given complete satisfaction.

In view of the fact, however, that the abolition of the Substitute system as requested by the Assembly (proposed Amendment to Articles 25 and 26 of the Statute) involves certain difficulties, particularly concerning the representation of States of lesser population, and as it is at the same time desirable that the Assembly members should not be too numerous, the Committee of Ministers has decided to undertake a further examination of these proposals, so that they may have a clear picture of the matter as soon as they consider it possible to contemplate changing the Statute.

The results of this study are to be submitted to the Standing Committee for an opinion.

For my part, I have had the matter examined by the competent Department and, with due regard for the Assembly's Recommendation, the desire expressed by the Ministers not to double the number of Representatives, and the representational requirements of the States of lesser population, I have arrived at the following conclusions :

It seems advisable to recommend that :

1. The number of titular representatives should be increased by 50 %;
2. In all cases where a country has more than 6 Representatives, the Substitutes should be abolished;
3. In other cases, it should be permitted to nominate Substitutes, the total number of titular Representatives and Substitutes not to exceed 7;
4. Substitutes should only be allowed to sit in Committees where they might take part in the discussion and in voting.

The future Assembly would thus be constituted as follows :

COUNTRY	PRESENT FIGURE	+50%	SUBSTITUTES
BELGIUM	6	9	0
DENMARK	4	6	1- possible
FRANCE	18	27	0
GREECE	6	9	0
IRELAND	4	6	1 - possible
ITALY	18	27	0
LUXEMBOURG	3	4	3 - possible
NETHERLAND	6	9	0
NORWAY	4	6	1 - possible
SWEDEN	6	9	0
TURKEY	8	12	0
UNITED KINGDOM	18	27	0
	101	151	6 possible

It seems to me that this solution would have the following advantages :

1. It would give a considerable amount of satisfaction to the Assembly, since it would involve the virtual abolition of the system of

Substitutes, arid substantially increase (by 50 %) the number of Representatives.

2. It would permit all countries to be represented on all Assembly Committees.

The number of Substitutes in question would be so small that they could be considered rather as exceptions that, prove the rule.

I would be grateful if you would let me know your opinion on this tentative solution. Even if you think this proposal suggested by me a good one, it could not, in any case, be applied immediately because, as you know, the Committee of Ministers is not in favour of an early revision of the Statute.

It is expected, therefore, that for the next Session the present system will have to be maintained, and that some alleviation might perhaps be affected by an agreement between the Governments of the countries which have the greatest number of Representatives, and by some improvements in the Rules of Procedure.

Would you kindly let me know if you wish me to send a copy of this letter to the members of the Bureau of the Consultative Assembly, or to all the members of the Standing Committee?

I am, Monsieur le President, with great truth and respect,

Your Excellency's most obedient, humble Servant.

The Secretary General,

Signed: J.-C. PARIS

Monsieur Paul-Henri SPAAK,

President of the Consultative Assembly of the Council of Europe

BRUSSELS