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Appointment of European Commissioners, independent of any one Government and responsible for promoting a policy of European integration

Report[1]
Committee on Political Affairs and Democracy
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1. 1955 - 7th Session - Second part

A. Draft Resolution

The Assembly,

Having regard to the Report of the Committee on General Affairs concerning the appointment of European Commissioners independent of any one Government and responsible for promoting a policy of European integration,

Considers it desirable to appoint persons independent of any one Government for certain fields in which integration is envisaged, so that they may give a continuous stimulus of a political nature to European unification, with the constant aim of creating a genuine community of interest between the European countries, extending to all their main political, economic, financial and social activities (horizontal integration) ;

Records its acceptance of the following principles:

1. The persons in question will be known as " European Commissioners ".
2. They will be appointed by, and be responsible to, the ministerial committees of European organisations, which will consult the Consultative Assembly before their appointment when the latter has taken the initiative.
3. Where appropriate, boards of Commissioners may be appointed with a limited number of members.
4. The duty of, the European Commissioners will be to prepare European plans, secure their adoption by the Governments concerned and supervise their implementation.
5. They will report to the ministerial committees which have appointed them.
6. They will have access to meetings of ministerial committees and committees of governmental experts when their reports are being examined and will participate in the discussion and final drafting of their proposals by these committees.
7. They will be entitled to address the Assembly at their own. request and will give an account of their actions at the request of the Assembly.
8. They will be assisted by the Secretariat- General of the Council of Europe, and the departments of such international organisations as are competent in their fields of activity will be invited to collaborate in their work.

B. Draft Order

The Assembly instructs the Committee on General Affairs, having ascertained the wiews of oilier Com mi Liées, to present for ' the spring Session of 1950 draft Recommendations concerning the appointment of European Commissioners or hoards of Commissioners for particular branches of the activities in which European integration is envisaged, in accordance with the principle laid clown in I Resolution...

C. Explanatory Memorandum (presented by Mlle. KLOMPÉ, Rapporteur)

1. INTRODUCTION

1.1.

By its Order No. 68, the Assembly instructed the Committee on General Affairs to submit a draft Resolution defining, inter alia, the opinion of the Assembly on the conditions in which representatives, independent of any one Government and responsible to the European authority appointing them, should be nominated for each particular field in which integration is envisaged, so that a continuous political impulsion might be given towards European unification. By a letter from the Clerk to the Chairman of the Committee the Bureau invited the latter to concentrate particularly on the terms of reference and rôle of such persons, reserving for subsequent study with the other Committees concerned the choice of the sectors for which such appointments should be proposed.

In accordance with this wish of the Bureau, the Memorandum now submitted is therefore limited to a general study of the idea of calling upon persons with no governmental ties to help forward the progress of European integration. For reasons to be explained hereafter, it is suggested that such persons be known as " European Commissioners ".

This Memorandum deals in particular with the following subjects :

1. The desirability of appointing European Commissioners;
2. Their tasks and qualifications;
3. Method of appointment;
4. The manner in which they would perform their duties.

2.

The desirability of appointing " European Commissioners "

Experience has shown that traditional methods of inter-governmental co-operation fail to give an adequate stimulus to European integration. At diplomatic conferences and intergovernmental meetings of Ministers, the problems of European integration are very rarely presented and studied from the angle ' of long-term common interests, which are the objective of integration. Individual Governments, anxious to protect the immediate interest of their country, tend to concentrate on the defence of such interests. It is usual, therefore, for intergovernmental .negotiations to start with the confronting of national points of view, which soon results in deadlock, whereas it would be much better if they immediately centred upon definite and constructive proposals designed to facilitate the transition from the present national systems to a future state of European integration.

By what means could such proposals be worked out within the framework of intergovernmental negotiations?

The oft-felt need for improving the intergovernmental co-operation in this respect has led to the idea of appointing persons independent of any one Government who would be responsible, in particular fields, for giving a political stimulus to intergovernmental action.

In December, 1953, the Committee of Ministers of the Council of Europe appointed a Special Representative for national refugees and over-population in Europe, whose duties included the study of the problems involved and the submission of proposed solutions to the Committee of Ministers.

The Council of O. E. E. C. decided, on 29th June, 1955, to set up a Committee on Energy composed of not more than seven members to be selected in a rjersonal capacity for their knowledge and authority and instructed to put forward proposals.

At the Messina Conference the six Ministers for Foreign Affairs agreed that the Intergovernmental Committee for the drafting of treaties or arrangements in connection with the aims of the Conference should he presided over by a political personality responsible for co-ordination of the work as a whole.

The Lemaire Plan (Doc. 359) has recently advocated the establishment of. a Standing Committee on European Transport composed of a very small number of eminent persons, who should " attune themselves to a European outlook" and " whose chief task would be to promote a policy of harmonising and co-ordinating transport ". Similarly, M. Kapteijn, in his Report to E. C. S. C. on transport problems (Common Assembly 1954-55 Doc. No. 15), proposed the creation of a " Committee composed of a small number of highly qualified experts " which would draw up proposals and submit them to the Ministers of Transport.

Reference should also be made to the appointment of the " three wise men " of N. A. T. 0. in 1951. At the Ottawa Conference, the North Atlantic Council set up a Temporary Council Committee to " survey urgently the requirements of external security, and particularly of fulfilling a militarily acceptable NATO plan for the defence of Western Europe, and the realistic politico-economic capabilities of the member countries ". This Committee decided in its turn to entrust the work to an executive board of three members acting not as national delegates but as representatives of N. A. T. 0. These were first required to form an accurate picture of the military programme for the next three years and of the economic resources available in each Member State for its implementation and, afterwards, to work out proposals for improving the military programme of each country and merging them in a balanced collective defence effort. They were empowered to negotiate directly with the Governments on methods of application. Their final proposals were submitted for decision to the North Atlantic Council, which ordered the military and civil organs of N. A. T, 0. to carry them out.

Lastly, the United Nations High Commissioner for Refugees—an official acting under instructions from the United Nations General Assembly—has also been entrusted with a task of providing stimulus. Although his original task was to provide legal protection for refugees under his jurisdiction, he has been authorised to adopt such methods as " promoting through special agreements with Governments the execution of any measures calculated to improve the situation of refugees" and " assisting governmental and private efforts to promote... assimilation (of refugees) within new national communities. " In its Resolution of 2nd February, 1952, the General Assembly further reinforced the powers of initiative of the High Commissioner by requesting him " to contribute to the promotion of activities in the field of the integration of international refugees ". Subsequently, he was authorised to set up a fund to finance the process of integration, which would be administered by him under the authority of his executive committee.

The idea of associating persons without governmental ties in the process of intergovernmental co-operation is not, therefore, a new one [2]. It has proved its worth and should be adopted whenever the need arises for continuous political stimulus in a particular field.

Admittedly, the Consultative Assembly was itself created to spur on the Governments towards the achievement of the aims of the Council of Europe, but experience has proved that its work, as at present organised, is inadequate for the purpose. First, it is not technically equipped for preparing detailed European plans in all the fields of its competence, whereas European Commissioners would be so equipped, as explained in Section IV. Secondly, it lacks the necessary continuity for bringing sustained political pressure to bear upon the Governments to adopt its proposals, whereas one of the features of the system of European Commissioners would be its continuity. The appointment of European Commissioners could therefore provide a useful complement to the action of the Assembly, which Would continue to take the initiative by transmitting recommendations to the Committee of Ministers. In appropriate cases these might, indeed, urge the appointment of European Commissioners, specifying the objectives in view and the functions the Commissioners would be expected to perform. Moreover, the Assembly would keep in regular touch with the work of the European Commissioners, giving them all the political support they needed, both in Parliament and in the field of public opinion.

3. Tasks and qualifications of the European Commissioners

As suggested above, the main task of the European Commissioners would be to give a continuous stimulus to intergovernmental activities. Since this impetus would be directed mainly towards tracing the broad outline of such activities, its character would be political. If it is to be effective, it must be given at three stages: the preparation of European plans, their adoption by the Governments concerned and their implementation.

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2. I t should be recalled that in 1951, b y its draft n ew Statute (Recommendation 23-1951), the Assembly p r o p o s e d the appointment of High Commissioners responsible to the Committee of Ministers. Admittedly, these High Commissioners would have had executive powers, but the idea behind this proposal was fundam e n t a l l y the same as that which has led to the present proposal for the appointment of European Commissioners, namely : t o give a continuous stimulus to European integration by the intervention of persons independent of any one Government.

However, before there can be any question of preparing a plan, there must be a well-defined purpose, and this raises problems which cannot be solved in abstract terms. In most cases it may be assumed that the Assembly would take the initiative, but how far it would be advisable to define the scope of a proposal needing preparation by a European Commissioner would depend on the very nature of the problem concerned. It would, in any case, be necessary to define the desired goal, but it would usually be wise to allow the European Commissioner considerable latitude in his choice of means. Nor should it be forgotten that, in defining the duties of European Commissioners in particular sectors in which integration is envisaged, horizontal integration would continue to be the aim, for, as suggested in the Report of July, 1955 (Doc. 362), this is the only means of establishing that community of interests between the European countries without which a united Europe can never be realised.

The Commissioner would prepare his scheme in relation to his terms of reference. This would entail first research and technical studies and then a political choice. Once this process was completed he would have to try-to secure the adoption of his proposals by the Governments.

Normally, his role would not come to an end at this stage, for it is important that he should continue to exert a political influence and supervise the effective implementation of his plan. Even if he could not be given genuine executive powers[3], he could, nevertheless, advise the Governments on what steps they should take as a result of the adoption of this plan.

These points make it clear that, however desirable it may be that European Commissioners should have a technical knowledge of the subject in hand, the main essential is that they should possess sufficient political authority to impress their views on the Governments and to be able to deal with Ministers as equals.

Under the terms of Order 68, the European Commissioners must be independent of any one Government. This does not necessarily imply that they could never be members of a Government: witness the choice of M. Spaak as the political personality responsible for co-ordinating the work of the Intergovernmental Committee set up at the Messina Conference. The person appointed need only agree to perform his duties without taking instructions from the Government of his country or considering himself bound by its policy.

To add to the prestige of the persons appointed, it would be desirable to give them a more dignified title than that of " Special Representative ". The title " European Commissioner " would seem to meet the ease perfectly. The only reason for not choosing it for M. Schneiter was the desire to avoid confusion with the United Nations High Commissioner for Refugees.

4. Method of appointing European Commissioners

According to Order 68, the European Commissioners would he responsible to the European authority appointing them. What should this authority be?

Since European Commissioners would be called upon to give a political stimulus to intergovernmental action, it seems logical that they should be appointed by the ministerial committees of European organisations. In some cases, they might be appointed on the basis of a " partial agreement " : where, for instance, the plan in question did not concern all member countries, ft would be useful, however, if the Assembly were previously consulted on the choice of the person to be appointed, at any rate when the initiative was theirs in the first place. A suitable occasion for this would be at a meeting of the Joint Committee.

The Governments would appoint either one or more European Commissioners for each particular scheme, according to the circumstances. To enable a board of Commissioners to take effective action and to forestall any tendency to use it as a forum for the divergent views of the Governments, it would be advisable to restrict the number of members to the minimum; otherwise such a board might well become a replica of the ministerial committees, with the paralysing consequences which would ensue.

5. The manner in which European Commissioners would perform their duties

The Governments would have to vote sufficient credits to enable European Commissioners to perform their duties, ft would not always be necessary to remunerate them, as the precedent of M. Schneiter proves.

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3. I t should be pointed out, however, that there is already a t e n d e n c y in the field of European action to entrust executive tasks t o persons with no governmental ; ties, as, for instance, the European Commissioner for I t h e Saar and the Director of the Armaments Control j A g e n c y .

In general, European Commissioners should avoid duplication with the many international organisations engaged in the fields within the scope of their work. Since the role of the European Commissioners would be mainly a political one, it should be a simple matter to avoid duplication, provided that the Governments could induce the international organisations concerned to provide any technical assistance which the Commissioners might require in the course of their duties. In this way they could not only obtain the necessary technical services at little cost, but could also co-ordinate the intergovernmental work of European Governments within these organisations.

For administrative purposes the European Commissioners would be assisted by the secretariats of the European organisations concerned, thus reducing expenditure.

Since they would be responsible to the ministerial committee appointing them, the European Commissioners would regularly report to that Committee. They would attend all meetings of the Ministers and governmental experts during examination of their reports and would participate in the discussion and final drafting of their proposals. They would also be entitled to address the Assembly at their own request and, conversely, would give an account of their actions at the request of the Assembly.

By the above procedure, the system of European Commissioners could also serve as a means of improving co-operation between the Committee of Ministers and the Assembly.