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Relations between the Consultative Assembly and the WEU Assembly

Report

Bureau of the Assembly

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1. 1. GENERAL BACKGROUND

The Consultative Assembly of the Council of Europe held, from 8th to 11th December 1954, a session almost entirely devoted to questions relating to W. E. U., which was then being set up. Three reports were presented on behalf of the Committee on General Affairs, by M. Bohy ([Docs. 321](#) and [328](#)), Mr. Maclay ([Doc. 322](#)) and Mr. Robens ([Doc. 327](#)). After discussion of these reports, the Assembly adopted the texts setting forth its views on the Paris Agreements of 23rd October 1954, and on the form which the co-operation between the Consultative Assembly and the future Assembly of W. E. U. should take.

Of these texts, the following two have a special bearing on the question of relations between the Consultative Assembly and the Assembly of W. E. U. :

1. Recommendation 71 which suggested t h a t " the Committee of Ministers defer the reorganisation of the Secretariat of the Council of Europe, until such time as a decision has been taken on the proposal for a single secret a r i a t of the WEU Assembly and the Consultative Assembly. »
2. Resolution 67 which laid down certain general principles concerning the organisation and functioning of the Assembly of W. E. U. such as would make for harmonious relations between the two Assemblies.

In view of the similar composition of the two Assemblies, and thanks to the good will of all concerned, there was every reason to believe that there would be little difficulty in implementing these texts. Yet this has not been achieved; first, the Assembly of W. E. U. had to set up an entirely independent secretariat; secondly, the WEU Assembly has organised itself on lines different from those recommended by the Consultative Assembly in its Resolution 67 (adopted, it may be added, by only 66 votes to nil, with 38 abstentions).

These facts are only recalled because i t is on them that the Assembly must base its re-examination of relations between the Council of Europe and W. E. U.

The history of the endeavours made since the second World War to bring about European unity has revealed t h e serious danger t h a t this unity might itself be jeopardised by the development of organisations with similar aims.

It is natural that some joint programmes can be put into effect more easily by a smaller t h a n by a large number of States. It would therefore be absurd to insist that European programmes must be carried out by all the Members of the Council of Europe or not at all. In recent years certain organisations were set up by only some of the Members of t h e Council of Europe, the most striking example being the Coal and Steel Community. In the future, other similarly restricted European organisations will most probably be created. There may indeed be difficulties and conflicts, if spheres of competence are not clearly delimited but, provided there is good will on all sides, these troubles should be overcome.



A fairly difficult problem will arise if certain Members of the Council of Europe are prepared to go further and to set up Communities more ambitious in scope, whether or not supranational in character. In this connection it is enough to remember the experience of the « Europe of the Six », especially the attempt to set up a European Defence Community and a Political Community. Opinion is divided over such tendencies. But here, too, it would undeniably be wrong to take our stand on the principle of "all or nothing", if some Members of the Council of Europe did, in fact, decide on a restricted union of this kind, for then a few ways and means would have to be found to ensure co-operation in order to prevent the creation of the smaller community from jeopardising the existence of the Council of Europe, which remains the most broadly-based European organisation.

W. E. U. was evolved by a metamorphosis of the Brussels Treaty Organisation after the collapse of E. D. C. The most important organisational innovation was the creation of a Parliamentary Assembly, for which no provision had been made in the Brussels Treaty. It was undoubtedly a happy idea to decide that the Representatives of the seven WEU States to the Consultative Assembly of the Council of Europe should "double" as members of the W. E. U. Nevertheless, some difficulties have cropped up and demand a solution.

2. 2. CULTURAL AND SOCIAL QUESTIONS

On 28th October 1955 the Assembly of W. E. U. decided to refer to the Consultative Assembly for an opinion the cultural and social sections of the First Report of the Council of W. E. U. to the Assembly of W. E. U. This report was transmitted on 8th November to the Consultative Assembly, which was asked to give its opinion before 31st January 1956. The Committee on Cultural Questions and the Committee on Social Questions met in January 1956 but, unable to agree in such a short time, asked the Standing Committee to postpone the adoption of the reply to W. E. U.

This question came up for discussion once more at the beginning of the Eighth Session of the Consultative Assembly, and the two Committees submitted a draft Opinion ([Doc. 501](#)). Somewhat divergent attitudes were taken by the two Committees. The Committee on Cultural Questions thought that, as a general rule, the Council of Europe should be the only organisation responsible for European cultural activities (see paragraphs 3 and 5 of Document 501) on the grounds that European culture was common to the sixteen Members of the Council of Europe and not limited to the seven members of W. E. U., and that Article 3 of the European Cultural Convention provided that "the Contracting Parties should consult one another within the framework of the Council of Europe with a view to concerted action in promoting cultural activities of European interest". The Committee on Social Questions, on the other hand, considered that each of these two organisations has its own contribution to make to the development of social co-operation in Europe and that each of them should carry out its own social programme (see [Doc. 501](#), paragraphs 18 and 19), as it might be easier, in some cases, for social agreements to be concluded between a small number of States forming a homogeneous group, though they might later be extended to the wider context of the Council of Europe.

On 21st April 1956 the Assembly examined the draft Opinion prepared by the two Committees and, after a brief exchange of views, decided to defer the discussion until the autumn Session, and instructed its Bureau, meanwhile, to consult with the Bureau of the WEU Assembly and try to reach an agreement. It would then report back to the Assembly (see Official Report of 12th Sitting, pp. 348-355 and Order 91).

The Bureaux of the two Assemblies held a preliminary joint meeting on 5th June 1956. At that meeting the Bureau of the Consultative Assembly proposed that cultural questions should be the responsibility of the "Sixteen", i.e. the Council of Europe, whereas social questions relating to certain special fields might come within the province of the "Seven", namely W. E. U. The Bureau of W. E. U. did not share this view and claimed that the provisions of Articles II and III of the Paris Agreements allowed W. E. U. its own competence in social and cultural matters, this being reflected in the presentation of the report of the Council to the Assembly of W. E. U. However, in order that the views of States which were not members of W. E. U. could be taken into consideration, the Bureau of W. E. U. proposed, first, that the cultural and social sections of the report of the Council of W. E. U. should be referred to the Consultative Assembly for its opinion and, secondly, that before the Assembly of W. E. U. adopted its reply to the Council of W. E. U., the WEU General Affairs Committee should be instructed to explore the cultural and social field to determine how much can be done by the "Seven" and extended to the "Sixteen". This Committee indeed includes several members of the Social and Cultural Committees of the Consultative Assembly.

The Bureau of the Consultative Assembly did not accept this argument, and a fresh joint meeting of the two Bureaux had to be held on 22nd September.

At this meeting the Bureau of the Consultative Assembly proposed that social and cultural activities should be discussed by a single parliamentary body, namely the Consultative Assembly of the Council of Europe, whose sphere of activities in Europe is, in the first place, geographically wider, and which could therefore consider extending to the "Sixteen" schemes worked out by the "Seven" without it having any adverse effect on W. E. U., and because, in the second place, it has been discussing European social and cultural problems—with two committees, specifically set up for this purpose—for the past seven years.

Thus the Council of W. E. U. could well continue the practice of the former Brussels Treaty Organisation in presenting to the Consultative Assembly reports on its activities in the social and cultural fields in accordance with clause (d) of the Agreement between the Council of Europe and the Brussels Treaty Organisation¹. This indeed was the solution envisaged in December 1954 in Section B of Resolution 67, which reads as follows:

"The Agreement between the Secretary-General of the Brussels Treaty Organisation and the Secretary-General of the Council of Europe shall continue to govern the mutual relations of the two Organisations, it being understood that the provisions contained in that agreement in respect of the social and cultural activities of the Brussels Treaty Organisation shall apply *pari passu* to all future activities of Western European Union which fall equally within the competence of the Council of Europe".

To this proposal the Bureau of W.E.U. replied with a legal argument based on Article IX combined with Articles II and III of the Paris Agreements. Article IX provides that the Council of W. E. U. is to present an annual progress report, with particular reference to its cultural and social work "to an Assembly composed of the Representatives of the Brussels Powers to the Consultative Assembly of the Council of Europe". This text, therefore, expressly provides that the WEU report is intended for the Assembly of the "Seven" and not the Assembly of the "Sixteen".

Therefore, the Bureau of the Consultative Assembly, taking account, on the one hand, of the proposals contained at the end of Mr. Maclay's report to the WEU Assembly (Document 20 of the WEU Assembly) and, on the other hand, of the debate in the WEU Assembly on Thursday morning the 11th October 1956, believes that a practical proposition liable to meet with general approval should be framed on the following lines:

The WEU Assembly would send the cultural and social chapters of the report of the Council of W.E.U. integrally to the Consultative Assembly, stating precisely which parts of the two chapters should, in its view, be sent for an opinion and which parts in respect of the substance. It is clearly understood that this procedure would in no way affect the right of the Consultative Assembly of the Council of Europe to examine, within the limits of its competence, any cultural and social questions which it considers worthy of study.

In line with Mr. Maclay's report to the WEU Assembly, this practical procedure would enable the Consultative Assembly to know which are, in the WEU Assembly's opinion, "matters of specific concern to the Seven" and those that "can be treated on the basis of the Sixteen".

The Consultative Assembly would give an opinion on the former as soon as possible, and the Clerks of the two Assemblies would take steps to avoid all unnecessary delay. The WEU Assembly could then give a reply to the Council of W.E.U. in the light of the opinion given by the Consultative Assembly.

As regards those in the second category, the Consultative Assembly would examine the measures that could be taken in the framework of the Council of Europe and it would keep the WEU Assembly informed.

It would also be desirable that the WEU Assembly communicate to the Consultative Assembly for its information the answer it has addressed to the Council of W. E. U. in order that the Consultative Assembly be kept in touch with the definitive position of the Seven on the opinions which the Consultative Assembly has been asked to give.

Owing to unforeseen circumstances and procedural difficulties the Consultative Assembly was unable to discuss on 21st April 1956 the draft Opinion prepared by its Committees ([Doc. 501](#)) and, consequently, to adopt it even in an amended form. It is to be expected that these circumstances will not recur in the future and that the Consultative Assembly, as requested by the WEU Assembly, will be able to give its opinion, so that it may be taken into consideration during the debate which the latter Assembly is to hold on the report of the Council of W. E. U.

In the opinion of the Bureau, the above-mentioned procedure should be followed for one year as from the end of the Second Part of the Eighth Session of the Consultative Assembly, after which the problem should be reconsidered in the light of this experiment. The Bureau wishes to draw attention, in this connection, to the terms of Recommendation 73 adopted by the Consultative Assembly on 7th July 1955 concerning the

duplication of work between European organisations. It makes a further urgent appeal to the Ministers to draw up within this one-year period—and at the highest level—a plan for the distribution of work between the various European organisations.

During that period, any difficulties which may arise from the application of the proposed measures would be settled by agreement between the Bureaux of the two Assemblies.

3. 3. DEFENCE QUESTIONS

On 18th April 1956 the President of the Consultative Assembly acquainted the Assembly with the contents of a letter sent to him by the Chairman of the Committee on General Affairs (Doc. 515). In this letter the Committee on General Affairs requested " the Assembly of W.E.U. to present an annual report to -the Consultative Assembly so that it may have the necessary information to prepare a report, on the political aspects of European defence... and to invite members of the Consultative Assembly, who are not members of the Assembly of W.E.U., but whose States are members of N.A.T.O., to take part as observers in its debates on the question of European defence. "

The Consultative Assembly decided on 21st April 1956, before taking any decision on this question, to instruct its Bureau to discuss it with the Bureau of the WEU Assembly (Order 93).

At the Joint Meeting of 5th June 1956 the two Bureaux reached the following conclusions :

The proposal to admit observers to the Assembly of W.E.U. would not be proceeded with, as such a practice would be contrary to parliamentary traditions; moreover, the presence of observers in the Assembly of W.E.U. would make it practically identical with the Consultative Assembly, quite apart from the confusion that might arise between it and the NATO parliamentary conference.

The WEU Assembly is not in a position to transmit any report on defence matters to the Consultative Assembly since it proposes to confine itself to the technical and military aspects of defence, whereas the Consultative Assembly deals with the political aspects. To avoid duplication of work, each Assembly should limit its activities, but not its competence, as follows :

Assembly of W. E. U. : military questions, possibly with related political implications.

Consultative Assembly : political aspects of defence questions¹.

Should any duplication occur in the work of the two Assemblies, there will be consultation between the two Bureaux on the proposal of either Bureau.

The question of relations between the two Assemblies cannot be finally settled by this agreement between the two Bureaux unless there is also agreement on the dates on which the two Assemblies will open their military and political debates respectively, t h a t is to say on the dates of their respective sessions. Normally, the discussion of military policy by the Seven should be based on general political objectives. If the military debate is held before the general policy debate, the latter will lose much of its importance, as practical arrangements will already have been made in ignorance of the policy context, or by assuming the objectives which would only emerge from the debate on general policy. It is necessary therefore to determine the dates on which the sessions of the two Assemblies are to be held, having regard both to the claims of logic in the matter and what is within the practical possibilities of the Representatives and the Assembly Clerks.

1. At the Joint Meeting held in Paris on 5th June 1956 it was agreed that the word " political " will be understood as also covering the economic and social aspects of defence.