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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Work of the Standing Committee

Report
Standing Committee

1.

After the Assembly had adopted, at its sitting of 11th August 1950, the Report on the activity of the Standing Committee, the latter met again on August 29th, 1950, the day after the suspension of the session.

It had been instructed by the Assembly :

1. To appoint 6 of its members to represent the Assembly on the Joint Committee ;
2. To select, from among the Recommendations and Resolutions adopted by the Assembly, those for which priority should be requested of the Committee of Ministers and the national Parliaments ;
3. To settle the date and the agenda of the second part of the Assembly Session.

1.1. Joint Committee

With regard to the Representatives of the Assembly on the Joint Committee, the Committee instructed the Bureau to nominate the individuals concerned. It decided that their mandate should be for six months and that they should have the option of having themselves replaced, should the occasion arise, by other Representatives specialising in the questions on the Committee's agenda.

(In accordance with this decision, the Bureau, at its meeting of August 29th, nominated MM. Jacini, von Brentano, Bidault, Moe, Mercouris and Sir David Maxwell Fyfe to represent the Assembly on the Joint Committee.)

1.2. Choice of the priority Recommendations to be submitted to the Committee of Ministers and to the National Parliaments

After having heard the suggestions of the different Chairmen of the Assembly Committees, the Standing Committee decided to instruct the Bureau itself to proceed to the selection of the priority Recommendations to be submitted to the Committee of Ministers and to the Assembly, taking into account the various suggestions made during the deliberations of the Assembly.

The Committee stressed the fact that it assumed full responsibility for the decisions taken by the Bureau.

1.3. Date of the resumption of the session

The Committee decided that it would hold its next meeting in Rome, at a date depending upon the date of the meeting of the Committee of Ministers, and that it would then decide on the date for the resumption of the Second Session of the Assembly.

1.4. Restriction of the Number of Recommendations.

The Committee had earlier unanimously declared itself in favour of devising ways and means of restricting the number of Resolutions and Recommendations to be adopted by the Assembly at its future sessions.

1.5.

The Committee met in Rome on 4th November 1950, at 10 a.m.

1.6. The Setting Up of the Committee on Diplomatic Affairs and European Security (Doc. 31)

After discussion the Standing Committee decided that the Committee on General Affairs, when submitting its report on this question to the Consultative Assembly, should take into account the opinions expressed by the members of the Standing Committee; the Secretariat was instructed accordingly to draw up a note on this subject.

It follows that the majority of the Standing Committee considered : That the matters with which the proposed Committee would deal fell within the competence of the Assembly, but that the Committee on General Affairs had already received instructions to deal with them.

The Standing Committee therefore decided to submit to the Assembly a report on the Resolution in question (Doc. 31). This report is contained in Appendix I of the present report.

1.7. Special Committee responsible for watching the interest of European Nations not represented in the Council of Europe (Doc. 24).

The Standing Committee decided : to appoint provisionally three Members to this Committee (MM. Macmillan, de la Vallée-Poussin, and Bonnefous);

to instruct them to submit a report to the Standing Committee on the manner in which they thought that the work of this Committee should be carried out.

A draft report submitted to the Standing Committee by MM. Macmillan and de la Vallée-Poussin was approved on 18th November (See Appendix 5).

1.8. Incitation to the Parliaments of Overseas Countries to be present at future Sessions of the Assembly.

The Standing Committee decided to ask Lord Layton for the United Kingdom, M. van de Kieft for the Netherlands, and M. de Men-thon for France, to draw up a complete list of the overseas territories which would be eligible for such an invitation.

The Committee would draw up a final list of the invitations to be addressed to the Speakers of the Parliaments concerned, when it had these documents before it. Unofficial letters are to be sent at the same time to the Ministers for Foreign Affairs of the Member States, in order to keep them informed of the procedure being followed.

1.9. Date of the resumption of the Second Session.

After a lengthy discussion, in the course of which it was pointed out that some of the National Parliaments would be discussing the Recommendations and the Resolutions of the Assembly between November 14th and 17th, the Committee decided : to settle November 18th, at 4 p.m., as the date and hour of the resumption of the Second Session.

1.10. Statement by Count Sforza.

At 8 p.m., the Committee heard first a statement from Count Sforza, Italian Minister for Foreign Affairs, and Chairman of the Committee of Ministers, on the subject of the latter's replies to the Assembly Recommendations. Count Sforza having announced that there would be a written communication on the question of these decisions, the Committee decided to adjourn discussion there on until this document had been received.

1.11. The Orders of the Day for the second part of the Second Session.

The Committee approved a draft letter from M. Spaak to the Representatives (November 5th 1950, setting out the Orders of the Day for the second part of the Second Session, it being understood that this Agenda might be modified, should the need arise, after the written communication containing the decisions of the Committee of Ministers on the Assembly Recommendations had been examined.

1.12. Meetings of the Committees.

The Standing Committee then fixed the following dates for meetings :

Committee on General Affairs : November 17th, 10 a.m.;

Committee on Social Questions : November 16th, 3 p.m.;

Special Committee on the question of Refugees : November 17th, 3.30 p.m.

1.13. Selection of Recommendations to be given priority consideration.

The Committee decided to instruct the Secretariat to include in the draft Report on the activity of the Standing Committee to the Assembly :

a statement on the procedure followed in selecting, from among the Recommendations adopted by the Assembly during the first part of the Second Session, those which had appeared to be most important and most urgent;

and a summary of the Proposals made on the procedure to be followed in future for this purpose, and in particular the proposal that the Standing Committee, and not the Bureau, should be responsible for making this selection (Appendix II).

1.14. Restriction of the number of Recommendations and Resolutions of the Assembly.

Finally, the Standing Committee was unanimous in deploring the excessive number of Resolutions and Recommendations adopted by the Assembly during the Session, and in recognising that it was not possible to ask the Committee of Ministers or the national Parliaments to consider all these documents. The Committee consequently examined possible ways and means of restricting this number; it instructed the Secretariat to summarise in a note the suggestions put forward to this end (Appendix III).

1.15.

The Committee again met on the morning of Sunday, 5th November, at 11 a.m. The decisions of the Committee of Ministers on the Recommendations of the Assembly were communicated to the members of the Committee.

1.16. Convention for the protection of Human Rights

After a lengthy discussion on the conditions in which the Convention for the protection of Human Rights had been signed, and on the manner in which the decisions of the Committee of Ministers had been communicated to the Press, the Standing Committee decided :

to note the decision of the Committee of Ministers to sign the text of the Convention as it had been adopted by the Committee, adding to it a Preamble in conformity with the proposals of the Assembly, and accepting the amendment of Article 56 proposed by the latter;

to express regret that the Committee of Ministers should have found itself unable to adopt the other Amendments recommended by the Assembly and should have referred them without any valid explanation to a Committee of Experts;

to express the hope that the fresh Report which the Committee of Experts is to draw up on the subject of the aforesaid Amendments will be submitted to it without delay.

In the course of the discussion, Mr. Norton put the following motion before the Committee :

" Recognising that the declaration and preservation of Human Rights on the widest practical basis is essential to the preservation of peace, freedom and rule of law, this meeting records its profound dissatisfaction at the failure of the Committee of Ministers to embody in the draft Convention for the protection of Human Rights and Fundamental Freedoms the vital amendments suggested by the Consultative Assembly at Strasbourg in August last, and urges the Committee of Ministers to take early steps to embody the Assembly's amendments in a supplementary draft Convention for submission to the National Parliaments. "

The Committee decided that a discussion of the reply of the Committee of Ministers would be the first item on the agenda when the work of the Assembly was resumed.

1.17. Joint Committee and Standing Committee.

The Committee was unanimously of the opinion that the Joint Committee had not functioned satisfactorily chrring its last Session and that it had not fulfilled its rôle.

Among other things the Committee expressed its regret that in the Joint Committee the Representatives of the Assembly had not been able to meet the objections of the Committee of Ministers or of certain of them to the Recommendations of the Assembly and that it had not been possible for any real exchange of views to take place on disputed points between the Representatives of the two organs of the Council, so that it was impossible for the Joint Committee to fulfil its function as defined in the Resolution adopted by the Assembly and the Committee of Ministers concerning it.

The Standing Committee considers that it would be desirable for the Joint Committee to be convened during and after the meetings of the Committee of Ministers.

1.18. The European Army

The Committee concluded its discussion on the European Army and reached the following conclusions :

The Committee decided to emphasize that, while admitting that decisions on questions relating to national defence were not within the Council's competence, there was nothing to prevent the Assembly expressing its opinion on the political aspects of the problem.

The Committee took note of the fact that the Assembly had already instructed the Committee on General Affairs to prepare a report on the question; they thought that they should await this Report before deciding their attitude to the reply of the Committee of Ministers on the matter.

1.19. Amendments to the Statute

The Committee then examined Item 3 of the Recommendations to Ministers : Amendments to the Statute.

It decided to recommend that the Committee on General Affairs should complete its Report on this question, giving special attention to the establishment of a supra-national authority with limited functions but real powers.

The Committee then decided that this Report, together with the proposals previously submitted upon this subject, would be discussed by the Assembly during the second part of the Second Session, and that a new Recommendation combining the various suggestions already made should be addressed to the Committee of Ministers.

The Committee declared itself to be in disagreement with the Committee of Ministers on the procedure adopted for the consideration of the Amendments to the Statute, and requested that these should be considered by a joint committee composed of an equal number of representatives of the Ministers or of High Officials, and of representatives of the Assembly.

Finally it requests that the Report drawn up by this joint committee be submitted both to the Assembly and to the Committee of Ministers.

1.20. Coal and Steel Authority

The Committee decided that M. Reynaud should prepare a Report on this question, to be included in the Agenda as a basis for discussion in general debate.

1.21. Full employment

The Committee noted the Resolution adopted by the Ministers on this question.

1.22. European Code of social security

The Committee emphasised the fact that it was necessary for the Council of Europe to work on, these questions in collaboration with the International Labour Office.

It decided that the Secretary-General should write to the International Labour Office requesting it to send an unofficial representative to the Conference of Governmental Experts to be held on 20th November at Strasbourg, and should write likewise to the Committee of Ministers in order to obtain its agreement on the one hand to the coming of such a representative, and on the other hand to the participation of members of the Committee on Social Questions in the work of the Conference of Experts [1].

1.23. Refugees

The Committee noted the ministerial decision and decided to watch its application with interest.

1.24. Declaration on peace

The Committee noted this declaration drawn up by the Ministers and decided to give it the widest possible publicity, and to ask the Assembly to follow the usual procedure in this matter.

1.25. Deportation of the Turkish minority in Bulgaria

The Committee noted the Resolution adopted by the Ministers and approved of M. Sforza's declaration on this subject.

The Committee instructed the Secretariat to circulate the Committee of Ministers' reply, together with the present report summarising the Committee's decisions.

It decided to hold its next meeting on 18th November at 10 a.m. at Strasbourg.

Finally the Standing Committee expresses its regret, in general, at the method adopted by the Committee of Ministers in referring the proposals of the Assembly to committees of experts without further explanation, with the result that the Assembly is left without any contact with those committees.

The Standing Committee would prefer a method which consisted of obtaining the opinions of Joint Committees composed of representatives of the Committee of Ministers and Representatives of the Assembly; these committees would be instructed to report to both those bodies.

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1. 1 The Chairman of the Committeo of Ministers subsequently informed the President of the Assembly that the Committeo of Ministers had agreed to the participation of two membors of tho Committeo on Social Quostions in tho Conference of Governmental Exports (Appendix IV).

Appendix

APPENDIX I

Committee on Diplomatic Affairs and European Security

1. The Message addressed by the Committee of Ministers to the Consultative Assembly on the occasion of the Second Ordinary Session (Doc. 9) contained the following suggestion :

" A s is stated in the Preamble of the Statute, our main concern is the pursuit of peace based upon justice and international co-operation. The Committee of Ministers, meeting a few weeks after the violation of international law by Northern Korea, is anxious to restate this vital principle.

" The Committee suggests that the Assembly should in its turn express its devotion to the cause of peace by affirming even more categorically, in accordance with a vital provision of the Statute, its complete solidarity with the action of the Security Council of the United Nations for the defence of peace-loving peoples against aggression. "

Having in mind this suggestion, M. Bonnefous and certain other Representatives on August 9th 1950 presented a Motion to the Assembly recommending the establishment of a Committee on Diplomatic Affairs and European Security (Doc. 31).

2. This Motion was referred for an opinion to the Committee on Rules of Procedure and Privileges which reported (Doc. 98) that, in the opinion of the Committee, the establishment of such a Committee did not in any way contravene the provisions of the Statute of the Council of Europe nor of the Rules of Procedure of the Consultative Assembly, provided that the expression " security " were interpreted within the limits laid down by the Statute.

3. The Standing Committee was accordingly seized of the question of the establishment of this committee at its meeting on November 4th 1950.

It resulted from the ensuing discussion that the majority of the Members of the Committee were of the opinion that the subjects with which the proposed Committee would be concerned came within the competence of the Consultative Assembly. It was felt, however, that it would be more appropriate at the moment to limit the number of subjects referred to the Assembly and the number of committees established to consider them. The opinion was expressed moreover that the Committee on General Affairs was already competent to deal with questions arising in connection with the diplomatic affairs and with the security of Europe. For these reasons it did not for the time being appear either advisable or necessary to establish the new proposed committee.

4. The Standing Committee decided to bring these views to the notice of the Committee on General Affairs and to request that committee to present a report to the Consultative Assembly recommending the action to be taken on the Motion (Doc. 31).

APPENDIX II

Procedure relating to the selection of recommendations to be submitted to the Committee of Ministers and to the Parliaments

On the day following the suspension of the Second Session of the Assembly, the Standing Committee decided, pending agreement on a procedure for resticting the number of Recommendations and Resolutions adopted by the Assembly, to select for discussion by the Committee of Ministers and submission to the national Parliaments, those which seemed most important and most urgent.

The Committee was of the opinion that it should first decide an approximate figure for the number of Recommendations to be presented. In this connection, it heard the views of representative speakers from the different Member States.

It became apparent from this exchange of views that not more than five or six Recommendations should be selected.

Before proceeding to make this selection, the Committee decided to hear the Chairmen of the Assembly Committees so that they might point out, from among those Recommendations which fell within the ambit of their several committees, those which they considered of primary importance.

The Committee then instructed the Secretariat to sort and classify the Resolutions and Recommendations, separating those for which the Assembly requested the Committee of Ministers to take decisions, from those which were referred to it for purposes of information only.

Finally, the Committee decided that the Bureau, on the basis of the work of the Secretariat, and on the suggestions submitted by the Committee Chairmen, should draw up the final list of these Recommendations at its next session.

Consequently, the Bureau drew up the requested list at its meeting of September 17th.

Such was the procedure followed.

Nevertheless, the Standing Committee, while not disapproving of the method which consisted in consulting the Committee Chairmen, signified its intention in future of itself making the selection of priority Recommendations.

APPENDIX III

Limitation of the number of Recommendations and Resolutions of the Assembly

On several occasions, in the course of the last Session of the Assembly and the meetings of the Standing Committee which followed, opinions were expressed on the serious drawback for the smooth working of the Council, represented by the excessive number of Recommendations submitted to a vote of the Assembly.

The fact is, that the quantity of these documents, the differing degrees of interest presented by them, are such as to over-complicate the work in hand and to throw it into a false perspective. Nor is it any easier for the national Parliaments to examine them usefully.

During its meeting of August 29th, the Standing Committee strove to establish an order of priority among the Assembly Recommendations of the Assembly, so as to allow the Committee of Ministers to grasp readily the respective importance of these documents.

On this occasion, the Standing Committee expressed the desire, which it restated at its November meeting in Rome, that some means should be found to reduce the number of Recommendations.

A number of methods were suggested. It was proposed that the number of signatures which might be placed by Representatives at the foot of Motions and Recommendations should be restricted; it was also proposed that a sort of super-committee should be set up with power to check the drafting of Motions. These suggestions might easily lead to numerous complications, as might any suggestions which could be put forward, because they are in direct opposition to what many Representatives consider as their right.

Whatever the outcome, the examination of the question might well be entrusted, as M. Finn Moe had proposed, to the Committee on Rules of Procedure.

It is possible that the Committee may in regard to this question alter its methods of work, and institute an enquiry among all the Representatives, inviting those of them who might have observations to make to bring them forward within a certain time.

APPENDIX IV

ITALIAN DELEGATION TO THE COUNCIL OF EUROPE STRASBOURG

Strasbourg, 17th November 1950.

To the Secretary-General.

Sir,

In reply to your letter of 7th November addressed to Count Sforza, I have the honour to inform you that the latter, in his capacity as Chairman of the Committee of Ministers of the Council of Europe, sees no reason why Members of the Committee on Social Questions should not take part in the work of the Committee of Governmental Experts on Social Affairs, which is to meet at Strasbourg on 20th November. He considers it desirable, however, in order not to increase unduly the number of members of the study group, that not more than two members representing the Assembly should take part in the work.

I am, Sir,

Your obedient servant,

The Consul General,

Signed : CAVALLETTI.

APPENDIX V

Special Committee to watch over the interests of the European nations not represented in the Council of Europe

The Standing Committee wishes relations between the Council of Europe and the European peoples not represented on the Council of Europe to be as good as possible, and in particular that the Resolutions of the Council of Europe should take their legitimate interests into account.

Being particularly anxious to avoid any needless conflict or misunderstanding with the peoples who, although they do not participate in the Council of Europe, none the less form part of the community of the European peoples and share the same civilisation, the Committee feels it advisable for an information service to be set up within the Consultative Assembly. Its task would be to furnish information to the Council of Europe and to enable it to act with all due discretion in all matters of direct interest to the people of Eastern Europe.

For this purpose, it proposes that a special Committee be created comprising seven Members to be nominated by the Bureau.

This Committee will be instructed to collect information likely to be of interest to the Assembly. The Committee will be assisted by the Secretariat-General of the Assembly which will undertake to assemble the necessary documentation.