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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Reply to the Report and Message of the Committee of Ministers

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr R.W.G. MACKAY, United Kingdom, Socialist Group

1. 1951 - 3rd Session - First part

A. Draft Resolution

with a view to the approval, by the Assembly, of various amendments to the Statute, approved by the Committee of Ministers, in conformity with Article 41 (d) of the Statute,.

The Committee on General Affairs submits to the Assembly the following Draft Resolution :

" Th e Assembly,

Considering that, in the course of its first and second Ordinary Sessions, it formulated Recommendations for the revision of the Statute of the Council of Europe,

Considering that these requests for amendment have been examined by the Committee of Ministers, in consultation with the competent organs of the Assembly,

Having had referred to it by the Committee of Ministers, in conformity with Article 41 (d) of the Statute, certain amendments to the Statute of the Council of Europe, already approved by the Committee of Ministers, now approves the following amendments to the Statute :

1. Amendment to Article 23 of the Statute : Article 23 to be re-worded as follows :

   a. 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. It shall also discuss and may make recommendations upon any matter referred to it by the Committee of Ministers with a request for its opinion.

   b. The Assembly shall draw up its Agenda in accordance with the provisions of paragraph (a) above. In so doing it shall have regard to the work of other European inter-governmental Organisations to which some or all of the Members of the Council are parties.

   c. The President of the Assembly shall decide, in case of doubt, whether any question raised in the course of the Session is covered by the Agenda of the Assembly.

2. Amendment to Article 25 of the Statute : Replace the first sentence of paragraph (a) of Article 25 by the following text : The Consultative Assembly shall consist ' of representatives of each Member elected by its Parliament or appointed in such manner as that Parliament shall decide, subject, however, to the right of each Member Government to make any additional appoin-ments necessary when the Parliament is not in session and has not laid down the procedure to be followed in that case.

3. Amendment to Article 26 of the Statute : Complete Article 26 by inserting the following in accordance with the alphabetical order :

   1. German Federal Republic . 18
   2. Greece - 6
   3. Iceland - 3
   4. The Saar - 3
   5. Turkey - 8

   Replace the words " Irish Republic " by the word " Ireland " and the words " United Kingdom " by the words " United Kingdom of Great Britain and Northern Ireland. "

4. Amendment to Article 27 of the Statute : Article 27 to be re-worded as follows : 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 or their alternates 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.

5. Amendment to Article 34 of the Statute : Article 34 to be re-worded as follows : The Consultative Assembly may be convened in extraordinary Sessions upon the initiative either of the Committee of Ministers or of the President of the Assembly after agreement between them, such agreement also to determine the date and place of the Sessions.

6. Amendment to Article 38 of the Statute : Add to Article 38 the following paragraph (e) : (e) The Secretary-General shall also submit to the Committee of Ministers an estimate of the expenditure to which the implementation of each of the recommendations presented to the Committee would give rise.

Any Resolution the implementation of which requires additional expenditure shall not be considered as adopted by the Committee of Ministers, unless the Committee has also approved the corresponding estimates for such additional expenditure. "

B. Draft Reply to the Report and Message of the Committee of Ministers[2]

The Committee on General Affairs submits to the Assembly the following text of the reply to be included in the letter which the President of the Assembly will address to the Chairman of the Committee of Ministers when forwarding to him the Recommendations of the Assembly.

2. Adopted with several modifications. See 17th Sitting.

C.

1. INTRODUCTION

1.1.

1. In his speech to the Assembly on 10th May, 1951, the Chairman of the Committee of Ministers said that he felt there had been a considerable improvement in the relations between the Committee of Ministers and the Assembly. This view the Assembly is happy to share. The growing habit of consultation between governmental and parliamentary representatives in the Joint and other Committees; the detailed nature of the Second and Supplementary Report to the Assembly; the valuable statement of principles contained in the Message; the important and impressive addresses given by Dr. Stikker as the third successive Minister to present a Report to the Assembly : all confirm this improvement. In its reply to the Message of the Committee of Ministers the Assembly considers it fitting to take note not only of the progress made, but also of the extent to which that progress fails to meet the exigencies of the situation in which Europe finds herself today.

1.2. RELATIONS WITH THE O. E. E. C. AND THE BRUSSELS TREATY ORGANISATION

2. The Assembly recalls that Recommendation 18 (Doc. 74, 1950), which was made in August 1950, requesting the creation of a single Council for the 0. E. E. C. and the Council of Europe, has not yet been implemented. The Assembly considers that the institution of a Liaison Committee is a valuable first step towards the creation of a common Council for the two Organisations, which might be established on the lines of the " Council of Governments " set up by the North Atlantic Treaty Organisation on 3rd May, 1951.

3. The Assembly moreover draws the attention of the Committee of Ministers to that part of Recommendation 19 (Doc. 74, 1950), which concerns the Brussels Treaty Organisation. The Assembly requests the Committee of Ministers to reconsider the whole question so that there may be a complete merger of the cultural and social organisations of the Brussels Treaty and of the O. E. E. C. with the Council of Europe may take place. They make this request with the greater assurance of its being granted, having regard to the fact that the Chairman of the Committee of Ministers stated specifically in his speech on 7th May, 1951, " I am most anxious to bring within the scope of the Council of Europe all those activities which have been developed outside the framework of Strasbourg, and which by right belong to a European Assembly. " The Assembly considers that this merger must lead to the creation of a single European governmental and parliamentary body, which will control and eventually direct all the forms of European co-operation.

1.3. THE SECTIONAL APPROACH : SPECIALISED AUTHORITIES

4. In the Communiqué of the French Government of 9th May, 1950, the Schuman Plan was characterised as " the first concrete foundation of the European federation which is indispensable to the preservation of world peace ". Europe cannot be made all at once : if powers are to be transferred, then that transfer can only take place sector by sector. To these general principles of Specialised Authorities the Committee of Ministers gave their approval in Rome in November 1950. The Treaty setting up the Coal and Steel Community has been signed, and the Assembly welcomes in the Message the passage from the Joint Declaration of the 18th April stating that " similar initiatives would follow which should quickly take their place in the framework of a common political organisation, the idea of which is being worked out by the Council of Europe. " One of these initiatives is that for the creation of a European Agricultural Authority. The Assembly wishes to emphasise to the Committee of Ministers its considered view that the Conference should be organised within the framework of the Council of Europe. The Assembly also encourages the development of the idea that countries in the Council of Europe not at present members of a Specialised Authority should be brought into close association with such Authorities.

5. Although these decisions have made at east sectional progress possible, they have not resolved two fundamental difficulties. The first is the relationship to the Council of Europe of the various Specialised Authorities which are now being set up. The Assembly welcomes the details given in the Supplementary Report of an agreement whereby there shall be four links : reciprocal representation, exchange of information, the presentation of reports, and administrative arrangements. The nature of these links which are to be established does not entirely meet the wishes of the Assembly in that they are expressed in permissive terms and not declared to be obligatory. The Assembly expresses the hope that the Parliamentary Assembly of the Coal and Steel Community and any other assemblies created under similar treaties, will hold its meetings in the Assembly Hall at Strasbourg.

6. The second difficulty remains unresolved. The Message of the Committee of Ministers expresses the hope that " the coordination of these different Authorities may some day result in the Europe to which we aspire. " But this raises once more the difficulty that although the various Specialised Authorities imply a development of the powers of the Assembly as a whole, that development cannot take place because some Member Governments are as yet unprepared to transfer powers to a European body. A development of the Council of Europe on these lines is indispensable to prevent the policy of Specialised Authorities from leading to a further division of Europe. Other examples of the sectional approach which lead to the same dilemma are the partial application of agreements, and limited adherence to European Conventions. On this point the Assembly draws the attention of the Committee of Ministers to the statement made by its Chairman " that functional integration can only be successful when it is spread over as many sectors of the economic life of as many countries as possible. "

1.4. DEVELOPMENT OF THE COUNCIL OF EUROPE AS A WHOLE

7. The development of the Council of Europe as a whole is a matter on which it is not be excepted that easy or early agreement will be reached; but it is one which must raise at some time the question of the Revision of the Statute. The Assembly does not desire barren constitutional discussion. A revised Statute is necessary only because the Assembly must enlarge its basic competence if it is to play that role which Europe requires of it. The Chairman of the Committee of Ministers has suggested principles upon which any such revision should be based. The rule of unanimity .remains, in this experience, an essentia] element in ensuring the smooth running of the Council of Europe. At the same time, in his second speech, Dr. Stikker pointed out that " on more and more subjects a common European legislation will come into being, of which the Convention on Human Rights is the first, and a very good, example. "

8. The Assembly fully agrees with this view, and therefore believes that the Protocol for the Amendment of the Statute should be further considered. After detailed study by the Committee on General Affairs of the Protocol, the La Malfa proposals, and such other suggestions as have been made for the amendment of the Statute, the Joint Committee and the Committee of Ministers (if possible before the Second Part of this year's Assembly) should give detailed consideration to the Report of the Committee on General Affairs. The Assembly does not consider that the aim of the Council of Europe which is to create a political authority with limited functions but real powers can be realised in a short time; but the Assembly does consider that the method of creating such a political authority should be under constant review and consideration both by the Assembly and the Committee of Ministers.

9. The Assembly wishes to exercise to the full the consultative functions it already possesses. In particular it claims the right to exercise parliamentary control over the activities of inter-governmental bodies. The Assembly is of the opinion that the proposals of M. La Malfa deserve careful and urgent examination both by the Committee of Ministers and by the Assembly. The adoption of these proposals would help to establish parliamentary relations between the two organs of the Council of Europe with the result that measures would more often be initiated in the Committee of Ministers.

1.5. CERTAIN SPECIFIC RECOMMENDATIONS

10. In the urgent matter of Refugees, the decision taken on 4th May by the Committee of Ministers to convene a meeting of experts is not the less welcome for being tardy. The question of a European Passport still remains unanswered. This Recommendation was made by the Assembly as early as September 1949, and the meeting of a Conference of Experts proposed by the Secretary-General on 12th December, 1950, has still not been held. The abolition of visas and the standardisation of passports would constitute such a measure of progress as is urgently called for by the Assembly : such a measure cannot, however, take the place of the creation of a European passport. The Assembly also wishes the Committee of Ministers to take note of the importance it attaches to the question of a European postage stamp. Although apparently an unimportant matter, the Assembly believes its adoption would have a tremendous psychological value : it consequently urges immediate action in this matter, which, the Assembly would remind the Committee of Ministers, was originally proposed in the Session of 1949. Although the Committee of Ministers has accepted certain cultural Recommendations, other Recommendations are still being considered by the Committee of Experts . The Assembly requests that Recommendations be implemented in the near future. The Assembly welcomes the European Youth Conference to be held in Strasbourg in June under the auspices of the Council of Europe.

11. The Assembly views with some anxiety the suggestion mentioned in the Supplementary Report (paragraph 31) that, after review by experts and agreement between Governements, a Protocol embodying the texts relating to the right to own property, the right of education and political rights will be signed without

further reference to the Assembly. These texts were a compromise accepted with few abstentions and no opposition in the Assembly. The Assembly therefore submits that, both as a matter of right and of courtesy, it should be given an opportunity of commenting on any modified version thereof before they are signed, or, if the Assembly is not in session, that they be transmitted to the President of the Consultative Assembly for reference to the appropriate Committee.

1.6. FUTURE DEVELOPMENT ? EUROPE AND THE COMMUNITY OF THE FREE WORLD

12. The idea of a United Europe has found its most welcome realisation in the admission of Germany as a full Member. Europe, however, cannot be considered in isolation. In the Message of the Committee of Ministers there occurs the phrase " the broad purpose of building up the institutions of the West " The Assembly reaffirms its wish to associate with its work the overseas countries having constitutional links with European countries. In the same spirit it renews its invitation to the Parliaments of the countries in question to send observers to its Sessions. It further expresses its gratification at the attempt to establish that close relationship between the Council of Europe and the United States which has been welcomed on three occasions by the Committee of Ministers as a " significant part of the process of creating common institutions... among the Western nations ". But, if the European-American partnership is to be successful, it must be founded on some degree of equality between the partners. If Europe's counsels arc to gain a hearing in America, they must be based on unity and strength. If they are to be so based the Governments of the Member States must recognise this simple truth : that certain departments of life?such as economics, defence and security? which in the not too distant past could reasonably be regarded as the exclusive province of a scone of separate Governments, have been converted by the changes of the last two generations into questions which, to be handled with effect, must be treated as matters of common concern.

13. The Assembly takes note, in paragraph 21 of the Message, that the Committee of Ministers recognises that rearmament makes it " necessary to ask the peoples of the Western world to shoulder heavy sacrifices ". The whole tenor of the Message is that the Council of Europe proA'ides a unique forum in which the voice of Europe can be heard. The Assembly has both the capacity and the duty to make known its opinion on the issue of European security, for which the people of Europe are being asked to make such heavy sacrifices.

14. The Assembly considers that it is highly desirable, both for public and for parliamentary opinion, that the Committee of Ministers, as spokesmen for the fifteen Member States, should adopt a solemn declaration concerning the political, economic and moral objectives of the Council of Europe.

2.

3. CONCLUSION

15. The gravity of the hour is such that the Assembly would be false to its trust if it did not emphasise that what has been achieved so far has not fulfilled the hopes raised by the creation of the Council of Europe. A closer union will increase the effective force and the moral influence of Europe thereby improving the prospects of peace in face of the menace of the totalitarian countries. The Assembly therefore expresses its resolve to work in the closest partnership with the Committee of Ministers in order to realise further progress in the coming year towards the goal of a United Europe within the community of the free world. "