ASSEMBLÉE PARLEMENTAIRE
DU CONSEIL DE L'EUROPE

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Letter sent by Mr Paul-Henri Spaak, President of the Consultative Assembly, to M. Gustav Rasmussen, chairman of the Committee of Ministers of the Council of Europe

Letter
President of the Assembly

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 mo 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. Tho Standing Committee understands that the Committee of Ministers did not wish to reject 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 note of the provisional solutions adopted by the Committee of Ministers. The Standing Committee, however, continues to support all tho Assembly's Recommendations and hopes that final decisions will soon bo 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 German Federal Ropublic as an associate Member of the Council of Europe. It decided that the reply to tho 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 Ropublic should state that it is willing to abide by the previsions of the Statute and to give clear proof of its desire to do so.

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

After carefully weighing the terms of the Resolution transmitted to it, to which it gave its approval, the Slanding 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 0. E. E, C, the I. L. 0. and the Unesco..

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 0. E. E. C, the I. L. 0. and the Unesco.

(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 lo the Committee on Economic Questions, 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 Strasbourg.

In this connection the Standing Committee asked me to renew the request made to the Committee of Ministers to do 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 0. 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 Report of the Committee on Economic Questions, 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 Session. 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 do it satisfactorily, without considerable increases in staff, which no one advocates.

In these circumstances, the Standing Committee will ask the Committee on Cultural Questions 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 Migrant 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. 0. 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 has 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 fears that to defer the matter until a decision is taken by tho United Nations would mean that the Proposal would merely bo 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 closo contact with the Chairman of the Assembly's Committee on Legal Questions. 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. Tho 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 Committee on Legal Questions proposed to study.

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

I have the honour to bo, Mr. Chairman,

Your most Humble and Obedient Servant,

Signed (see overleaf)

Signed:

SPAAK Paul-Henri, Belgium