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Meilleurs moyens de mettre en application les propositions du Royaume-Uni

Rapport¹

Commission des questions politiques et de la démocratie

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A. Explanatory Memorandum

1.

1. The purpose of this Report is to give a preliminary reply to the request for an Opinion on « the best means of implementing the United Kingdom proposals » concerning the rôle of the Council of Europe. The Committee on General Affairs, in pursuit of its general mandate from the Assembly to study the reform of the Council of Europe, in fact embarked on an examination of the British proposals as soon as they had been submitted by Mr. Eden to the Committee of Ministers (19th March, 1952). This Report represents the Committee's initial conclusions, it being clearly understood that the Committee will continue with a detailed study of the problem between the First and Second parts of the Fourth Ordinary Session. - There is undoubtedly a close connection between the British proposals and the other problems which are being discussed by the Assembly during its present Session. Nevertheless, in order to ensure clarity in the debate, it would seem advisable that the present Report should be made the subject of a general discussion distinct from that on the European Defence Community and the European Political Authority, these problems different both in their nature and in their implications. - If I may be allowed so to do, I should like to express my very sincere thanks to all my colleagues, and especially to the Chairman, M. Guy Mollet, for having rendered so pleasant my task of Rapporteur, as well as to the Secretariat-General for their technical assistance, which greatly lightened my task. - The Draft Resolution adopted by the Committee is to be found in the Appendix to this Report. The Explanatory Memorandum is the responsibility of the Rapporteur alone.

2. At its last session, the Committee on General Affairs expressed the wish that the Committee of Ministers should request the opinion of the Assembly with regard to the means of giving effect to the British proposals on the future rôle of the Council of Europe. - This wish has been fulfilled, and we are pleased to note that, for the first time, the Ministers have expressly consulted the Assembly on a matter of great importance. It must also be emphasized that we have been consulted at a delicate point in the negotiations; it is clear, from the documentary material supplied, that the divergent views of the Governments on the effect to be given to the British proposals have not as yet been resolved. We trust that the suggestions put forward by the Assembly will have some influence on the future course of the discussions.

3. The basic principles of the British proposals are simple, and have already been the subject of several explicit Recommendations by the Assembly (Recommendations 1 and 4, 1950. Chapter VII of the draft New Statute, etc.). The implementation of these proposals nevertheless, raises delicate constitutional and political problems. It is clearly not possible in the course of this short Session to prepare a detailed reply to the " Questionnaire " drawn up by the Ministers' Deputies, for a hasty preparation would impair the value of any possible Resolutions. - To assume this to mean that the Assembly should, for the time being, limit itself to a general and inconclusive debate would be to go to the other extreme and be interpreted as a lack of interest. It should not be forgotten that your Committee has already twice considered thoroughly the implications of the British proposals at previous meetings in March and in May, and has thus been able to elucidate some general principles whereby effect could be given to them. Your Committee has, nevertheless, attempted, with the aid of the documents transmitted by the Committee of Ministers [Doc. AS (4) 11], to give a clearer form to these preliminary conclusions without going into the details of their implementation. - This is the purpose of the draft Resolution which the Committee now submits to the Assembly. If such a Resolution were to be adopted by the Assembly, it would, together with indications afforded in the course of the Assembly's general debate, constitute a useful guide both for the Ministers' Deputies and for your Committee. The latter would then be able to make a thorough study of the questionnaire and to give detailed replies in the interval between the first and second parts of the Fourth Ordinary Session. The question of the procedure to be adopted for this study remains open. It will be for the Committee to take a decision in that respect in consultation with the Bureau, the Ministers' Deputies and the Secretariat-General.

4. In the Resolution (152) 35 of the Committee of Ministers it is stated the aim of the United Kingdom proposals is to set up organic links between the restricted Communities and the Council. This represents considerable progress upon the original proposal of Mr. Eden which simply suggested that the Communities should be brought " within the framework of the Council of Europe", a purely formal measure, as was made clear by the United Kingdom Memorandum of April (cf. 4th Session, 1952 : Doc. 11, III), which envisaged what would have been simply a symbolic association between the Council and the Communities. Matters have, I am glad to say, been carried a stage further. We shall have an opportunity later of emphasizing that this is so later in this Report (cf. para. 11).

Purpose of the United Kingdom Proposal

5. We have already stressed the fact that our interest in Mr. Eden's proposal resides primarily in the fact that it is a British proposal and that it makes clear the determination of the United Kingdom to help in building a United Europe. It is, moreover, due, above all, to the fact that the British proposals provide a satisfactory solution to one of our constant preoccupations, namely how to ensure that the creation of restricted Communities does not lead to a division of Europe, and that there should not be created a "little Europe" consisting of a few countries only, isolated from the other Members of the Council of Europe. For that would mean the end of the Council of Europe. - The implementation of the United Kingdom proposals would provide a focal point for European co-operation, a magnet for public opinion, and a means of associating the other European States with some of the activities of the Communities. It would thus prevent the Council of Europe from being stranded, without specific functions, between the two main streams of development which are apparent to-day : on the one hand, the Atlantic Community which is being built up around the North Atlantic Treaty Organisation, and, on the other, the Continental Community, in which certain States are finding their way towards union through the establishment of closer links of a supranational character.

1.1. Effect on Public Opinion

6. In the form in which they were originally presented Mr. Eden's proposals tended to include every form of European activity under a single denomination or common symbol —the Council of Europe — which was regarded as embodying the common determination to unite Europe. - It is true that this is a concept which is perhaps more familiar to the British than to Continentals. The nations of the Commonwealth are bound together by nothing more than the extremely tenuous link provided by their allegiance, in various forms, to the Crown. In spite of this they have achieved a measure of political and economic co-operation, which is indeed exceptional, when one considers their geographical distance from one another. Other examples could be found in the British political tradition. - Whilst such an attitude is less familiar to Continental politicians, who, with their greater concern for constitutional forms, are suspicious of any structure which is not clearly defined, public opinion, which has understanding of such legal subtleties, always looks for a single emblem, a flag. This tendency is familiar, as is exemplified, for instance, in the attitude of public opinion towards the United Nations. In that case the public pay little attention to the details of the many specialised organisations revolving round the United Nations, but are conscious that they are all striving to fulfil the general aims of the parent organisation. In the same way public opinion can become familiar with the Council of Europe, and make of it the symbol of a Europe which is painfully trying to find its way through a labyrinth of organisations.

1.2. Organic Links between the Communities and the Non-Participating States.

7. The United Kingdom proposals do not stop there. Their aim is to create organic links between the Communities and the Council of Europe, or, in other words, to associate those European States which are not members of the Communities, with the functioning of the latter, in ways still to be defined, in order to provide opportunities for practical co-operation in specific fields. - This co-operation will be carried out at both the parliamentary and the governmental level. The work begun at Strasbourg in creating a veritable European parliamentary system will not have been in vain. The creation of restricted Assemblies with wider powers will, on the contrary, help to stimulate it, and later facilitate the granting of additional powers to the Assembly of the Fifteen; the restricted Communities will constitute the " flash-points " for European co-operation. - One of the questions raised by the Ministers' Deputies concerned the way in which the United Kingdom proposals could be applied to the Executive Organs of the Communities, in view of the fact that the Council of Europe has no real executive body, but simply a Committee of Ministers, which possesses such powers as are granted by Statute to the Council of Europe. On the other hand, the Council of Ministers of the Communities is closely linked with an autonomous executive body, and can function only through that Executive. - The result is that the establishment of liaison at governmental level between a Community and non-participating States will concern the Executive as much as the Council of Ministers of the Community. If such liaison is to be found within the framework of the Council of Europe, it will mean that the Executive of the Community will have to be suitably represented on the Committee of Ministers of the Council of Europe whenever the latter discusses questions concerning the Community. We shall be able to go into this matter more thoroughly at a later stage of the Committee's

Principles of application

8. Paragraph 2 of the draft Resolution enumerates certain rules which may assist the implementation of the British proposals. They have been prompted either by the debates in Committee, or by an examination of the documents transmitted by the committee of Ministers, particularly the suggestions of the Governments

contained in the report submitted by the Ministers' Deputies to the Committee of Ministers (4th Session, 1952 :Doc. 11, V). The first of these principles [paragraph 3 (i)]—that the functioning of the Communities or the creation of others must not be hampered in any way—calls for no comment

9. Particular attention should be paid to the particular situation of Sweden and, to a lesser extent, that of Ireland. We all fully appreciate the discreet and friendly attitude of the Swedish Government which has made it plain that, despite the many difficulties it may thereby encounter, it will raise no objection (as it is entitled to do under the unanimity rule) to the implementation of the British proposals in the particular case of the E. D. C. It is, clear, however, that in present circumstances Sweden could not accept any liaison between the E. D. C. and the Council of Europe. - It would be advisable to explore more thoroughly the suggestion that there should be several forms of participation in the Council of Europe. Certain Member States might restrict themselves solely to the realisation of the aims of the Council as defined in Article 1 of the present Statute : others might seek some form of association with one or other of the Communities; others might participate in one of the Organs of the Council only, for example in its Committee of Ministers. A revision of the Statute of the Council along these lines would make it more easy, to solve not only the particular case of Sweden, but also to enable other European States to join the Council of Europe [cf. paragraph 2 (v) of the Draft Resolution].

10. It is clear that certain adjustments, not necessarily numerous, will have to be made in the present Statute in order to permit the establishment of the desired organic links, without thereby implying the modification of such of those treaties setting up Communities as have already been signed. These changes will no doubt be concerned, on the one hand, with the rules governing co-operation within the Council itself (the suggestions formulated above in paragraph 9 afford an example), and, on the other, with the more or less substantial changes which may be required in the structure of the organs of the Council : adjustments in the distribution of the number of seats in the Consultative Assembly so as to take into account the numbers adopted in the case of the Assemblies of the Six; the amendment of Article 14 concerning the qualifications of representatives in the Committee of Ministers, etc. - In agreeing to make such changes in the Statute, the Member States would be undertaking at least a tacit or moral obligation to link with the Council of Europe those Communities in which they decide to participate. It is an undertaking in principle. It does not prejudice the conditions of liaison between each Community and the Council, since these will be the subject of separate negotiations in each specific case, either between the Community, if already formed, and the Council; or, at the moment when the Community comes into being, between the participating Governments and the Council. - This procedure by stages should facilitate the speedy elaboration of a Protocol amending the Statute, which would represent a first stage in the implementation of the British proposals.

11. How can liaison be maintained within the Council of Europe between the Specialised Communities and the non-participating States? It might be that the agreement between a Community and the Council of Europe would simply provide general facilities for co-operation, and determine the mechanism to achieve this end. In practice it will usually be a case of associating the States not participating in a Community with certain measures which that Community wishes to adopt. For example, in the case of over-production of steel entailing severe disturbance of the market, the Coal and Steel Community has power. to take appropriate corrective measures (reduction and distribution of output). It may be considered advisable to take such measures in consultation with the other European States (producers and consumers of steel), and, if possible, to make them the subject of a general agreement. They would then be discussed by the Committee of Ministers. The States thus associated with the measures in question would clearly be required to assume some of the obligations and responsibilities which they would entail. - In this connection, Mr. Eden's reported statement at the last meeting of the Committee of Ministers is of particular importance. Asked whether the United Kingdom, if occasion arose for it to be represented by an observer at meetings of the Council of Ministers of the Schuman Plan, would be prepared to supply the same confidential information on the production of the United Kingdom as that given by the States participating in the Community, Mr. Eden is stated to have replied in the affirmative. This shows clearly that the United Kingdom fully intends to accept a share of the obligations assumed by the Member States of the Communities as from the moment that it becomes associated with their work. - The express recognition by the British Government of this basic principle gives additional value to the British proposals and makes them a fundamental element in the construction of Europe.

12. The establishment of a general liaison within the framework of the Council of Europe need not of course prevent bilateral agreements between a Community and any State particularly interested in its activity. In the Report on the Defence Community (Fourth Session, 1952 : Doc. 6) the Committee has proposed that such a special agreement be concluded between the United Kingdom and the E. D. C. The Coal and Steel Treaty also provides for negotiations between the High Authority and the British Government. These are different

problems from those with which we are concerned, and which affect the Council of Europe as a whole, although it is true that the means of collaboration which exist within the Council cannot but facilitate the conclusion of bilateral Agreements on these lines between the States concerned.

13. In his Report referring to O. E. E. C, ([Doc. A.S. \(4\) 8](#)) our colleague M. Bohy raises the question of the status of the staff of European Institutions. Administratively, the various European organisations are at present wholly independent of each other. Each staff forms a closed group, jealous of its prerogatives and its own regulations, animated by a sort of patriotic feeling about its own organisation. This "administrative sovereignty" is an undoubted obstacle to the unification of European institutions. It has certainly obstructed the Assembly's Recommendations on the integration of O. E. E. C. with the Council of Europe. If no steps are taken to remedy it, it may give rise to considerable difficulties when an attempt is made to establish a political structure—of a federal or confederal nature—"capping" the Specialized Communities set up on the Continent. It may even cause immediate difficulty when the Communities are "consulted" as to the implementation of the British proposals, for which provision is made in paragraph 3 of Resolution (52) 35 of the Committee of Ministers. - These disadvantages would be appreciably reduced, if common rules were to be adopted in the administrative regulations of the staffs of the various restricted Communities and European institutions : a common scale of salaries; common rules for recruitment and promotion; a single pensions system and joint pensions fund; the possibility of transfer from one Community to another. These are purely administrative rules which would in no way interfere with the prerogatives of each of the Communities as far as their internal working was concerned. They would, however, make possible the progressive establishment of a genuine European Civil Service which would form the administrative basis of the future institutions of a united Europe.

Integration of the Council of Europe and O. E. E. C.

14. One fact should be borne in mind : if the activities arising from European co-operation in the general sense are at present divided between of the Council of Europe and of the O. E. E. C, it is the latter Organisation which handles virtually all economic problems. - If a liaison were to be established with the Coal and Steel Community, the O. E. E. C. would, from the technical point of view, constitute a more suitable instrument for the purpose than the Council of Europe. It is absurd to continue to regard the Council of O. E. E. C. and the Committee of Ministers of the Council of Europe as two alien organs, fundamentally different and solemnly exchanging correspondence with each other, whereas in fact their composition is almost identical. It is difficult to conceive how such a state of affairs has been allowed to continue for so many years. - If the British proposals are to have any real success at the technical level, some measure of integration between O. E. E. C. and the Council of Europe is essential. A merger of their Ministerial organs, as proposed in the Report of the Committee presented by M. Bohy would seem a feasible step and one not calculated to create any serious disturbance in the other institutions (the E. P. U., the Steering Board for Trade or the Consultative Assembly). Negotiations on these or similar lines should be embarked upon in the immediate future.

2. Seat of the Institutions

15. We have already emphasised the importance of the question of the Communities at a previous Session. This question was also raised by the Italian Representative to the Committee of Ministers. The suggestions of the Italian Government show how deeply the latter has the interest of Europe at heart. - By concentrating the seats of all the executive, governmental and parliamentary institutions of the Communities in a single city, or around a single city (which need not necessarily be Strasbourg), it would be possible to establish a genuine "European capital" whither the seat of the Council of Europe might also be transferred. This step would, it is true, involve some sacrifice of prestige for States which have a legitimate desire to have the honour of harbouring one of the institutions of the Communities. They would, however, find compensation in the immense advantages which would accrue to the effort to organise Europe if all these institutions were concentrated in a single place. - The effect on public opinion would be considerable : instead of the traditional compromises, this would constitute a clear and striking decision. The institutions would thereby gain considerably in efficiency : ease of communication between the different bodies, more effective parliamentary control, and a more certain liaison with the Council of Europe. It is perhaps not too much to say that the concentration of headquarters in one place is one of the essential conditions of the success of the British proposals, and in the case of the Assemblies, this is quite clear. Our Assembly should therefore address an appeal in this sense to the Governments of the six States which will have the task of coming to a final decision on this important question within the next few weeks. It may well be thought that their choice will have a decisive effect on the whole future of European co-operation.

Seat of the Institutions

16. The methods of practical application suggested in this Explanatory Memorandum will perhaps provide a framework for the detailed consideration of the implications of Mr. Eden's proposals, as set forth in the "questionnaire" drawn up by the Ministers' Deputies. The Committee might hereafter concentrate on a thorough examination of this "Questionnaire". This examination should be made in collaboration with the Ministers' Deputies, as well as with "any other competent European organisation", as is suggested in the Draft Resolution. In the minds of the Committee the organisation in question might be the "Parliamentary Council for the European Political Community", whose creation is suggested by the Committee (4th Session, 1952 : *Doc. 6*, Draft Resolution III,) or any other body which may be set up to undertake the same tasks. - Insofar as collaboration with the Ministers' Deputies is concerned, your Committee did not consider it opportune to go into further detail, the more especially as this question has, in the past, been a source of disagreement between the Assembly and the Ministers. I am convinced that experience of the work itself will soon lead the Ministers' deputies to depart from their customary reserve. In any event, the conclusions reached by the Committee between Sessions may, with the agreement of the President of the Assembly, be communicated immediately to the Ministers' Deputies. Thus it would prove possible, if the Ministers' Deputies are so disposed, to extend the scope of the co-operation between the Assembly and the Committee of Ministers which has been inaugurated by this initiative of the Committee of Ministers.

Discussion and voting in Committee

17. The following Representatives took part in drafting this Report : - MM. Guy Mollet (France), Chairman; von Rechenberg (German Federal Republic) and Struye (Belgium), Vice-Chairmen ; Amery (United Kingdom), Antoniou (Greece), Benvenuti (Italy), Boland (Ireland), Braun (Saar), Delbos (France), Elmgren (Sweden), Gerns (German Federal Republic), van der Goes van Naters (Netherlands), Gordon Walker and Lord John Hope (United Kingdom), M. Jakobsen (Denmark), Mlle. Klompé (Netherlands), MM. Maccas (Greece), Mandalinci (Turkey), Margue (Luxembourg), Mommèr (German Federal Republic), Santero (Italy), Spaak (Belgium), Treves (Italy), Valen (Norway), Wistrand (Sweden) and Yalçin (Turkey). - One Representative voted against the adoption of paragraph 4 of the Draft Resolution. - The Draft Resolution was adopted in its entirety by 21 votes to 0, with 2 abstentions.

18. The Committee on General Affairs submits to the Assembly the following draft Resolution :

B. Draft Résolution

The Assembly,

Having been requested by the Committee of Ministers to give an Opinion on the best means of implementing the proposals of the United Kingdom concerning the rôle of the Council of Europe;

Expressing its satisfaction that the Committee of Ministers is now proceeding to examine this important question in collaboration with the Assembly, thereby enabling, the latter to fulfil the consultative rôle conferred upon it by the Statute;

Recalling its previous Recommendations ²concerning the links to be established between the Specialized Authorities and the Council of Europe;

Noting the decisions of a statutory nature on the Specialized Authorities adopted by the Committee of Ministers at its Eighth Session;

Adopts the following Resolution :

1. The Assembly approves the general principle underlying the proposals of the United Kingdom to the effect that organic links be established between the Communities and the Council of Europe. - The Assembly considers that the implementation of the United Kingdom proposals will lessen the risks of a division of Europe. It stresses the great symbolic value and practical significance of such a decision.

2. The Assembly suggests that the United Kingdom proposals be implemented on the basis of the following principles :

- a. They shall not hamper in any way the normal functioning or development of the Communities, nor the subsequent establishment of other Communities, especially that of a Political Community;
- b. Member States should undertake to link the Communities in which they participate with the Council of Europe, on the understanding that the methods of liaison to be established shall in each case be the subject of a special agreement;
- c. The organic links which may be established between a Community and the Council of Europe should be of such a nature as to enable Member States not participating in the Community to be associated with certain measures which might be contemplated by the latter.
- d. Such liaison with the Council of Europe would not preclude Member States more directly concerned with the activities of a particular Community from concluding special agreements with the latter in order to achieve a closer degree of liaison.
- e. The forms of association within the Council of Europe should be so adjusted as to enable Member States unwilling to enter into liaison with certain Communities—such as the European Defence Community—to continue to co-operate within the Council for the achievement of the aims laid down in Article 1 of the Statute, without being in any way bound by the agreements concluded between the Council and such Communities.
- f. It would appear advisable to take suitable steps to standardise the regulations affecting the staff of these Communities and of other European organisations, in order to avert the danger of the administration of the said Communities and organisations being operated in separate compartments. Steps should be taken to draw up the constitution and rules of a real " European Civil Service " .

3. If the Council of Europe is to be in a position to fulfil the new tasks which would devolve on it as a result of the implementation of the United Kingdom proposals, it would be highly desirable to achieve a suitable measure of integration of the Council of Europe and the O. E. E. C. The Assembly urges that negotiations to this end be undertaken at the same time as the study of the United Kingdom proposals.

4. The concentration of the institutions of the European Communities and of the Council of Europe at a single Seat would appear to be a step to which consideration must be given, in the interest both of the Communities and of Europe as a whole. - The Assembly urges the States participating in the Coal and Steel and in the European Defence Communities to bear in mind the overriding interests of Europe as a whole when deciding upon the headquarters of the Organs of these Communities.

2. Recommendations (1950) 1 and 4; Chapter VII of the Draft New Statute (Recommendation 23 (1951).

5. The Assembly requests the Committee on General Affairs, bearing in mind the principles of this Resolution and in collaboration with any other competent European body, to undertake a detailed study of the questionnaire drawn up by the Ministers' Deputies in order, with the approval of the President of the Assembly, to inform the Deputies of its conclusions, and to establish such a pattern of future cooperation with them as may be considered suitable.

C. Draft Order of the Assembly

The Assembly,

Instructs the Committee on General Affairs to follow the progress of the negotiations and to submit reports thereon during the Second Part of the Fourth Ordinary Session.