

Special message of the Committee of Ministers: excerpt on the role of the Council of Europe's organs (20 May 1954)

Caption: This excerpt from the special message of the Committee of Ministers, dated 20 May 1954, transmitting to the Consultative Assembly the Programme of Work of the Council of Europe, deals with the respective roles of the Assembly and the Committee as well as the relations between these two organs within the organisation.

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Special message1 of the Committee of Ministers transmitting to the Consultative Assembly the Programme of Work of the Council of Europe (20 May 1954)

Introduction

1. In our Message of May, 1953, we informed the Assembly of our decision to establish a well-defined programme of work for the Council of Europe, not only in order that it may effectively further the cause of European unity, but also so that the peoples of Europe may understand more clearly the role which the Council should play. Our purpose was in this way to exploit more fully the potentialities of the Statute by extending the field of common action between Members and by striving towards the adoption of a common policy with regard to particular matters.

2. In our Supplementary Report in September, we explained how the task of preparing the programme was being handled. At the same time we undertook to ask for the Assembly's opinion on the programme whilst still in draft form and in advance of its final adoption. This Special Message constitutes the programme in question.

3. Bearing in mind the opinion of the Consultative Assembly that the Council of Europe should become the general framework of European policy, we have attempted, in the fields mentioned in Article 1 of the Statute, to give this idea real substance. It is clear that there is room for further intergovernmental action in these fields, whether by the conclusion of European conventions and agreements or partial agreements — or by the harmonization of the internal legislation of member countries, or by other means. In suitable cases, the participation of non-member countries in such action could be arranged.

4. With this in mind, and in order to encourage the conclusion of agreements in certain specific fields, even if the need for such agreements should not be immediately recognised by all Member States, we propose using, in appropriate cases, the procedure instituted by our Resolution (51) 62 on Partial Agreements, whenever a large majority of Member Governments are in agreement either to study a certain question or to adopt a common line of action or to conclude an agreement or convention among themselves, provided that none of the Member Governments regards this procedure as likely to prejudice its interests and on the understanding that any partial agreement thus concluded shall be open to accession at any time by any Member of the Council of Europe which was not a party thereto at the outset.

5. We consider that, as progress is made in plans for co-operation in a variety of technical fields, a consciousness of greater unity will develop between the Members of the Council.

Chapter I

General and political considerations

Respective roles of the Consultative Assembly and the Committee of Ministers

6. Our study of the programme of work has led us to consider the general problems which confront the Council of Europe. One of the most important seemed to us to be that of the respective roles of the Assembly and the Committee of Ministers. Of these the latter is the easier to distinguish, because international organizations which provide precedents have long existed. The Committee is there to initiate and pursue intergovernmental action tending towards a greater unity between its Members. Its success can be fairly judged by its tangible results.

7. As far as the Assembly is concerned, it should continue to make suggestions to our Committee for action by member Governments. There will be discouragements. Notwithstanding the possibility of concluding partial agreements, the operation of the unanimity rule in the Committee and the diverse customs and traditions of member countries often unite to raise obstacles against implementation in full of the Assembly's proposals. Yet some progress there has been. And the Assembly has had a large share in bringing it about.

As regards the programme of work, it is clear that the Assembly should play a part not only in its drafting but also in its implementation.

8. To make recommendations to our Committee is not, in our view, the only task of the Assembly. It has an equally important task in guiding public opinion by debating the broad issues of the day. We should therefore like to record our particular satisfaction with the fact that a major political debate took place last September. We also congratulate the Assembly on the particularly important work it has done in connection with the Saar question and express the hope that a solution based on that work will soon be reached. Debates on the reports of O.E.E.C. have also been most valuable. We hope the Assembly will increase the proportion of its time devoted to debates of this kind.

9. We believe that Assembly debates make their impact on public opinion in two ways : first, through the normal channels of publicity ; secondly, by promoting among Representatives a greater understanding of their country's neighbours with beneficial effects on proceedings in national parliaments. We think the impact would be increased if national parliaments could be persuaded to devote more time to discussing Council of Europe questions. We propose to recommend to Member Governments that they should do what they can to bring this about and we hope that Representatives will individually take steps to the same end.

Co-operation between the Consultative Assembly and the Committee of Ministers

10. Our examination of the respective roles of our Committee and the Assembly led us in turn to consider closer co-operation between the two. We decided to invite the Assembly to give its views and make any suggestions that it might consider useful on the two following points.

11. We have noticed that we are often inadequately informed of the work of the Assembly Committees. We should be glad to learn what proposals the Assembly may have to offer in order to enable our Deputies to follow their work more closely. We also suggest that all papers of Assembly Committees should be made available to Member Governments.

12. We are confident that it would be in the interests of the Assembly to examine these two points. Member Governments would then be in a better position to appreciate the reasons underlying Assembly resolutions and recommendations and would be able more rapidly to acquaint the Assembly Representatives with their own views on the proposals in question. The result would very probably be to increase the number of resolutions and recommendations which we are able to approve.

13. During the debate which preceded the adoption of the Assembly's reply to our Message and Fourth Report, several Representatives expressed impatience at the apparent dilatoriness with which Assembly recommendations and resolutions had in the past been handled by our Committee. Bearing these views in mind, we propose, in future, when considering Assembly recommendations, to adopt in each case one of the following procedures :

(a) Adoption *in toto*, immediate or deferred ;

(b) Partial adoption, immediate or deferred, with due regard to Rule 15 of the Rules of Procedure of the Committee of Ministers ;

(c) Reference for study to another organization for international co-operation ;

(d) Rejection pure and simple. This last possibility results from the fact that an executive organ is not necessarily obliged to take action on, or to study, all ideas or plans put forward by a consultative organ.

Method of Work of the Committee of Ministers

14. We have reviewed the machinery at our Committee's disposal for the implementation of the tasks laid upon it. Our Deputies meet frequently and settle all minor and many major problems on our behalf. For expert advice we can already rely on the services of six committees of officials. They deal respectively with cultural questions, the reciprocal treatment of nationals, the peaceful settlement of disputes, extradition, patents, and social security. We have decided that, in the light of the new tasks which the execution of the programme will lay upon us, a committee should be set up to deal with social questions (other than social security). For the moment we think this committee structure satisfactory, but we shall add to it if at any time the need for an addition becomes apparent.

15. We have decided that a knowledge of the experience of the Scandinavian countries might help our committees in their labours and especially the social and cultural committees, with particular reference to arranging direct contacts between national administrations. We are therefore transmitting to them, for their information, and so that they may see what ideas contained therein might be put into effect on a European scale, the memorandum on Scandinavian co-operation which was presented to the Assembly by the representatives of the Nordic countries.

The Council of Europe and other international organizations

16. We were deeply concerned to find some procedure for securing co-ordination between the work of the Council and that of other international organizations — a coordination particularly necessary in view of the wide terms of reference of the Council of Europe². Because of the differing characters of our Committee and the Assembly this problem affects them in differing degrees. Almost all other international organizations have a Ministerial body; very few, a parliamentary. It will usually be undesirable for our Committee to study the same problem at the same time as the Ministerial body of another international organization. But it may often be helpful for the Assembly to do so, because it looks upon the issues before it from a different angle. Our conclusions can therefore only be applied directly to the activities of our Committee. But the Assembly might find it useful to adapt some of the underlying principles for application in their own case.

17. In the fields set out in Article 1 (b) of the Statute, the Council is concerned with any problem, even of a technical nature, the solution of which might promote greater unity among its Members. It follows that it may, at the European level, study matters which are the concern of larger or more specialised international institutions, if such a study might result in useful intergovernmental action which would not otherwise be possible. An examination of the work already carried out or contemplated in the same field by other international organizations is a necessary preliminary. To assist us in this, we have instructed the Secretariat to draw up periodically a detailed list of the questions of European interest being handled by other international organizations at the time. This list may also be helpful to the Assembly, and we have asked the Secretariat to transmit copies to all Representatives.

18. Where our examination reveals that no other international organization is competent in the field there can evidently be no problem of co-ordination. Where another international organization is competent, the next step will be to ascertain what work it has done or is contemplating in the matter. At this stage our Committee may either find that there is no more work which could usefully be undertaken, or it may urge the organization in question to extend its labours in one direction or another. If the organization is unable or unwilling to respond, our Committee could itself take up the question without fear of overlapping.

19. All these cases call for prior understanding between the Council and the organization in question, and this can be achieved through negotiation between the Council and that organization.

20. We believe that this procedure will help to make of the Council of Europe a framework for the elaboration of common solutions of European problems, to be sought and put into effect by the international

organization most appropriate in each case.

21. We should like very briefly to mention a connected problem which has attracted the Assembly's attention, namely that of consultation between the Representatives in wider organizations of member countries of the Council of Europe. We are agreed that consultations may be held between Members of the Council with a view to preparing the ground for meetings of larger international organizations and defining a common attitude in various technical fields, whenever such a necessity is felt. Furthermore, it is evident that when the Council has itself referred a problem to another organization of wider membership, consultation will normally be useful and desirable between the representatives to that organization of the Members of the Council of Europe. In this context, we should like to recall that arrangements already exist whereby Member Governments can, and very frequently do, discuss between themselves current problems in general, and problems likely to be discussed in larger-scale organizations, in particular.

22. So much for the problems of a general or political character. We now turn to the programme proper and have devoted a chapter of this Message to each of the several fields of the Council's activity.

[...]

1. See 6th Session, 1954 : 2nd Sitting, 20th May, 1954 (Referred to the competent committees), Doc. 252 (Report of committee expressing an opinion on Chapter III), 10th Sitting, 28th May, 1954 (Draft Opinion adopted) and Opinion 9.

2. The terms of reference of the Council are chiefly to be found in Article 1 (a) and (b) of the Statute which read as follows :
" (a) The aim of the Council of Europe is to achieve a greater unity between its Members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress.

(b) This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms. "