

# CONCLUSIONS OF THE HUNDRED AND SEVENTY-FIRST MEETING OF THE MINISTERS' DEPUTIES

*held in Strasbourg from 27 to 30 May 1968*

## *Present*

AUSTRIA . . . . .	Mr. W. GREDLER- OXENBAUER Mrs. H. WOLFRAM Mr. H. BIRNLEITNER
BELGIUM . . . . .	Mr. L. COUVREUR Mr. M. BOULANGER
CYPRUS . . . . .	Mr. C. PILAVACHI
DENMARK . . . . .	Mr. M. WARBERG
FRANCE . . . . .	Mr. M. de CAMARET, <i>Chairman</i> Mr. Y. BASTOUIL Mr. M. SCHUBLIN
FEDERAL REPUBLIC OF GERMANY . . .	Mr. H. NORTHE Mr. G. DEYHLE Miss G. HAUG
GREECE . . . . .	Mr. B. VITSAXIS Mr. E. MEGALOKONOMOS
ICELAND . . . . .	
IRELAND . . . . .	Mr. S. GAYNOR
ITALY . . . . .	Mr. A. ASSETTATI Mr. G. RIZZO-VENCI Mr. L. PIVANO
LUXEMBOURG . . .	Mr. J. WAGNER
MALTA . . . . .	Mr. J. MAMO DINGLI
NETHERLANDS . .	Mr. J. VIXSEBOXSE Mr. H. BIJL
NORWAY . . . . .	Mr. L. EDWARDSSEN
SWEDEN . . . . .	Mr. S. BACKLUND Mr. J. AF SILLÉN
SWITZERLAND . . .	Mr. D. GAGNEBIN Mr. G. GUIBERT
TURKEY . . . . .	Mr. E. DERINGIL Mr. M. KARACA
UNITED KINGDOM .	Mr. E.B. BOOTHBY Miss B.M. DEAVIN

The 171st meeting of the Deputies opened at 10 a.m. on Monday 27 May 1968, with Mr. M. de Camaret, Deputy for the Minister of Foreign Affairs of France, in the Chair.

Opening the meeting, the Chairman expressed to the Representative of Denmark the sincere congratulations of the Committee of Ministers on the birth of an heir to the throne in Denmark.

## **I. Adoption of the Agenda**

The Deputies adopted the Agenda (see Appendix 8<sup>1</sup>)

## **II. Statement by the Secretary General**

The *Secretary General* informed the Deputies of developments in the Council of Europe's various fields of activity since their 170th meeting. (See also Doc CM (68) 99 on the mandate of the Secretary General)

## **III. Texts adopted by the Assembly during the first part of its 20th Session**

### *A Recommendations*

(a) *Recommendation 521* on the general policy of the Council of Europe

The Deputies gave preliminary consideration to Recommendation 521

The *Swiss* Representative thought a partial reply to this recommendation, particularly paragraph 5, might be found under Point XIV (d) of the present meeting. He wondered also whether the European Conference of University Rectors and Vice-Chancellors might not have something to contribute here

The *Secretary General* agreed with the first suggestion. However, he pointed out that the

1. See page 238.

Conference was a large organisation which did not meet very often and had the further disadvantage of not including any civil servants.

He suggested that the reply to the Assembly might also include a reference to the recent developments in connection with the Committee on Non-Represented Nations. It had been agreed that the Secretariat should submit a paper to that committee, setting out the present state of relations with the countries concerned and drawing attention to those Council of Europe activities which were open to non-member countries. It was hoped that this might enable the committee to direct its work along fresh and constructive lines.

The *Austrian* Representative thought that in the light of the policy consistently pursued by his government, he could no doubt accept paragraph 9 (a) of the recommendation. In connection with paragraph 9 (c), he mentioned various meetings which had been arranged in his country, largely in Vienna, and had produced encouraging results.

The Deputies agreed to pursue their consideration of Recommendation 521 at their next meeting.

(b) *Recommendation 522* on European economic problems

The Deputies gave preliminary consideration to Recommendation 522.

The *Netherlands* Representative remarked that the recommendation was drafted in extremely general terms but felt that the Deputies should avoid giving too curt a reply to it.

The *Austrian* Representative greeted with satisfaction the reference in paragraph 6 (b) of the recommendation to "work for the rapprochement of the Community and of the applicant countries". He took the phrase to include all the countries that had applied to the Community, not just the four that wished to become full members.

The *Swiss* Representative expressed surprise that the Assembly had adopted the recommendation without really discussing it, whereas Resolution 368 had given rise to what had, at moments, become a somewhat difficult debate. The reply to the recommendation should take paragraph 4 of Resolution 368 as one of its starting points.

The *Norwegian* Representative indicated his readiness to accept the Secretariat suggestion that the Committee of Ministers should merely forward the text of the recommendation to their governments. On the other hand, if it was decided to send a detailed reply, he would have a number of comments and objections to make to the terms in which the recommendation was drafted.

The *United Kingdom* Representative thought the recommendation called for a fairly full reply. There was no object in merely forwarding it to member governments.

The Deputies agreed to resume consideration of Recommendation 522 at their next meeting.

(c) *Recommendation 523* relating to the report of the 6th Session of the European Civil Aviation Conference

The Deputies gave preliminary consideration to Recommendation 523 and decided to refer it to the European Civil Aviation Conference which would be holding its annual inter-session meeting on 15 and 16 June 1968, with a request for an opinion on paragraph 2 (b).

The Deputies decided to continue consideration of the recommendation at their 172nd meeting and, at the request of the *Netherlands* Representative, also decided to defer until their 173rd meeting the drafting of a reply from the Committee of Ministers.

(d) *Recommendation 524* on Council of Europe aid to promote intermunicipal exchanges

The Deputies held a preliminary exchange of views on Recommendation 524.

The *Austrian* Representative recalled the difficulties arising year by year in connection with the Assembly's request for an appropriation to finance intermunicipal exchanges, and said the new proposal ought to be considered in the light of whether or not it offered a means of solving the question once and for all.

The *Swiss* Representative pointed out that it had first been intended that these exchanges should be self-financing, and subsequently that they should be given only token aid. Now the suggestion was that a fund should be created to which France and the Federal Republic of Ger-

many would contribute largely; but that still left unanswered the question of the staffing and organisation of such a fund, as well as of how much it would cost to administer.

The *Secretariat Representative* said it was intended to submit a paper to the Deputies at their next meeting, setting out the full financial implications of setting up the fund. It did not seem to him, however, that any problem of administration would arise since the staff responsible hitherto for allocating the aid could administer the fund as well. So far as the Federal Republic of Germany and France were concerned, their real contributions would in fact be rather less than at present, since they would be deducted from those they were already making to the Franco-German Office.

The *Danish Representative* said there was considerable interest in his country in the proposal mentioned in paragraph 14 for a European Youth Office

The *French Representative*, referring to the development of intermunicipal exchanges, expressed similar misgivings to those of the Swiss Representative. The principle of self-financing should be adhered to and nothing else granted but a token aid designed purely as an encouragement. It might be a good plan to await the results of the next European Conference of Local Authorities before taking a decision on the recommendation.

The *United Kingdom Representative* said he would not oppose the token grant of 50,000 F being given again this year.

The *Netherlands Representative* was not in favour of the Assembly's proposal. He would prefer the present arrangements in respect of aid to be continued.

The Deputies decided to resume consideration of Recommendation 524 at their next meeting.

(e) *Recommendation 525 on the convening of a European Conference of Ministers responsible for regional planning*

As no delegation was yet in a position to comment, the Deputies agreed to consider Recommendation 525 at their next meeting.

(f) *Recommendation 526 on co-operation in the field of regional planning under the Council of Europe Work Programme*

The Deputies gave preliminary consideration to Recommendation 526, and examined the suggestion that it should be referred :

- to the Committee on Co-operation in Municipal and Regional Matters (paragraph 5);

- to the European Committee for the Conservation of Nature and Natural Resources (paragraphs 6, 7, 8 and 9);

- to the Council for Cultural Co-operation (paragraphs 11, 12 and 13);

- to the Social Committee (paragraphs 14 and 15 (i));

- to the European Public Health Committee (paragraph 15 (ii)).

The *Danish Representative* indicated approval of this suggestion except for the reference to the Committee on Co-operation in Municipal and Regional Matters, no decision having been taken so far on the establishment of that Committee.

The Deputies agreed to consider Recommendation 526 further at their next meeting

(g) *Recommendation 527 on the creation of new towns*

The Deputies held a preliminary discussion on Recommendation 527.

The *Danish Representative* pointed out that the Committee on Co-operation in Municipal and Regional Matters, referred to in paragraph 16 (ii), had not yet been set up.

The *Netherlands Representative* stated that the recommendation also referred to the European Conference of Ministers responsible for regional planning, which was the subject of Recommendation 525

The *Swiss Representative* felt that implementation of the recommendation, and in particular paragraph 16 (ii), came within the province of the Work Programme and should be discussed when the next programme came to be drawn up

The *Secretariat* explained that the interrelation between Recommendations 525, 526 and 527 was due to the fact that they had been adopted at the same time. The question of Council of Europe structures in the field of local authorities would be an item on the agenda for the 172nd meeting (see Document CM (68) 82). It had been agreed that the chapter in the 1968-69 Work Programme on local authorities was provisional, but that it would not be necessary to await the end-of-year budget decisions before finalising this chapter, as was the case with the items on the other chapters earmarked as subject to confirmation.

The Deputies agreed to give further consideration to Recommendation 527 at their next meeting.

#### B. Resolutions

- (a) *Resolution 366* on the amendment of certain provisions in the Rules of Procedure

The Deputies took note of Resolution 366.

- (b) *Resolution 367* on the election of members of the European Court of Human Rights

The Deputies took note of Resolution 367.

- (c) *Resolution 368* on the general policy of the Council of Europe

The Deputies took note of Resolution 368 and agreed to consider it further at their next meeting in connection with the reply to be made to Recommendation 522.

- (d) *Resolution 369* on Peace Research

The Deputies took note of Resolution 369.

In reply to a question from the Swiss Representative the *Deputy Clerk of the Assembly* stated that a meeting of directors of peace research institutes had been held in Geneva a few days after the Assembly session. The IPRA had held an exchange of views on this occasion, on the basis of Resolution 369, and it had been suggested that the symposium should take place in Vienna from 4 - 6 October 1968. IPRA would

bear the cost of the meeting. Council of Europe parliamentarians would be able to attend without any additional cost to the organisation on account of the meeting of the Political Committee's Sub-Committee No 6 (Peace Research) which was due to be held in Vienna at the same time.

- (e) *Resolution 370* on the signature and ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms

The Deputies took note of Resolution 370

The Representative of Malta stated in connection with paragraph 6 of the resolution that six states which were parties to the European Convention for the Protection of Human Rights, besides Malta, recognised neither the right of individual petition nor the compulsory jurisdiction of the European Court of Human Rights. Only one of the states which subscribed to the declarations provided for in Articles 25 and 46 of the Convention had done so definitively. One other state had accepted the right of individual petition definitively, while the others had accepted Articles 25 and 46 only for limited periods varying from two to five years, reserving the right to renew their declarations or otherwise

The *Secretary General* said that he would make certain comments on the procedure followed by the Assembly in the matter when he came to make his statement under item II of the Agenda

- (f) *Resolution 371* in reply to the 6th report on the activities of OECD

The Deputies took note of Resolution 371

The Swiss Representative approved the idea of holding a special meeting of the Liaison Committees to discuss scientific and technical policy questions, as suggested in paragraph 23 of the resolution. Such a meeting would have to be carefully prepared, however

The Deputies agreed to consider this point again at their next meeting. If there were no objections to the Assembly's suggestion, the Chairman of the Council of Europe Liaison Committee would be asked to get in touch as

necessary with the Chairman of the OECD Committee.

(g) *Resolution 372* in reply to the report of the 6th Session of the European Civil Aviation Conference

The Deputies took note of Resolution 372.

*C. Order*

*Order No. 273 on regional planning*

The Deputies were informed that the implementation of Order No. 273 was liable to have financial implications. They agreed to decide on these at their 173rd meeting, in the light of information to be provided by the Secretariat.

**IV. European Committee on Legal Co-operation  
Examination of the Report of the 9th meeting**

(Concl. (68) 169 and 170, Point IV, Doc. CM (68) 57 and Addendum)

The Deputies took note of the 9th report of the CCJ (Doc. CM (68) 57 and Addendum) and discussed the points on which no decisions had been taken at their 169th and 170th meetings.

L. With regard to the resolution concerning the model classification plan for documents relating to state practice in the field of public international law and its appendices (model plan and commentary) as contained in Part II of the addendum to the report, the *French Representative* made the following statement :

"The wording of the resolution (A, 1) ought to be brought into line with Resolution (64) 10 which was drawn up with regard to the fact that in certain countries, among them France, the publication of such digests is undertaken by non-governmental bodies and hence the resolution and the classification plan drawn up by the Committee of Experts might not apply to them.

Section A, paragraphs 1 and 2 of the resolution should accordingly read : 'in so far as they have not yet done any work along this line and

no work has been undertaken in another manner judged satisfactory by the government concerned, publish digests of practice in their country in the field of public international law in accordance with the rules and methods set out in Resolution (64) 10'."

The French delegation also considered whether the Committee of Experts had remained within its terms of reference in drawing up a "classification" plan for documents relating to state practice in the field of public international law since Resolution (64) 10 spoke of preparing for the publication of digests on the subject

Moreover, it might be thought premature to transmit to the United Nations a document which was manifestly not in its final form. Indeed it had been stated that Part VI, on the law of treaties, was to be revised once the conclusions of the Vienna Conference on the Law of Treaties were known. Besides, before agreeing to the transmission of the document it would be necessary to go through the plan and its commentary very thoroughly, for one thing because some of its groupings, which were unexplained, seemed rather unfortunate (e.g. "stateless persons, refugees, slaves") and above all because it sometimes anticipated solutions to certain problems of public international law.

The French delegation accordingly thought that discussion of the subject should be deferred until a later meeting of the Deputies

The *Director of Legal Affairs* said that the amendment proposed to Section A was certainly an improvement. With regard to the committee's terms of reference, the experts had thought that to draw up a model plan was within its province since it would facilitate the publication of the digests in a systematic form. Furthermore, the draft resolution was flexible enough to allow for the few points that might arise out of the Vienna Conference, which, moreover, would not end until 1969. To transmit the resolution to the United Nations would be to respond to Resolution 2099 (XX) of the General Assembly, without in any way prejudicing the interests of the Council of Europe or of member governments.

An indicative vote showed that thirteen delegations were in favour of adopting the resolution subject to discussing the proposed amendment and the points made by the French delegation. It was accordingly agreed to defer the decision on this matter until the next meeting.

2. The Deputies approved the principle of granting the necessary appropriation for a meeting at which member states would be able, as at the ad hoc meeting in February last, (see Doc. CM (67) 71, point 9 (C)), to exchange views in preparation for the 2nd Session of the Diplomatic Conference in Vienna on the Law of Treaties. The Budget Committee would give an opinion on the sum required at its meeting to discuss the 1969 Budget next October.

The *Director of Legal Affairs* said that it was possible that, depending on the first results of the Conference, the ad hoc meeting might take place in 1968.

3. The Deputies authorised the CCJ to discuss the results of the 5th Conference of European Ministers of Justice at its next meeting in November 1968.

4. The Deputies noted the fact that the CCJ reserved the possibility of recommending to the Committee of Ministers at the November meeting 1968 to add, if need be, to the Work Programme as it concerned the publication of digests of state practice in the field of public international law.

#### **V. Conference of Deans of European Faculties of Law Organisation of the Conference and participation of observers**

(Concl. (68) 168, Point V (c) and Doc. CM (68) 67)

The Deputies considered the summary of the work accomplished by the Committee of Specialists on the Comparative Study of European Law in connection with the organisation of a European Conference of Deans of Faculties of Law (Doc. CM (68) 67). They took special note of points (a) (Organising Committee), (b) (date and place), (f) (programme) and (g) (accompanying arrangements).

With regard to point (c), concerning the issue of invitations to non-member states to send observers, the Deputies agreed to send invitations to all European non-member states, which would not of course include Eastern Germany. It was agreed that the invitations might be sent by way of notes verbales from the Secretary General to each of the governments concerned, with copies to the Ambassadors in Paris. A formal invitation would subsequently be sent to those governments which, in response to the note verbale, indicated their interest in sending an observer.

As regards point (d), concerning the invitation of observers from international governmental and non-governmental organisations, the Deputies instructed the Secretariat to submit a shorter list of organisations and institutes on which they agreed to take a decision at their next meeting.

With regard to point (f), concerning the Rules of Procedure of the Conference, the *Swiss Representative*, supported by several of his colleagues, objected to the text proposed by the Committee of Specialists in Appendix III to Document CM (68) 67 on the grounds that the title ("Statute") and a number of the clauses were not in keeping with the nature of the conference envisaged. He suggested simply setting aside the draft and asking the Secretariat to prepare another text embodying the few rules required for the proper running of the Conference.

The Representative of *France* recalled his government's reservations in regard even to the principle of holding the Conference, and remarked that the official ring given to the Rules of Procedure by the Committee of Specialists betrayed an inclination on their part to institutionalise the Conference, contrary to the limits set by the Committee of Ministers in authorising the convening of one conference, as a special event, in 1968.

After hearing the *Director of Legal Affairs*, who shared the views and objections expressed with regard to the text submitted by the Committee of Specialists, the Deputies instructed the Secretariat to draw up for their next meeting a text embodying the rules necessary for the proper running of the Conference.

Lastly, the Deputies decided to postpone any decision on the publication of the Conference

proceedings (point 4) until a later meeting.

## **VI. Legal Committee on Broadcasting and Television**

### **Consideration of the report of the Study Group on its meeting held on 3 April 1968**

(Doc. CM (68) 66)

The Deputies took note of the report of the meeting of the Study Group held to consider the connection between the Agreement concerning programme exchanges by means of television films and the International Convention for the Protection of Literary and Artistic Works, as revised by the Stockholm Conference on Intellectual Property held from 12 June to 14 July 1967 (Doc. (68) 66).

With regard to the conclusions of the report, the Deputies agreed :

(a) to take note of the Study Group's opinion that no revision of the above-mentioned Agreement was necessary as a result of the new provisions of the Berne Convention adopted at Stockholm;

(b) to invite those member states which had not yet done so to ratify the Agreement.

On this point, the Representatives of *Switzerland* and *Malta* said that their authorities were giving consideration to the matter.

The Representative of the *Federal Republic of Germany* said that his government was unable to ratify the Agreement because the latter also covered contributions by performers and was thus in contradiction with the federal law on copyright of 9 September 1965.

With regard to the issue of invitations to those non-member states which took part through Eurovision in exchanges of programmes by means of television films (*Algeria*, *Spain*, *Portugal*, *Finland*, *Morocco*, *Tunisia*, *Yugoslavia*) to accede to the Agreement, the *Director of Legal Affairs* quoted the first paragraph of Article 8 :

"After this Agreement has come into force, any country which is not a Member of the Council of Europe may accede to it, subject to the prior approval of the Committee of Ministers of the Council of Europe."

In view of the fact that, unlike other Council of Europe conventions and agreements, accession to the Agreement by non-member states did not necessitate an invitation from the Committee of Ministers, he considered it would be preferable to sound the governments concerned, letting them know that the Committee of Ministers would be disposed to agree to an application on their part.

After discussion, the Deputies instructed the Secretariat to draw up for their next meeting a draft note verbale from the Secretary General to the governments of the seven countries concerned with copies to their Paris embassies.

As regards the Study Group's suggestion that the question of the "legal and other consequences of the use of the new techniques of television by telecommunications satellites" should be placed on the Work Programme, the Representatives of *Belgium* and of the *Federal Republic of Germany* already indicated their support for the idea, though the German Representative specified that there should be no overlapping with the work of other European organisations. On the other hand the *Swedish* Representative expressed some doubts. It was agreed to discuss the suggestion when the 1969-70 Work Programme was being drawn up.

## **VII. Rules of Procedure of the Committee of Ministers' Deputies**

(Concl. (68) 170, Point V and Docs. CM (67) 27 and 108 and CM (68) 41 and 58)

The Deputies held a preliminary exchange of views on the revision of their Rules of Procedure.

The *Swiss* Representative asked whether it was intended to issue a regulation on the majority required for the opening of a convention for signature by member states.

The *Director of Political Affairs* thought it preferable not to deal with this question in the context of a discussion of the Rules of Procedure.

The *Director of Legal Affairs* agreed, adding that the solution to this matter ought in fact to

be sought outside the framework of the Council of Europe's Statute. Proposals would be submitted to the Deputies at a later stage.

The Deputies decided to set up a drafting group, under the chairmanship of Mr. Polys Modinos, to produce a final draft of the Rules of Procedure, based on that drawn up by the Secretariat and on the comments received from the various delegations. The conclusions of the group would be considered at a subsequent meeting.

**VIII. Human Rights - Zeidler-Kornmann Case  
Decision on the Report of the European  
Commission of Human Rights**

(Letter H/300 of 18 January 1968)

The *Head of the Directorate of Human Rights* said that this application had been lodged with the Commission on 4 September 1965, and declared partially admissible on 13 December 1966. The report, which had been finally approved by the Commission on 18 December 1967, had been drawn up in pursuance of Article 31 of the European Convention on Human Rights and sent to all governments on 18 January 1968.

He drew attention to the fact that for the first time a Sub-Commission had held a meeting away from Strasbourg, i.e. in Berlin, and had been given all facilities by a member government to make the necessary enquiries, had visited a prison there and had heard evidence from fourteen witnesses. (In the Cyprus case, some members of the Commission had visited the island, but the Sub-Commission itself had not held a session there.)

In its report transmitted to the Committee of Ministers in accordance with Article 31 (2) of the Convention, the Commission by twelve votes to one had expressed the opinion that there was *no violation of the Convention*.

The Representatives of *Belgium, Denmark, Federal Republic of Germany, Greece, the Netherlands and Sweden* said that they agreed with the opinion of the European Commission that there had been no violation of the Convention in this case.

The Deputies agreed to postpone to the next meeting their decision on the publication of the

report and on the text of the resolution by which they would formally record their decision on the question of violation. The following draft was submitted for their consideration :

Draft Resolution DH (68) ...  
relating to the Application presented by  
Heinz Zeidler-Kornmann against the  
Federal Republic of Germany

The Committee of Ministers,

Having regard to Article 32 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter called "the Convention");

Having regard to the report drawn up by the European Commission of Human Rights, in accordance with Article 31 of the Convention, relating to the application lodged by Heinz Zeidler-Kornmann, a German national, against the Government of the Federal Republic of Germany (No. 2686/65);

Whereas the Commission transmitted the said report to the Committee of Ministers on 18 January 1968, and whereas the period of three months provided for in Article 32, paragraph 1, of the Convention has lapsed without the case having been brought before the Court in pursuance of Article 48 of the Convention;

Whereas in his application of 4 September 1965 Heinz Zeidler-Kornmann submitted, *inter alia*, that he was ill-treated by prison officers in the Tegel prison in Berlin on 4 September 1965;

Whereas the Commission on 16 December 1965 declared his other complaints to be inadmissible but on 13 December 1966 declared part of his application admissible, considering that his allegations gave rise to an important question of a possible violation of Article 3 of the Convention;

Whereas the Commission in its report, taking the terms used in Article 3 of the Convention in their ordinary and natural meaning, concludes that the Applicant in the case has not been subjected to "torture";

Whereas the Commission by twelve votes against one is of the opinion that the treatment to which Kornmann was subjected did not amount



to "inhuman or degrading treatment" within the meaning of Article 3 of the Convention and that consequently this Article had not been violated in the case;

Voting in accordance with the provision of Article 32, paragraph 1, of the Convention,

Agrees with the opinion of the Commission;

Decides that in this case there has been no violation of the Convention for the Protection of Human Rights and Fundamental Freedoms.

#### IX. Social Committee

#### Report of the 24th Session - Family policy : laws and regulations designed to compensate for family commitments

(Concl. (68) 168, Point XIV, and Doc. CM (67) 185, Corrigendum and Appendix V revised)

The Deputies resumed consideration of the draft resolution on laws and regulations designed to compensate for family commitments contained in the Conclusions of their 168th meeting (Point XIV).

The *Swedish* Representative said that his present instructions were to abstain from voting on any version of the resolution containing such a provision as that in the fourth sub-paragraph of Chapter I, paragraph 1. His government could not accept the principle that compensation for family commitments should be made by tax concessions based on the number of children. His government's opinion - which was reflected in present legislation on family allowances - was that tax concessions of this kind tended to support higher incomes families more than those with lower incomes.

He also proposed several amendments as follows: "Chapter VI is entitled 'Aid to Mothers'. This of course corresponds to point 1 (a) concerning the refund of medical expenses during pregnancy. But as regards the other paragraphs it would be more accurate to stress that it is both parents who should be assisted. Consequently, I suggest replacing the words 'mothers' and 'women' in paragraph 2 (c) by 'parents'.

For paragraph 2 (d) I propose the following text: 'Home aid services should be provided to help the family when the parents are unable to take care of children owing to sickness, rest-cures or recreation leave. Financial aid should be granted when the family means are inadequate'.

In order to stress that the care of children concerns both parents and not only the mother, I would further suggest that paragraphs 1 (b), 2 (c), and 2 (d) be moved from Chapter VI 'Aid to Mothers' to Chapter VIII with the more appropriate heading 'Equipment and services for parents'.

The *Swiss* Representative supported the draft resolution but suggested redrafting it to replace the expression 'il faudrait' in the French text (point III. 1, III. 2 and VII. 2) by something less forceful.

The *United Kingdom* Representative said that the principle stated in point II. 3 was incompatible with legislation in his country where for foreigners to be entitled to family allowances they had to have lived in the country for three of the four years immediately preceding the application for benefit.

The *Italian* Representative said that the authorities in his country had no comment to make on the revised draft text considering that it presented no major departure from that adopted by the Social Committee and which had been approved earlier by the Italian authorities and, in particular, by the Minister for Labour.

The *Irish* Representative supported the text, most of its recommendations being in line with the practice in his country, but had reservations in regard to paragraphs III. 1, VI. 2 (a), VI. 2 (c) and VI. 2 (d).

The Representative of *France* said that if the draft Resolution were put to the vote, he would have to abstain for lack of instructions.

The Representative of *Malta* was ready to approve the draft although he would have to

express reservations with regard to certain provisions particularly of Chapters II and VII.

The Representative of the *Federal Republic of Germany* said he could approve the draft. He suggested, however, that should it not be possible to adopt it at the present meeting, the debate be postponed and the draft referred to the 10th Conference of Ministers responsible for family questions (Vienna, 30 - 31 May 1968).

The Representative of *Belgium* said that his government did not wish to prevent the adoption of the resolution because of a difficulty which did not constitute a matter of principle. It was therefore ready to vote in favour of the draft.

The *Head of the Social Division* drew attention to the fact that a discussion on the draft resolution was due to take place at the Vienna Ministerial Conference, as an additional item on the agenda. He thought accordingly that it would be preferable if the Deputies were to vote on it immediately.

After discussion, it appeared that the Deputies were not in a position to decide immediately on certain of the amendments submitted.

There was then an exchange of views on the propriety of the Conference of Ministers responsible for family affairs, which is not an institution and has no regular relations with the Council of Europe, seizing itself of and discussing a resolution which the Council was in process of drafting. It was finally decided that the Council of Europe observer at the Conference should give a brief account of the content of the resolution and the difficulties encountered. In the light of the comments it called for - and without there being any question of a vote on the resolution - the secretariat would prepare a revised draft. Furthermore, the Ministers attending the Conference would be able to provide their respective Foreign Ministers with appropriate recommendations. In this way the Deputies would be able to take the matter up again at their 173rd meeting on a more constructive basis.

#### X. CCC - Report of 13th Session

**Adoption of CCC Recommendation No. 38 (1968) concerning the acceptance of an invitation by the Belgian Government to convene a conference of Ministers most directly concerned with the preservation and rehabilitation of groups and areas of buildings of historical or artistic interest**

(Concl. (68) 170, Point XI and Docs. CM (68) 47 and 48)

The Deputies resumed their discussion of CCC Recommendation No. 38 (1968) regarding the acceptance of the Belgian Government's invitation to hold a conference of ministers most directly responsible for the preservation and rehabilitation of groups and areas of buildings of historical or artistic interest.

The Representative of *France* reiterated the position of his government. While appreciating the Belgian Government's invitation, the French authorities did not consider that the holding of such a conference would be necessary or opportune at this stage. As a matter of principle, they were not in favour of increasing unduly meetings of technical ministers and the Committee had already reacted unfavourably to certain proposals made in this sense by Mr. Schulz in his recent report.

The Representative of the *United Kingdom* stated that the United Kingdom authorities were opposed to the holding of the proposed conference on the grounds of expense.

The *Secretary General* observed that, as he saw it, the part of the Schulz Report which had given rise to objections of principle, related not to the holding of conferences of technical ministers, but to their institutionalisation, as this would have the effect of diluting the authority of the Committee of Ministers. These objections of principle should not therefore apply to the proposed ministerial conference. He suggested instead that the criteria of utility and expense should be applied. As to the first, there was great interest in the subject throughout Europe. As to the second, ministerial conferences were among the least expensive operations in relation to the substantial, political results obtained. The decisions taken at ministerial conferences had a direct effect on the administrative practice of the ministries concerned. This was a valuable result, achieved at no cost. These decisions also gave important guidance to the Council of Europe's own work.

The Representative of Belgium mentioned the importance attached by his government to the Conference. The Belgian authorities had volunteered to act as hosts because the Chairman was to be a Belgian personality, Professor Lemaire, because Prince Albert of Liège was interested in its work, and above all because legislation was going to be submitted on the subject in Belgium and would be under discussion at the same time as the Conference was being held. The Belgian Government would meet the costs of organising the Conference, while it was envisaged that the Council would simply bear the cost of providing the secretariat. The attendance of ministerial delegations would of course be at the expense of governments. The Conference would probably be held in the autumn of 1969.

The Deputies then adopted CCC Recommendation No. 38 (1968) and agreed that the ministerial Conference should be held within the framework of the Council of Europe and with the assistance of the Secretariat. Fourteen delegations voted in favour, one abstained and two (France and the United Kingdom) voted against (see Resolution (68) 16, the text of which is to be found in Appendix 1, page 187).

The Representative of France explained that although the French authorities had felt obliged to maintain their previous opposition to the proposal, France would nevertheless be ready to take an active part in the work of the Conference.

In reply to a question from the Representative of Switzerland, the *Secretary General* said that the Conference was expected to discuss questions of political interest, warranting the attention of ministers, and that its agenda would be limited to a few important items. It was hoped to obtain from the Conference guidance for the Committee of Ministers in connection with the Programme of Work. It was to be hoped also that the technical ministers would reach common conclusions at the Conference which would later form the basis of concerted national administrative practice in the fields concerned.

The *Director of Education and Cultural and Scientific Affairs* said that the Conference would help to create increased awareness of the valuable work already accomplished, in particular through the series of confrontations on the rehabilitation and preservation of groups and areas of buildings of historical or artistic

interest. The comparison between various national practices in the rehabilitation and preservation fields might lead to agreement on the best solutions to be applied to these problems. It was hoped that the results of the Conference would provide a common basis for legislation.

#### **XI. Committee of Ministers Follow-up to 42nd Session**

(Doc. CM (69) PV 1 prov.)

The Deputies reviewed the various points on the Agenda of the 42nd Session which required follow-up action by the Committee or by the Secretariat.

##### **(1) Intergovernmental Work Programme**

The *Secretary General* reported on the steps taken by him in pursuance of the decision taken by the Committee of Ministers at its 42nd Session instructing him

"to submit a report on whether greater use could be made of the facilities offered by the Council of Europe in the framework of a co-ordinated effort of all the competent European organisations with a view to seeking a solution to the problems connected with the development of technological resources".

The exercise now being undertaken had two distinct aspects. The first concerned the Council of Europe itself and the objective here was to enable the Organisation to programme its work more scientifically. Personally, he did not think that the Council would have a major direct role to play in regard to the "primary" problem, i.e. immediately scientific and technological matters, but rather that it should develop its activities on problems secondary, though still important, in the development of technological resources, for instance in the legal and higher education fields. The second aspect, which contained the only new element, was that an attempt was being made to see the Council's own contribution as part of a concerted effort by the organisations concerned. In this effort the Council could not act as co-ordinator but it was the best, indeed perhaps the only possible body, to undertake the initiative.

In a first series of talks with Mr. Kristensen, Secretary General of OECD, it had been agreed that a joint meeting should be held in October. The object of this meeting was not at all to

attack the substance of the problem, but only to see whether in their view the Secretaries General considered that they could make helpful suggestions to governments and thus enable him to report to the Committee of Ministers on whether or not the consultations had given positive results. Contacts had also been made with a number of other organisations. The Secretary General had had a first brief talk with Mr. Rey, President of the Commission of the Communities, who had undertaken to communicate his reactions. He had had correspondence and a telephone conversation with the Secretary General of ELDO and of the Space Conference. In Geneva, he had talked with Mr. Morse, Director General of ILO and received his assurance both that he considered consultations on the point between Secretaries General as timely and necessary and that he (Mr. Morse) would help in every way possible. ILO's work on management training was strictly relevant to the technological gap and its potential contribution to other aspects of the problem could be important also. BIRPI had expressed its willingness to make available relevant information, as had the World Meteorological Organisation which had a number of interests in Europe. The Economic Commission for Europe was clearly in a more complex situation but it had taken a positive attitude of principle and should be kept constantly consulted. In general, it could be said that the initiative taken to enable the heads of the various organisations to compare notes and to consult had been widely welcomed.

The Secretary General then drew some tentative conclusions. First, he had been struck by the immense amount of work already proceeding. Often this work was not recognised as relevant to the development of technological resources because for the most part it concentrated on "secondary" problems. At the least the study now undertaken would draw attention to this work. Secondly, more intimate knowledge of the pertinent activities of the organisations concerned would help the Council of Europe to increase the value to governments of its own Work Programme. Thirdly, a collective approach appeared absolutely necessary and the executive heads of the organisations consulted seemed in greater or lesser measure to share this view. The next stage would be to continue the talks and exchanges of correspondence in order

to prepare for an informal meeting in October, at which Professor Kristensen would be in the Chair. This meeting ought to enable him to report on what the Secretaries General thought that their organisations could achieve in this matter and, although he did not wish to prejudge the content of the paper which he would submit thereafter to the Committee of Ministers, he had hopes that it would be constructive.

In answer to a question put by the Representative of Switzerland, the Secretary General stated that he did not intend to submit any other documents until after October and repeated that the paper which he would prepare after the meeting of Secretaries General would be purely "mechanical", in the sense that it would not attempt to tackle the substance of the problem of the technological gap.

## (2) Relations with other states

The Secretary General informed the Deputies of recent developments in the Council of Europe's contacts with the authorities of certain European non-member states.

The Political Director indicated that the revised version of the "brief guide" would be circulated to delegations at the beginning of June.

## (3) Relations between the Council of Europe and the United Nations

The Representative of Austria reminded the Deputies that his Foreign Minister had expressed the hope that something might be done in New York to strengthen the links between delegations of member states of the Council of Europe.

He recalled that three or four years previously attempts had been made by the German and Swiss delegations in the Council of Europe to increase consultations on United Nations matters, but these initiatives had not led to substantial results. At present, contacts in the Group of Western European and other countries in New York were limited almost exclusively to "slates", i.e. the selection of candidatures for vacant posts. It was feared in some quarters that there might be certain dangers in seeking to strengthen the cohesion of the European group,

but in the view of the Austrian Representative the total lack of European solidarity in New York was regrettable and reflected the comparative failure of the last twenty years' efforts to achieve real European integration. This might be one reason among others why the youth of today felt so disaffected and disorientated.

The Representative of Norway supported his Austrian colleague's point of view and observed that the Dutch and the Belgian delegations in New York, supported by his own, had on several occasions done their best to put more substance into the Western European group's meetings and try to institute some discussions at least of problems on the agenda of the United Nations. These attempts had come to nothing owing to the positions of principle taken up by certain other delegations for reasons which he understood.

#### (4) Other business

The Representative of France referred to his delegation's lack of instructions on 6 May over the proposal to convene the Committee of Ministers in London in May 1969. He stated that his government was today glad to be able to accept the invitation so kindly issued by Lord Chalfont on behalf of the United Kingdom Government.

The Chairman observed that the Committee was now in a position to accept formally the United Kingdom's invitation for the Committee of Ministers to meet in London on 5 and 6 May 1969. He noted that the various financial implications would be considered with the draft Budget for 1969.

### **XII. Council of Europe Buildings** **Report of the Working Party to study the problem of Council of Europe Buildings**

(Concl. (68) 170, Point XVI and Docs. CM (67) 76 88 and 101)

The Representative of France informed the Deputies that the French authorities were still continuing their examination of the proposals of the Working Party instructed to study the problem of Council of Europe buildings. The Minister of Agriculture of France, Mr. Edgar Faure, who had addressed the Consultative Assembly on

behalf of the Chairman of the Committee of Ministers at the first part of its 20th Session, had summed up the situation to the Assembly (Doc AS (20) CR 1).

While there had been no developments since that statement was made, he hoped to be in a position to give the Committee further information in the near future.

The Deputies agreed to adjourn their discussion of this question to their 172nd meeting in June.

### **XIII. Date and place of forthcoming meetings**

The following dates were chosen for the next three meetings of the Ministers' Deputies :

172nd meeting, Monday 24 June at 3 p.m.

173rd meeting, Monday 16 September at 3 p.m.

174th meeting, Monday 28 October at 10 a.m.

### **XIV. Other business**

#### **(a) International classification of patents** **(Doc. CM (68) 73)**

After hearing the Director of Legal Affairs, the Deputies authorised a meeting in Strasbourg of the Bureau of the Committee of Experts on Patents in order to discuss measures that might be taken to give the Convention on the International Classification of Patents for Invention a more universal scope.

The cost of this meeting, estimated at 3,500 F for participants' travel and subsistence, will not necessarily call for supplementary appropriations for Vote II of the 1968 Budget. It was agreed that the matter would be looked into at the end of the year, in consultation with the Budget Committee and in the light of the general budget position.

The Representative of the United Kingdom stated that he was opposed to the holding of the meeting on the grounds that the Committee of Experts on Patents was a purely technical body.

(b) The situation in Greece - Statement by the Representative of Denmark

The Representative of Denmark made the following statement :

"When the house arrest of the two previous Greek Prime Ministers, Mr. George Papandreou and Mr. Panayotis Kanellopoulos, was lifted some time ago, we thought that this marked the beginning of easier conditions in Greece. We have now quite recently learnt with regret that these two prominent statesmen had again been placed under house arrest, apparently for the sole reason of political activity.

Every government which has joined the European co-operation here in Strasbourg, which is based on democratic principles and respect for human rights, will note with regret that in a country which is a Member of this Council, free political activity - on which any democracy must be based - is punished with the withdrawal of the most valued of all human rights - the right to freedom.

It might, perhaps, be argued that our raising this issue in this forum is tantamount to interference in the internal affairs of another member country. In that event I would remind you that the ideals underlying the co-operation in the Council of Europe, as expressed in the Statute of the Council, have a bearing on the manner in which we organise our respective national communities and that participation in this co-operation not only entitles us to take an interest in this question but also a duty to accept such an interest.

Our aim in raising this matter to-day is to give expression to the hope that the restrictions imposed on the free movements of the two statesmen may at an early date be lifted."

The Representative of Norway supported the stand taken by the Representative of Denmark, and, on behalf of the Government of Norway appealed to the Greek Government to lift the restrictions placed on the two persons concerned.

The Representative of Sweden stated that he was instructed to support the statement of the Representative of Denmark. It was the hope of his government that the Greek Government would respond to the appeal made to it and would, not

least for humanitarian reasons, remove the restrictions imposed on the two former Prime Ministers of Greece.

The Representative of the Netherlands stated that the attitude of his government was well known, and expressed the hope that personal freedom and human rights would be restored in Greece in the foreseeable future.

The Representative of Belgium made the following statement :

"The point of view of the Belgian Government is well known. By its letter to the Secretary General of 27 September 1967 it stated that as democratic liberties had been suspended in Greece, it hoped that they would be speedily restored."

The Representative of Greece stated that the two persons named had been under house arrest ("surveillance gardée") as a result of the revolution of 21 April 1967. They resided at their homes and were subject to certain restrictions on their liberty and freedom of communication. The government had then lifted the restrictions and restored them to liberty, for reasons which were known. However, they had recently made a declaration to the foreign press, asking foreign governments to intervene in Greece, to withdraw financial support, and to institute an economic boycott. The restrictions had therefore been re-imposed.

He continued that if Greece, in a dangerous moment of its history, had been forced to derogate from some of its obligations under the Rome Convention because of a danger menacing the life of the nation, and had had to take certain measures to meet the situation, this in no way meant that Greece was unfaithful to the principles of human rights. The Greek Government proposed to re-establish respect for human rights. He had set out in his letter of 29 April 1968 recent measures which the government had taken to bring this about. He stressed that the government had never declared or maintained that the present state of affairs was permanent. It had been forced on them by circumstances and, at an appropriate moment, would cease. While it existed, the state had a duty to take the measures necessary.

The Representative of Greece stated that the draft Constitution, which would soon be sub-

mitted to a plebiscite, provided for respect for human rights as set out in the European Convention on Human Rights. He then reviewed the steps which the Greek Government had taken in regard to Article 15 (1) of the Convention as set out in his letter of 29 April 1968, and stated that in further letters of 20 and 27 May 1968 addressed to the Secretary General he had given details of new developments in this respect. These included the lifting of censorship on eight daily papers and 150 magazines (see 'Appendix 9').

He observed that these measures showed a constant pattern of normalisation in Greece. This development was clear and supported by the facts. Greece was entitled to the support of member governments in facing her difficulties and to understanding and patience so that it could fulfil the common desire to return to normal political life. He was certain that this would come about.

**(c) Request for authorisation to quote from the proceedings of the Ministers' Deputies**

Referring to the confidential nature of the proceedings of the Ministers' Deputies, the Representative of Greece asked his colleagues for authorisation to quote from Point III A (b) of the Conclusions of the 168th meeting which reported his own statement as follows :

"The Representative of Greece, while subscribing to the remark contained in the Legal Committee's report to the effect that : 'it is possible to suspect a government which refers a case to the Commission of being prompted by narrow political motives rather than by a concern for the protection of human rights in the general interest', nevertheless shared the opinion expressed by several delegations that a political discussion of the substance of a particular situation could only prejudice the subsequent examination of a case by the Commission."

His intention was to make use of this quotation before the Commission of Human Rights in his capacity as Greek Ambassador and Permanent Representative of his country to the Council of Europe.

Invoking Article 21 (b) of the Council of Europe Statute, the Deputies raised no objection

to their colleague making use of the passage in question for the purpose of the proceedings before the Commission of Human Rights.

**(d) Committee for Higher Education and Research  
Special Meeting  
(Doc. CM (68) 96)**

The Deputies considered Document CM (68) 96, containing a proposal by the Secretary General for a special meeting of the Committee for Higher Education and Research to discuss the present situation in the university world and decide whether and, if so, in what way the CCC programme needed to be revised.

Following a wide-ranging discussion, the Deputies agreed that the Committee's Bureau should be asked to consider the question at its next meeting in June. If it decided that a discussion in the Committee itself would be useful, the Secretary General would inform the Bureau of the CCC, which would be meeting at the same time, that he intended to put the question on the agenda of the CCC's September session. The Committee for Higher Education and Research would then examine the subject in all its aspects during its October meeting, with particular reference to the preparations for the meeting with representatives of student organisations arranged for November.

During the discussion, several delegations stressed the need for student participation in any study of the question made by the Council's various bodies. A further point made was that the Conference of University Rectors and Vice-Chancellors included representatives of Eastern European countries and that, if its views were also to be asked, this would provide a wider body of information on which to work. Lastly, the hope was expressed by certain delegations that the Council of Europe would extend its activities in connection with youth and would, in particular, follow up the suggestion for a European Youth Office.

**(e) European Conference of Local Authorities  
Interpretation of debates at plenary sessions  
(Concl. (66) 156, Point XII and Doc. CM (68) 94)**

The Deputies considered the terms of the decision they had taken when adopting Vote V (Expenditure in the field of Local Authorities) of the 1967 Budget in respect of the sub-head relat-

1. See page 239.

ing to temporary staff (Sub-head 92). They had then specified that "as far as the appropriation under this sub-head permitted, interpretation into or from unofficial languages could be arranged according to needs and circumstances" (Doc. CM/Del/Concl. (66) 156, Point XII).

The Representative of the Office of the *Clerk of the Assembly* stated that at its last meeting, the Standing Committee of the Conference had expressed the hope that it would be given the same latitude under the 1968 Budget and that interpretation of debates at plenary sessions of the Conference would also be arranged "according to needs and circumstances as far as the relevant budget appropriation in the 1968 Budget permitted" - sub-head 96 (formerly sub-head 92).

The decision which the Deputies had taken in relation to the 1967 Budget had applied to the meetings held in that year, that is to say, the Standing Committee and the five committees of the conference. No plenary sessions of the conference were held in 1967. However, in 1968 the 7th plenary session would take place and it was therefore hoped that the Deputies' decision would now cover plenary sessions also.

The Deputies agreed that the provisions made in 1967 should in future apply also to plenary sessions of the Conference of Local Authorities and that as far as the appropriation for the recruitment of interpreters under sub-head 96 (i) permits, interpretation into or from unofficial languages should be arranged according to needs and circumstances as directed by the Standing Committee of the Conference.