

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 16th March, 1956.

Confidential
AS/CP (7) 2

CONSULTATIVE ASSEMBLY

STANDING COMMITTEE

REPORT OF THE PROCEDURE FOLLOWED IN CONNECTION WITH THE ACCESSION OF AUSTRIA TO THE COUNCIL OF EUROPE

1. Letter No. 2342 from the Secretary-General of the Council of Europe to the President of the Assembly, dated 28th February 1956.
2. Letter A.2500 from the Secretary-General of the Council of Europe to the members of the Standing Committee, dated 1st March, 1956.
3. Table of votes of the members of the Standing Committee.
4. Table of comments and reservations expressed by four members of the Standing Committee.
5. Letter No. 2846 from the Secretary-General of the Council of Europe to the President of the Assembly, dated 9th March, 1956.

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PACCOM009806

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Strasbourg, 28th February, 1956.

No. 2342

Monsieur le Président,

I have the honour to inform you that, in accordance with Article 4 of the Statute, the Committee of Ministers proposes very shortly to invite Austria to become a Member of the Council of Europe.

The Committee of Ministers would be glad if this invitation could be extended in time to enable Austria to take part in the forthcoming Sessions of the two organs of the Council, which are due to be held in the second half of April.

Before this can be done, however, the Committee of Ministers must, in accordance with the terms of Resolution (51) 30 A, first of all consult the Consultative Assembly.

I should be grateful if you would bring the intentions of the Committee of Ministers to the knowledge of the competent organs of the Assembly.

The responsibility for deciding what procedure shall be followed in order to obtain the views of the Assembly will, of course, rest with you and with these bodies.

It might, in this connection, be considered that the Assembly had already replied to the Committee of Ministers' request for an opinion in its Resolution 9 (51), in which it expressed "the wish

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Monsieur Guy MOLLET,
President of the Consultative Assembly
of the Council of Europe,
55, Avenue Kléber
PARIS, 16.

that the Committee of Ministers may seize the first appropriate opportunity to invite Austria to become a Member of the Council of Europe".

If it nevertheless appears essential that the Assembly should again express its views, it would be advisable to resort to the most expeditious procedure to this end, either by convening the Standing Committee at short notice, or by individual consultation of its members in writing.

Whatever procedure you may deem it advisable to adopt, I should be grateful if you would enable me as soon as possible to bring the views of the Assembly to the knowledge of the Committee of Ministers,

Before inviting Austria to become a Member of the Council of Europe, the Committee of Ministers must, in accordance with Article 6 of the Statute, determine the number of Representatives on the Consultative Assembly to which the proposed Member shall be entitled. Having regard to the population of Austria, which is approximately the same as that of Sweden, the Committee of Ministers proposes that the number of seats to be allotted should be six.

It would be desirable for the Consultative Assembly to give its views on this point as well, in its reply to the request of the Committee of Ministers for an opinion..

I remain, Monsieur le Président,

Your most obedient Servant,

L. MARCHAL

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A. 2500

1st March, 1956

Sir,

At the request of the President of the Consultative Assembly and following my letter of 28th February, 1956 to M. Guy Mollet (of which I enclose a copy), I now write to ask your opinion as a member of the Standing Committee on the question of inviting Austria to become a full member of the Council of Europe.

As I explained in my letter under reference, the Committee of Ministers is ready, according to the terms of Article 4 of the Statute, to issue an early invitation to Austria to that effect. But in view of the lapse of five years since the Assembly adopted Resolution 9 (51) urging the Committee of Ministers to take the earliest opportunity of inviting Austria to join the Council, the Ministers have preferred to seek the Assembly's advice once again.

In spite of the fact that the first part of the Eighth Session of the Consultative Assembly is due to begin in only six weeks' time, M. Guy Mollet has thought it best, for the reasons advanced in my letter of 28th February, not to await the opening of the Session in order to ask the Assembly for its opinion. For, unless an invitation to Austria can be issued by the Committee of Ministers within the next few days, it may not be possible for the Austrian Government to go through the various constitutional formalities necessary to ensure that Austrian representatives may sit in the Assembly with full rights on 16th April.

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In reaching this decision, the President has borne in mind the fact that the Assembly as a whole expressed in the clearest terms its feelings on the question of Austrian accession to the Council, by Resolution 9 of 1951, and that, since May, 1952, Austrian Observers have been allowed to take part in the work of the Assembly's Committees. Moreover, in Resolution 57 of 1954, the Consultative Assembly demonstrated its readiness to allow Austrian Observers to speak on the floor of the Assembly itself: it was only for procedural reasons that this wish was not carried into practice.

In all these circumstances, M. Mollet considers that he can rely on members of the Assembly to understand his reasons for resorting to the present shortened procedure.

In view of the size of the population of Austria, which is 6,920,000, and of the fact that the number of Observers Austria sends to the Consultative Assembly at present is six, the Committee of Ministers proposes that Austria should be allotted six seats in the Assembly upon joining the Council as a full member. Sweden, with a population of 6,803,000 (1948 figures) also has six seats.

I shall be most grateful if you will kindly let me know as soon as possible whether you are in agreement with the proposals of the Committee of Ministers. Owing to the urgency of the matter, I suggest that you send me a reply by telegram, and if I do not hear from you before 8th March I shall assume that you are in general agreement.

I enclose copies of Resolutions 9 (51) and 57 (54).

I am, Sir,

Your obedient Servant,

L. Marchal

3 encls.

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TABLE OF VOTES

of the members of the Standing Committee
on the accession of Austria to the Council of Europe.

Expressed their agreement: 21 members

MM. Guy Mollet, President
Boggiano Pico
Bruins Slot
Corish
Celikbas
Elmgren
Federspiel
van der Goes van Naters
Heyman
Josefsson
Kiesinger
Margue
de Menthon
Mercouris
Müller
Pernot
Perrier
Pünder
Schmid Carlo (for Lütken) (sic)
Smitt Ingebretsen
van Cauwelaert
Wistrand

Expressed their agreement with various comments and
reservations: 4 members (see appendices)

Sir Robert Boothby
Mr. Edwards (for Noel-Baker)
Lord Layton
M. Rolin

Did not reply: 3 members

MM. Benvenuti
Harunoglu
Romanos

The proposal to invite Austria was unanimously agreed to.

TABLE OF COMMENTS AND RESERVATIONS

Expressed by four members of the Standing Committee

Sir Robert Boothby's reply (telegram of 5th March 1956)

Agree to invitation but hope they will be asked simultaneously to sign Convention Human Rights.

Mr. Edward's reply (telegram of 5th March 1956)

Agree in principle but think decision should await meeting of Standing Committee.

M. Rolin's reply

(a) letter of 5th March 1956

1. I hope that Austria will become an ordinary Member of the Council of Europe.

2. I consider this to be legally compatible with Austria's neutral status, since the co-operation which is the purpose of our European organisation does not under the terms of our Statute extend to military and political matters.

3. In point of fact, however, I fear that owing to the continual incursions of the Council of Europe into the political arena and the systematic hostility shown by the Assembly to the USSR, Austria may not wish to join the Council.

4. I do not know if Austria is informed of the position but wishes to disregard such objections. I should prefer in case of doubt to leave it responsible for its own decision which would certainly be less compromising than an invitation from the Council.

(b) telegram of 6th March 1956

In support my opinion on Austrian problem draw your attention to declaration of 15th March last by Swiss Minister Petit-Pierre published in "Chronique belge de politique étrangère" last January.

Lord Layton's reply (telegram of 3rd March 1956)

Reference your letter regarding Austrian admission to Council am fully in accord in principle stop But much regret haste in asking our opinion without opportunity for Standing Committee to discuss so important a matter in all its aspects stop For example on previous occasions we have been aware of possible reaction of the general diplomatic situation and even embarrassment in some quarters stop We should be fully advised of present position in this respect stop Secondly this being first admission since the Human Rights Convention came into effect Assembly should say whether it regards acceptance of Convention as condition of full membership especially in light of suggestion of possible relationships of somewhat different type with some other countries stop Hope Ministers will make Assembly's view clear in this respect stop Agree proposal for six representatives in Assembly stop

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Swiss criticism of the excessive rigidity of the Swiss policy of neutrality has prompted M. Petitpierre to justify that policy.

In reply to an interpolation in the National Council on 15th March, 1955, he declared in the presence of a British parliamentary delegation, that the work done at Strasbourg undoubtedly had a political character. Indeed he considered that it was becoming more and more pronounced. The Council of Europe also dealt with military problems, though forbidden to do so by its Statute, for the E.D.C. and the Paris Agreements on German rearmament were discussed there. All this made it impossible for Switzerland to seek membership of the Council of Europe. Such a step, he believed, would be at variance with their traditional policy of neutrality.

M. Petitpierre, speaking on behalf of the Federal Council, concluded his negative reply by reaffirming that "today as in the past it is by remaining faithful to its neutrality, by maintaining the attitude of reserve which this neutrality requires of it, by remaining free to undertake tasks which are, in a way, bound up with its neutrality, that Switzerland can best serve the interests of peace and hence those of Europe to which its destiny is wedded."

No. 2846

Strasbourg, 9th March 1956

Monsieur le Président,

In accordance with the request contained in your letter of 1st March, I wrote to the members of the Standing Committee about the admission of Austria as a Member of the Council of Europe and asked them to reply by telegram.

I have the honour to inform you of the outcome of this consultation.

Twenty-four members of the Standing Committee expressed themselves in favour. The replies of four of them, namely M. Rolin and the three British members of the Committee: Lord Layton, Sir Robert Boothby and Mr. Edwards, contained comments or reservations, the text of which is enclosed herewith. Four members of the Committee did not reply within the time-limit, which expired yesterday.

I also enclose a table showing how each member replied.

The Standing Committee has thus, on behalf of the Consultative Assembly, unanimously expressed itself in favour of the admission of Austria as a Member of the Council of Europe.

Following this consultation, and to implement the decisions taken by the Ministers' Deputies at the 38th Meeting held in Strasbourg, I today sent a letter to the Austrian Observer to the Council of Europe containing Resolution (56) 4, dated 8th inst., in which the Committee of Ministers invited Austria to become a Member of the Council of Europe. A copy of this Resolution is appended.

At the same time I reminded M. Ludwig that, in accordance with Article 4 of the Statute, it was now up to the Republic of Austria to deposit with me an instrument of accession to the said Statute.

Arrangements have been made so that the deposit of the instrument of accession and admission of the Republic of Austria to Membership of the Council of Europe could take place at 10 a.m. on 16th of April, at the opening of the 18th Session of the Committee of Ministers.

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I have also sent M. Ludwig the usual form for the drawing up of the credentials of the Austrian Representatives and Substitutes to the Assembly so that they may be appointed in good time and take part in the work of the 8th Session from the beginning.

I remain, Monsieur le Président,

Your obedient Servant,

L. MARCHAL

Monsieur Guy Mollet,
President of the Consultative Assembly,
Paris XVIe.