

Report of the first session of the WEU Council (Paris, 7 May 1955)

Caption: On 7 and 11 May 1955, the first session of the Council of Western European Union (WEU) is held in Paris, attended by the delegations of Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands and the United Kingdom.

Source: National Archives of the United Kingdom, Kew. <http://www.nationalarchives.gov.uk>, Records of international organizations, DG. Copies of records of the Brussels Treaty Organisation and Western European Union. Brussels Treaty Organisations and Western European Union: Microfilm copies of files, DG 1.

Report of the first session (1st meeting) of the Council of Western European Union, held at the British embassy, Paris, on Saturday, 7th May, 1955, C (55) 1. Paris: Western European Union, 25.04.1955. 29 p.

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WESTERN EUROPEAN UNION

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25th May, 1955

REPORT OF THE FIRST SESSION (1st MEETING) OF
THE COUNCIL OF WESTERN EUROPEAN UNION,
HELD AT THE BRITISH EMBASSY, PARIS,
ON SATURDAY, 7th MAY, 1955, AT 10 P.M.

Present:BELGIUM

H.E. M. P.H. SPAAK	Minister for Foreign Affairs
H.E. M. L. SCHEYVEN	Secretary-General, Ministry of Foreign Affairs
H.E. M. A. de STAERCKE	Permanent representative to NATO Council
M. CHAMPENOIS	Counsellor, Belgian Embassy, London

FRANCE

H.E. M. A. PINAY	Minister for Foreign Affairs
H.E. M. R. MASSIGLI	Secretary-General, Ministry of Foreign Affairs
H.E. M. A. PARODI	Permanent representative to NATO Council
M. R. de MARGERIE	Director of Political Affairs
M. F. SEYDOUX	Director of European Department, Ministry of Foreign Affairs
M. P. BARADUC	Deputy Permanent representative to NATO Council
M. J. SAUVAGNARGUES	Member of M. Pinay's Cabinet

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FEDERAL REPUBLIC
OF GERMANY

H.E. Dr. K. ADENAUER Chancellor
H.E. Herr W. HALLSTEIN Secretary of State
Herr H. BLANKENHORN Permanent representative
to NATO Council
Herr L. KATPENSTROTH Director, Ministry of
Economic Affairs
Herr C.F. OPHÜLS Ministry of Foreign
Affairs
Herr U. SAHM First Secretary, German
Diplomatic Mission,
London

ITALY

H.E. Signor G. MARTINO Minister for Foreign
Affairs
H.E. Signor A. ROSSILONGHI Secretary-General,
Ministry of Foreign
Affairs
H.E. Signor A.
ALESSANDRINI Permanent representative
to NATO Council
Signor M. MAGISFRATI Director-General of
Political Affairs
Signor L. THEODOLI Minister-Counsellor,
Italian Embassy, London

LUXEMBOURG

H.E. M. J. BECH Prime Minister
M. N. HOMMEL Permanent representative
to NATO Council
M. G. HEISBOURG Counsellor

NETHERLANDS

H.E. M. J.W. BEYEN Minister for Foreign
Affairs
H.E. M. D.U. STIKKER Ambassador to London
H.E. Jhr. A.W.L. TJARDA
VAN SPARKEBORGH
ST. CHOUWER Permanent representative
to NATO Council
M. H.E. ESCHAUZIER Director-General of
Political Affairs

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UNITED KINGDOM

H.E. The Rt. Hon. H. MACMILLAN	Secretary of State for Foreign Affairs
H.E. Sir H. CROOK	Deputy Under-Secretary of State, Foreign Office
H.E. Sir C. STEEL	Permanent representative to NATO Council
The Viscount HOOD	Head of Western Organisations Department, Foreign Office

SECRETARIAT

Baron M.F. de SELYS LONGCHAMPS	Secretary-General of Brussels Treaty Organisation
Mr. P.B. FRISER	Deputy Secretary-General of Brussels Treaty Organisation

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I. ELECTION OF CHAIRMAN

On the proposal of M. PINAY, Mr. Harold MACMILLAN was unanimously elected Chairman.

II. OPENING STATEMENTS BY MINISTERS

Mr. MACMILLAN, in opening the meeting, extended a special welcome to the two new members of the Union. Many efforts had been made in previous years for greater unity between the European nations. The new Union was the result of much labour and the hopes of Europe were focussed on it. He considered it a privilege to preside at a meeting of such importance, and he expressed the hope that the confidence placed by the people of Europe in those present and their successors would be justified.

Dr. ADENAUER thanked the Chairman for the words of welcome addressed to his country. He assured the Council that his Government was deeply aware of the significance of the present moment. After long years of intense work and many disappointments, the nations represented at this meeting had come together, and it was a privilege for his country to participate in a Union for the defence of freedom and peace.

Signor MARTINO, in his turn, thanked the Chairman for his welcome. He stressed the advantages which the free world would derive from the setting up of the Western European Union, to which his country had been happy to accede. He was convinced that many problems of a more specifically European nature, and not merely military questions, could be solved in the framework of Western European Union. Europe must progress resolutely towards an ever closer collaboration in all spheres of activity, as was, moreover, very clearly indicated in the text of the Treaty. In his opinion that course should be followed, albeit in gradual stages and with the necessary caution.

He finally expressed his sincerest goodwill towards the new international organisation, and his conviction that its activity, in the interests of all, would be extensive and fruitful.

M. PINAY expressed his profound satisfaction with the accession of France's two great neighbours, Germany and Italy, whose co-operation was indispensable for the strength and the efficiency of the Western European Union.

He also wished to stress the importance his country attached to the presence in the Union of the United Kingdom, which for the first time had accepted, not only to maintain an army on the Continent, but also to delegate certain powers with respect to these troops to an international organisation, and to conform to the views expressed by the majority of member countries.

His Government was fully aware of the importance of the undertakings which nations entered upon to-day. He was convinced that the seven member countries would not be the sole beneficiaries but also the free world as a whole.

M. SPANK .../

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M. SPANK associated himself with the words spoken by his colleagues. They had all worked for the same ideals. He warmly welcomed the Chancellor of the Federal Republic of Germany and the Italian Foreign Minister, and he expressed the hope that good results might come from the co-operation between member countries not only in matters of defence but also in the economic and other fields.

M. BEYEN recalled the special rôle the Brussels Treaty Organisation had played in European co-operation. It had preceded N.A.T.O and then continued to work on other subjects before changing form and opening the way to the solution of a difficult problem. The Brussels Treaty Organisation, while it had been unspectacular in the tasks it had performed, had been spectacular in what it initiated. The presence of the two new members around the table was the expression of the growing bonds of friendship between the countries of Europe.

M. BECH associated himself wholeheartedly with the words of welcome already pronounced by his colleagues.

III. ADOPTION OF THE AGENDA (IIG/63)

The Council approved the agenda as set out in document IIG/63.

IV. REPORT OF THE INTERIM COMMISSION (IIG/63, Annex B)

The Council took note of the report.

V. DRAFT AGREEMENT ON THE STATUS OF WESTERN EUROPEAN UNION, NATIONAL REPRESENTATIVES AND INTERNATIONAL STAFF (IIG/63, Annex C, and IIG/60)

The CHAIRMAN drew the attention of the Council to a special feature in what was otherwise a well-known and rather technical matter. The Agreement contained in Article 21 a proposal that the salaries of the members of the international staff should be subject to taxation levied by the Organisation. He understood that the Federal Republic had not been able to agree to this proposal. If agreement could be reached it had still to be decided from what date the system of taxation would apply.

German : Dr. DENNER stated that his Government accepted Article 21.
Amend. :

With regard to the date from which the principle of taxation should be applied, the CHAIRMAN explained that the Council had the choice of two possibilities. The principle could be applied immediately but on the other hand he had understood that some delegations preferred to wait until its adoption by N.A.T.O and the Council of Europe.

M. BEYEN thought that this was a problem which should be dealt with immediately. He would prefer the Council to settle now the date of implementation. Should the Council not be able to agree on a date at the present meeting he would propose to convene a group of taxation experts to make proposals on the subject.

M. SPANK .../

- 6 -

M. SPILK pointed out that a strong tendency existed in the Belgian Parliament to limit present tax exemptions. The approval just given by the Council to the principle of taxation of international civil servants was an important step forward. Although preferring to fix a date he would not oppose another solution.

The CHAIRMAN was of the opinion that the Secretary-General should first make proposals with regard to the establishment and the salaries to be paid to the international staff, having regard to the fact that these salaries would be taxed. It would then be possible at a future meeting to discuss these proposals and the date of their application.

German : It was agreed that the Secretary-General would prepare
amend. : such proposals for submission to the Permanent Council, and, on the question of methods of taxation, would seek the advice of experts from member countries.

The Agreement would be signed as soon as possible by representatives of the Western European Union Governments under arrangements to be made by the Secretariat-General.

VI. APPOINTMENT OF THE SECRETARY-GENERAL OF WESTERN EUROPEAN UNION (ING/63 Annex D)

On the proposal of M. SPILK the Council appointed as Secretary-General of Western European Union M. Louis Goffin, at present Belgian Minister in Teheran.

VII. APPOINTMENT OF THE DIRECTOR OF THE AGENCY FOR THE CONTROL OF ARMAMENTS (ING/63 Annex E)

On the proposal of Signor MARTINO the Council appointed Admiral Emilio Ferreri Director of the Agency for the Control of Armaments.

VIII. PRODUCTION AND STANDARDISATION OF ARMAMENTS

1. Draft Decision setting up a Standing Armaments Committee (PWG/L/15)
2. Report on standardisation and covering of arms requirements (PWG/L/16).

M. PINLY, in giving his Government's approval to the proposed Standing Armaments Committee, indicated that his country had been in favour of a more complete form of organisation and that therefore the solution at present before the Council fell short of giving entire satisfaction to his Government. He was pleased, however, to see that agreement had been reached; he wished to stress that his Government hoped that this was only a beginning and that at a later stage it would prove possible to develop further co-operation in this field.

Signor MARTINO said that the Italian Government also approved the draft decision. He stressed that in order to avoid duplication the Committee should work in close contact with NATO. At the same time the possibility should be left open for the conclusion of direct agreements between a limited number of member countries.

The CHAIRMAN, .../

- 7 -

The CHAIRMAN, speaking on behalf of his Government, also gave his approval to the text under discussion.

The Council decided:

- German: - to set up a Standing Armaments Committee in
 Amend.: accordance with the terms submitted by the
 : Paris Working Group (PWG/./15); ← See file 251.1
- German: - to take note of the report on the standardis-
 Amend.: ation and covering of arms requirements sub- ✓
 : mitted by the Paris Working Group (PWG/./16);
- to transmit this report, together with the other documents listed in the Annex to the Standing Armaments Committee.

3. Appointment of an Assistant Secretary-General of Western European Union.

On the proposal of M. PINLY, M. C. Cristofini was appointed Assistant Secretary-General and head of the international secretariat serving the Standing Armaments Committee.

IX. QUESTIONS ARISING FROM THE FRANCO-GERMAN AGREEMENT ON THE SAAR

M. PINLY proposed to postpone the discussion of this subject to another meeting of the Council, which might take place at the beginning of next week.

X. ASSEMBLY OF WESTERN EUROPEAN UNION (IWG/63 Annex F, and IWG/61)

1. Date of, and arrangements for, the first meeting.

The CHAIRMAN briefly introduced the first of these questions, namely, should the Assembly of Western European Union meet during the same period as the Consultative Assembly of the Council of Europe. The next session of that Assembly had been fixed for the 5th - 7th July. If the Western European Union Assembly were also to meet in that period, the question arose as to whether it should meet immediately before or immediately after the Consultative Assembly.

M. SPAAK was in favour of meeting just before the Consultative Assembly. That body would be interested in the rôle of the new Assembly. Furthermore, the establishment of relations between the two organisations would be facilitated if the Western European Union Assembly were to meet first.

This point-of view was shared by the other members of the Council, and it was agreed:

- (i) that the Secretary-General would, on their behalf, invite the representatives of the seven countries of the Consultative Assembly to meet together on that date, and so constitute the Assembly of Western European Union;
- (ii) that the agenda of the meeting should include the following questions:

(a) election .../

- (a) election of the President of the Assembly;
- (b) message addressed by the Council;
- (c) drafting of rules of procedure of the Assembly.

German : first meeting, it was decided that these should be made by the
amend. : Secretary-General of Western European Union.

In agreeing to this solution, M. SPILK explained that his Government had originally advocated a different procedure which had given good results in the case of the E.C.S.C. He did not wish to raise objections, however, against the procedure which was acceptable to the majority of his colleagues.

2. Organisation of the Assembly

A discussion took place on the observations contained in Resolution No. 67 adopted by the Consultative Assembly of the Council of Europe in December, 1954.

M. SPILK did not feel that this Resolution was very satisfactory. It was not for the Consultative Assembly to influence the organisation and composition of the Assembly of Western European Union. In his view the latter should decide its own rules and its relationship with the Council of Europe, taking into account such general guidance as the Council might agree upon. In so doing the Council could, in his opinion, refer to the need for the Assembly to enjoy complete independence which would entail, for instance, having its own Clerk. As far as the administrative organisation was concerned, M. SPILK thought that full use should be made of the existing facilities of the Council of Europe. He was not in favour of transmitting Resolution No. 67 to the Western European Union Assembly.

Finally, M. SPILK drew attention to certain implications of the proposal that officials of Western European Union might be authorised to appear before the Assembly for questioning. In principle, he declared himself opposed to this idea.

M. PINAY stressed that for political reasons it would be undesirable to have too close a relationship between the two Assemblies. In this context he wished to draw attention to the case of neutral countries. Such countries might wish to participate in the work of the Council of Europe and no difficulties should be created in that respect.

The CHAIRMAN informed the Council of a letter he had received from the Council of Europe concerning the procedure for establishing contact between the President of the Consultative Assembly and the Chairman of the Council of Western European Union. His personal opinion was, however, that the two bodies should remain strictly separate, although use should be made of the same administrative facilities.

The question was rather premature and touched upon matters which were for the Assembly to decide. At the present moment the Council should limit itself to constituting the Assembly.

M. SPILK supported the views expressed by the Chairman. He did not think that contact should be sought at this stage with the President of the Consultative Assembly. It would be, once more, for the Western European Union Assembly itself to decide on the action it wished to take.

U.K. : The Council instructed Baron de Selys Longchamps to
amend.:reply to M. Marchal in this sense.

M. BEYEN .../

- 9 -

M. BEYEN drew attention to paragraph 6 of document IAG/61 concerning the organisation of the Assembly and the conclusion it implied that Ministers would not favour the idea of submitting the budget of Western European Union to the Assembly for advice before it had been approved by the Council. Acceptance of such a procedure would lead to a relationship different from that which had been agreed and might involve discussions on matters of policy. He wished to be sure that his colleagues shared this view.

After some further discussion the Council agreed that while the terms of the relationship to be established between the Western European Union Assembly and the Consultative Assembly, as well as the organisation of the Assembly, would be finally decided only when the latter had been constituted, some general guidance on organisation should be submitted by the Secretary-General to the Western European Union Assembly with the approval of the Permanent Council.

The proposals would take account of:

- (a) the need for an independent Western European Union Assembly that would make use of existing administrative facilities of the Council of Europe;
- (b) the reservation expressed by the Council concerning the budgetary arrangements foreseen in Resolution No. 67, and in particular the proposal that the annual budget of Western European Union should be submitted to the Western European Union Assembly for an opinion before its final adoption;
- (c) the undesirability of officials of Western European Union appearing for questioning before the Assembly.

XI. OTHER APPOINTMENTS

While it was recognised that the appointment of higher officials to the London headquarters could be left until the functions of the organisation as a whole were clearly defined, in view of the activities foreseen even at the present stage, the Council agreed that the Secretary-General would require two assistants.

On the proposal therefore of Dr. ADENAUER and Mr. MACMILLAN respectively Herr H. von Etzdorf and Mr. P.B. Fraser were appointed Assistant Secretaries-General.

XII. OFFICIAL WORKING LANGUAGES OF WESTERN EUROPEAN UNION

On the proposal of Dr. ADENAUER, the Council decided to refer this question to the Permanent Council.

XIII. OTHER BUSINESS

No points were raised.

XIV. PRESS COMMUNIQUE

A draft communiqué distributed in the course of the meeting was approved by the Council after a number of drafting changes had been made. The final text is attached as an annex to the present Report.


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XV. NEXT MEETING

The Council agreed that a further meeting would be held at a time to be decided later in order to discuss the questions arising from the Franco-German Agreement on the Saar.

Before closing the meeting the Chairman expressed the appreciation of the Council to Baron de Selys Longchamps for the valuable services he had rendered to the Brussels Treaty Organisation and to the Interim Commission in preparing the work of the new Organisation.

The meeting was closed at 11.45 p.m.


2 Eaton Place,
S.W.1.

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ANNEX

COMMUNIQUE

1. The Foreign Ministers of the seven countries, German Federal Republic, Belgium, France, Italy, Luxembourg, Netherlands and the United Kingdom, signatory to the Brussels Treaty as modified and completed by the Protocols signed in Paris on 23rd October 1954, and which entered into force on 6th May 1955, met together for the first time as the Council of Western European Union on Saturday, 7th May 1955, after a dinner given at the British Embassy by Mr. Harold Macmillan, Secretary of State for Foreign Affairs. The other six countries were represented at the meeting by the following :

The German Federal Republic - Dr. Adenauer, Belgium - M. Spaak, France - M. Pinay, Italy - M. Martino, Luxembourg - M. Bech, and the Netherlands - M. Beyen.

2. Mr. Macmillan, who presided, opened the meeting by welcoming on behalf of the five original Brussels Treaty countries (Belgium, France, Luxembourg, Netherlands and the United Kingdom) the two new signatory countries, the German Federal Republic and Italy.

3. The Council examined in the first place the questions relating to the structure of Western European Union.

After having approved the Interim Commission's report, and having adopted the Draft Agreement on the Status of National Representatives and the International Staff of the Organisation, together with other Regulations, the Council appointed Monsieur Louis Goffin (Belgium) Secretary-General of Western European Union. They also appointed two Assistant Secretaries-General - Mr. von Etzdorf (Germany) and Mr. Peter Fraser (United Kingdom).

4. The Council also appointed, as Director of the Agency for the Control of Armaments, Admiral Ferreri.

5. As a result of the studies which have been carried out by the Working Group set up by virtue of a decision of the Nine-Power Conference adopted in Paris on 21st October, 1954, the Council decided to create within the Union a Standing Armaments Committee which shall consist of national representatives and shall be served by an international Secretariat.

The task of the Standing Armaments Committee will be the development of the closest possible co-operation between member countries of Western European Union in the field of armaments, in order to seek the most practical means of using the resources available to these countries for equipping and supplying their forces and of sharing tasks in the best interests of all. The Standing Armaments Committee will work in close contact with the North Atlantic Treaty Organisation, avoiding any duplication with the work being done in that Organisation. To facilitate the liaison with the North Atlantic Treaty Organisation, the Standing Committee's seat shall be in Paris.

Monsieur .../

- 2 -

Monsieur Charles Cristofini (France) was appointed Assistant Secretary-General in charge of the International Secretariat of the Standing Armaments Committee.

6. The Council examined the procedure for the organisation of the first meeting of the Western European Union Assembly, composed of the representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe. It was agreed that it could be held at the Maison de l'Europe in Strasbourg, during the same period as the next meeting of the Consultative Assembly of the Council of Europe.

In the course of the present session the Council will hold a second meeting to study the remaining questions on its agenda.

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25th May, 1955

REPORT OF THE FIRST SESSION (2ND MEETING) OF THE COUNCIL OF
WESTERN EUROPEAN UNION

HELD AT THE QUAI D'ORSAY, PARIS,
ON WEDNESDAY, 11TH MAY, 1955, AT 3.45 P.M.

Present:BELGIUM

H.E. M. P.H. SPILK Minister for Foreign
 Affairs

H.E. M. L. SCHEYVEN Secretary-General,
 Ministry of Foreign
 Affairs

H.E. M. A. de STAERCKE Permanent representative
 to N.A.T.O Council

M. CHAMPENOIS Counsellor, Belgian
 Embassy, London

FRANCE

H.E. M. M. PINAY Minister for Foreign
 Affairs

H.E. M. R. MASSIGLI Secretary-General,
 Ministry of Foreign
 Affairs

H.E. M. A. PARODI Permanent representative
 to N.A.T.O Council

M. R. de MARGERIE Director of Political
 Affairs

M. F. SEYDOUX Director of European
 Department, Ministry of
 Foreign Affairs

M. J. SAUVIGNARGUES Member of M. Pinay's
 Cabinet

FEDERAL REPUBLIC
OF GERMANY

H.E. Dr. K. ADENAUER Chancellor

H.E. Herr W. HALLSTEIN Secretary of State

Herr H. BLANKENHORN Permanent representative
 to N.A.T.O Council

Herr R. THIERFELDER Ministry of Foreign Affairs

Herr C.F. OPHÜLS Ministry of Foreign
 Affairs

Herr. U. SAHM First Secretary, German
 Diplomatic Mission, London

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<u>IT. LY</u>	Signor M. MAGISTRATI	Director-General of Political Affairs
	Signor L. THEODOLI	Minister-Counsellor, Italian Embassy, London
	Signor G. BOMBASSEI de VEPTOR	Counsellor
<u>LUXEMBOURG</u>	H.E. M. J. BECH	Prime Minister
	M. N. HOMMEL	Permanent represen- tative to NATO Council
	M. G. HEISBOURG	Counsellor
<u>NETHERLANDS</u>	H.E. M.J. W. BEYEN	Minister of Foreign Affairs
	H.E. Jhr. A.W.L. TJARDE VAN STARCKENBORGH STACHOUWER	Permanent representa- tive to NATO Council
	M. H.E. ESCHAUZIER	Director-General of Political Affairs
	M. E.H. van der BEUGEL	Director-General, Ministry of Foreign Affairs
<u>UNITED KINGDOM</u>	H.E. the Rt. Hon. H. MACMILLAN	Secretary of State for Foreign Affairs
	H.E. Sir H. CECIL	Deputy Under-Secretary of State, Foreign Office
	H.E. Sir C. STEEL	Permanent representa- tive to NATO Council
	The Viscount HOOD	Head of Western Organisations Depart- ment, Foreign Office
<u>SECRETARIAT</u>	Baron M.F. de SELYS LONGCHAMPS	Secretary-General of Brussels Treaty Organisation
	Mr. P.B. FRASER	Assistant Secretary- General of W.E.U.

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W.E.U. 1st MARCH 1989

I. SIGNING OF THE AGREEMENT ON THE STATUS OF WESTERN EUROPEAN UNION, NATIONAL REPRESENTATIVES AND INTERNATIONAL STAFF

The Agreement was signed by the Foreign Ministers of the seven member countries of Western European Union.

A preliminary statement made by M. BEYEN, on behalf of his Government and the Belgian and Luxembourg Governments, is attached to this report as Annex I. It defines the position of the three Governments as to the degree of exemption from taxation and customs duties which their nationals could claim under the Agreement while on the territory of one of the Benelux countries.

For his part, Signor MAGISTRATI read out a letter (Annex II) addressed to Mr. McMILLAN, in which Signor MARTINO defined the Italian Government's interpretation of the provisions of the Agreement relating to immunity from legal process (Article 4) and to the privileges, immunities, exemptions and other facilities (Article 12) in so far as they concerned Italian officials.

M. PINAY observed that he accepted the text of the Agreement, subject to it being applied in accordance with the general principles of international law concerning international officials.

II. QUESTIONS ARISING FROM THE FRANCO-GERMAN AGREEMENT ON THE SAAR
(Document No. 4).

The CHAIRMAN drew attention to the fact that before turning to the detailed consideration of the questions arising from the Franco-German Agreement on the Saar (Annex I of Document No. 4) and from the Resolutions relating to it (Annexes III and IV of that Document), the Council should reach agreement on the decision of principle with respect to the responsibilities, powers and duties which it would be required to assume under the Resolution in Annex II of Document No. 4.

He stressed the fact that adoption of this text by the Council was no mere formality but marked an important step forward towards greater European co-operation. Indeed, for the first time, a Council of Ministers composed of representatives of seven countries assumed the responsibility of deciding, by a majority vote, questions which had long been in dispute.

This unprecedented event, so far reaching in its effects, encouraged a more promising outlook for the future.

After an exchange of views the Resolution was adopted, subject to the following reservations:

1. M. BEYEN and M. BECH stated that their delegations approved the above Resolution, subject to the obligation of submitting certain provisions of the Agreement to the approval of their Parliaments.
2. M. BECH stated that Article 13 of the Franco-German Agreement of 23rd October, 1954, did not require the approval of the Council within the meaning of the present Resolution and that adoption of this Resolution in no way implied acceptance of the transfer of the seat of the E.C.S.C. from Luxembourg to Saarbrücken.

/Furthermore,....

- 4 -

Belg. Amend. Furthermore, M. SPIAK observed that the provisions of the Franco-German Agreement concerning the Common Assembly of the E.C.S.C. (see Article 3 (b), paragraph (2)) entailed a modification of the Treaty setting up this Community, and would require parliamentary ratification.

The Council then turned to the study of the two outstanding items in the Franco-German negotiations.

- A - Exercise of the right to vote by persons expelled from the Saar after 8th May, 1945, for political reasons (Article 5 of the draft Resolution of the Council of Western European Union concerning the implementation of the referendum).

After detailed discussion, the Council approved the principle whereby expelled persons will be allowed to exercise their right to vote, subject to the control Commission being called on to give a ruling in cases where the Saar Government objected to the application of this principle.

The German compromise proposal (Annex V, II, B) was amended accordingly and inserted as Article 5 in the draft Resolution on the implementation of the referendum.

- B - Powers of the European Commissioner (Article 5 of the draft Resolution of the Council of Western European Union on the duties and powers of the Commissioner).

After having studied the German and French proposals on this problem the Council agreed on a compromise formula which was inserted in Article 5 of the draft Resolution.

In formulating this text, the Council considered that its purpose was not so much to confer powers upon the Commissioner but rather to protect the rights of the Council. It was necessary to prevent juridical or other situations arising, following a violation of the Statute, before the Council had had an opportunity of giving a ruling.

In the course of this discussion, it was also decided to modify Article 1, so as to define more clearly the functions of the Commissioner, with regard to the protection of human rights and the fundamental freedoms.

The final text of the Council's Resolutions are attached as Annexes III, IV, and V of this report.

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o o

German Amend.

The CHAIRMAN agreed to meet M. Hoffman in order to inform him of the discussions held during the meeting and to submit to him the agreed texts. It was decided that these would only be published after this conversation had taken place.

III. DATE

- 5 -

III. DATE OF THE NEXT MEETING OF THE COUNCIL

It was provisionally decided that the Council would next meet on 4th July, 1955. The Secretary-General was asked to notify the Governments concerned of the arrangements for the meeting in due course.

IV. OTHER BUSINESS

1. The question of the salaries of the Secretary-General, Assistant Secretaries-General and Director of the Armaments Control Agency having been raised by M. SPAAK, it was decided that the acting Chairman would submit proposals on this matter to the permanent representatives.

Neths. Amend. 2. With regard to the chairmanship of the Council, it was agreed, on the initiative of M. BEYEN, that the present system would remain in force for ministerial meetings, whereas the Secretary-General would preside at meetings of the Permanent Council of Deputies in London.

3. It was agreed, furthermore, that the question of nominating permanent representatives would be left to Governments who would notify the Secretary-General when such nominations were made.

V. PRESS COMMUNIQUE (ANNEX VI)

1. A press communiqué was approved by the Council. The agreed text is given in Annex VI of this report.

2. A second communiqué was issued on 12th May by the Secretariat-General following the conversation between Mr. Macmillan and H. Hoffmann. The text of the communiqué is also given in Annex VI.

3. The communiqué indicating the Saar Government's acceptance of the proposals of the Council is also appended. This communiqué and the text of the Resolutions adopted by the Council were published on Friday 13th May.

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W.E.U. 1st MARCH 1989

22
2, Eaton Place,
S.W.1.

ANNEX I

DECLARATION BY THE GOVERNMENTS OF BELGIUM,
LUXEMBOURG AND THE NETHERLANDS

On the signing of the Agreement of to-day's date regarding the Status of Western European Union, National Representatives and International Staff, the Plenipotentiaries of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands make the following Declaration:

The nationals of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands may not avail themselves of the provisions of the present Agreement to claim in the territory of one of these aforementioned Powers any exemption which they do not enjoy in their own territory with respect to duties, taxes and other dues which have been or will be standardised by virtue of conventions which have been or will be concluded for the purposes of bringing about the Economic Union of Belgium, Luxembourg and the Netherlands.

ANNEX II

(translation)

Paris, 11 May 1955

Mr. Chairman,

At the time of signing the Agreement on the Status of Western European Union, National Representatives and International Staff, I have the honour to inform you that, according to the Italian Government's interpretation of Article 4, Part II, the immunity from every form of legal process provided for therein shall be granted to Western European Union in so far as such immunity is granted to foreign countries under international law.

In addition, according to the Italian Government's interpretation of Article 12, Part IV, the privileges, immunities, exemptions and other facilities referred to therein shall be granted to Italian officials subject to the restrictions applicable, under international law, to diplomats of Italian nationality.

I have the honour to be, Mr. Chairman,

Your obedient Servant,

(Signed) G. MARTINO

His Excellency Mr. Harold Macmillan,
Chairman of the Council of
Western European Union,
PARIS

ANNEX III

RESOLUTION OF THE COUNCIL OF WESTERN EUROPEAN UNION
on
THE AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
FRENCH REPUBLIC ON THE SAAR STATUTE

The Council takes note of the agreement on the Saar Statute concluded on the 23 October, 1954, by the Government of the Federal Republic and the Government of the French Republic.

It approves such of the provisions of the agreement as require its assent and assumes the responsibilities, powers and duties attributed to it by the agreement.

ANNEX IV

RESOLUTION OF THE COUNCIL OF WESTERN EUROPEAN UNION

on

THE DUTIES AND POWERS OF THE COMMISSIONER
REFERRED TO IN ARTICLE II OF THE AGREEMENT
ON THE SAAR STATUTE

1) The Commissioner, under the control of the Council of Ministers of W.E.U., will be instructed to supervise the observance of the Statute, and in particular of article VI. In fulfilling this task, he will take account of the Convention for the protection of Human Rights and Fundamental Freedoms to which the Saar Government is a signatory and of the two following principles:

For the duration of the Statute until the peace treaty, the freedom of political opinion will be complete and guaranteed. However, any political activity which might affect, directly or indirectly, the principle itself of the Statute, in other words, interfere with its good functioning and the internal peace of the Saar, will be excluded.

2) Any international treaty concluded by the Commissioner on behalf of the Saar on the basis of the Statute must receive the approval of the Saar Landtag.

3) The Commissioner will receive his instructions from the Council of Western European Union.

4) The annual reports which should be submitted to the Council by the European Commissioner will be transmitted by the Council to the Assembly of W.E.U. In addition, the Council may request the Commissioner for further reports and the Commissioner may, on his own initiative, submit to the Council any report which he considers useful.

5) If the Commissioner establishes a violation of the Saar Statute, irrespective of its origin, he will report it to the Council of W.E.U. If the violation can be ascribed to Saar agencies, the Commissioner will, in the first place, petition the Saar Government. If no account is taken of this petition, the Commissioner will report the matter to the Council of W.E.U.,

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which will take the appropriate decisions after a debate during which the Saar Government will be able to explain its viewpoint verbally.

In urgent or serious cases, the Saar Government shall forthwith, at the request of the Commissioner, suspend the execution of the contested measures. The Commissioner will simultaneously report the matter to the Council of W.E.U., Ministers or permanent Representatives, with which the Saar Government may lodge an appeal and which shall decide within five days whether or not the suspension should be maintained.

Moreover, if, in the view of the Commissioner the positive measures taken by the Saar authorities for the implementation of the Statute are inadequate, he will take immediate steps to remedy the situation. If he cannot obtain satisfaction, he will convene an immediate meeting of the Council of W.E.U.

6) Any individual, group or organisation of the Saar, who considers that his fundamental rights and democratic freedom have been encroached upon by a decision of the Commissioner may institute an action with the jurisdictional court referred to in Article XI of Protocol No. 4 of the Agreement Modifying and Completing the Brussels Treaty, signed in Paris on 23rd October, 1954.

ANNEX V.

RESOLUTION OF THE COUNCIL OF WESTERN EUROPEAN UNION

on

THE IMPLEMENTATION OF THE REFERENDUM
REFERRED TO IN ARTICLE I OF THE AGREEMENT
ON THE SAAR STATUTEI - COMMISSION

Composition and rules of procedure.

ARTICLE 1

1 - A commission is to be set up consisting of representatives of the Governments of Belgium, Italy, Luxembourg, the Netherlands and the United Kingdom, responsible to the Council of Western European Union.

2 - The Commission will nominate its Chairman.

3 - The Commission's decisions will be taken by a majority vote. In any division of votes the Chairman will have a casting vote.

4 - The Commission will nominate delegates to whom certain powers will be attributed for limited and renewable periods, whenever it deems it necessary for the execution of its task. In particular, it may entrust them with missions in the different districts for the purpose of the referendum, and with the supervision of meetings and voting operations. The delegates must be nationals of the States whose Governments are represented on the Commission.

The Commission will itself appoint the staff it requires. The staff entrusted with technical work may be recruited on the spot.

ARTICLE 2 IMMUNITIES AND PRIVILEGES

1 - The members of the Commission will enjoy the immunities and diplomatic privileges of duly accredited heads of mission.

2 - The delegates and foreign staff appointed by the Commission will enjoy the immunities and privileges required for carrying out

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their mission, and in particular:

- a) immunity from Saar jurisdiction for all their acts during the performance of their mission, including their verbal and written statements. This immunity will continue even after their mission has been ended;
- b) exemption from all Saar taxation as regards their salaries and remunerations;
- c) exemption from immigration restrictions and registration obligations, for themselves and for their wives and dependents;
- d) duty-free import of furniture and personal effects and freedom to export at the end of their mission;

3 - The premises put at the disposal of the Commission shall be inviolable.

ARTICLE 3 POWERS OF THE COMMISSION in its relations with the Saar Government:

- a) In carrying out its tasks, the Commission may submit recommendations to the Saar Government.
- b) In urgent cases and by a unanimous decision, the Commission may submit recommendations to the local authorities, while notifying them at the same time to the Saar Government.
- c) The Saar Government will grant the Commission full facilities for the carrying out of its mission. It will transmit to the Commission all documentation connected with the referendum and will give all information requested.
- d) The members of the Commission and their delegates will have free access to the polling centres. They will be entitled to participate in all the returning operations. Members of the Commission or their delegates will have the right to be present at the determination of the voting results in the urban and regional districts and of the final result of the referendum.

The Saar Government will place at the disposal of the Commission the necessary offices, equipment and transport.

ARTICLE 4 POWERS OF THE COMMISSION in its relations with the Federal Government and the French Government.

- a) The Commission may draw the attention of the Federal Government and of the French Government to occurrences which, in its opinion, do not correspond to Article VI, sub-paragraph 3, of the Agreement.
- b) Should the Commission not receive a satisfactory reply from the Federal or French Governments, it may submit the matter to the Council of W.E.U.

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II - PRINCIPLES OF THE REFERENDUM

ARTICLE 5 RIGHT TO VOTE

I. Persons entitled to participate in the referendum include all men and women who will be twenty years of age on the voting day and who:

- a) are considered to be Saar nationals by virtue of Saar law, or,
- b) who were born in the Saar and were domiciled or permanently resident in the Saar on 23rd October, 1954, or,
- c) if they were not born in the Saar, were domiciled or permanently resident in the Saar for at least 5 years on 23rd October, 1954.

Persons expelled from the Saar after 8th May, 1945 for political reasons will be qualified to exercise the right to vote.

Nevertheless, if in particular cases the Saar Government raises objections to participation in the referendum, these cases may be referred to the Control Commission, whose decision will be final.

II. Will not be entitled to participate in the vote:

- a) officials of diplomatic and consular staffs in the Saar and their families;
- b) members of the armed forces and their families;
- c) members of the police forces, of the gendarmerie, and customs officials and their families.

This restrictive measure will only apply to persons of Group II (c) if they do not come within category I (a).

ARTICLE 6

Will be deprived of their right to vote:

- a) persons receiving treatment in an asylum or nursing home for mental or feeble-minded cases;
- b) common law prisoners.

ARTICLE 7 Persons having the right to vote must answer the question by yes or no.

ARTICLE 8 FREEDOM AND EQUALITY OF THE VOTING

The referendum will be general, equal, secret and free.

- a) The freedom of political activity and the secrecy of the vote must be ensured.
- b) The rules of procedure of the referendum will include provisions required to ensure equality of rights and facilities for all political parties in the press,

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radio, television, meetings and, generally speaking, in all means of diffusion of information. Electoral leaflets and posters must be printed in the Saar. Should this equality not be respected for the printing of posters and leaflets, the Saar Government should have the necessary authority to take appropriate measures such as rationing of printing of posters and leaflets, to ensure an equitable distribution to all the parties.

The Commission may inform the Council of W.E.U. of all occurrences which, in its opinion, would not conform to the principle of equal treatment of all parties.

- c) No prejudice will attach to any person as a result of his attitude in the three months preceding the referendum and during the referendum itself.

ARTICLE 9 ELECTORAL DISTRICTS AND VOTING COMMISSIONS

Each borough constitutes one or several electoral districts. The burgomaster will be the head of the district, (should there be several districts the burgomaster will appoint as many heads of electoral operations (Abstimmungsleiter) as may be required).

The electoral districts of each circle will be grouped in one electoral district made up of sub-districts. The heads of these districts will be the Landräte.

The Saar Government will appoint the Director General of the referendum operations.

An electoral Committee will be set up in all districts at each electoral level, and for the Land as a whole. It will be presided over by the Head of the electoral operations to whom each party represented in the territory concerned will appoint at least one assessor. In any event, there must be equal representation of the parties in favour of the Statute and of the other parties.

ARTICLE 10 ELECTORAL LISTS

- a) The electoral lists will be drawn up in each borough, and will be made available to the public for a fortnight, not later than thirty days before the date of the referendum.

- b) Any person having the right to vote or claiming such a right will be entitled to appeal to the electoral committee of the borough if he considers that the lists are inaccurate or incomplete.

- c) Appeals against the decisions of the electoral committee of the borough may be lodged with the Commission. The Commission may delegate its power of decision to a Committee consisting of a member of the Commission and two Saar judges, appointed by the Commission on the proposal of the Saar Government.

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ARTICLE 11 INFRINGEMENTS

Any complaints relating to infringements during the preparation of the referendum and the referendum itself may be submitted to the Commission no later than eight days after the date of the referendum.

ARTICLE 12 DRAWING UP OF THE LEGISLATION

On the basis of the principles laid down by this resolution, the Saar Government will draw up the legislative measures relating to the organisation of the referendum and will promulgate such legislation, after the Control Commission has ascertained its conformity with the above-mentioned principles.

ARTICLE 13 DATE OF THE REFERENDUM

The Council of W.E.U. will ascertain, on the basis of the report of the Commission, whether and when the three-months period provided for in Article X of the Agreement has begun.

The Saar Government will then fix the date of the referendum.

ARTICLE 14 CONTROL BY THE COMMISSION

During the preparatory period of the referendum and during the referendum itself, the Commission will ensure the observance of the principles adopted for the referendum.

ARTICLE 15 DETERMINATION OF THE RESULT

After the returning operations, the Commission will examine the provisional results which shall be announced by the Saar Government. Two weeks after the close of the referendum, the Commission will submit to the Council of W.E.U. a report on the provisional results and the conditions in which the referendum took place, and on the possible infringements which may have occurred during the preparation of the referendum and the referendum itself.

The Council of W.E.U. will then finally decide whether the Saar population has approved the Statute.

DECLASSIFIED

W.E.U. 1st MARCH 1989

ANNEX VICOMMUNIQUES

11th May 1955

The Council of Ministers of Western European Union held their second meeting this afternoon at the Quai d'Orsay at 3.45 p.m.

In the course of this meeting, the Foreign Ministers of the seven signatory countries pursued the discussion held at their inaugural meeting of Saturday, 7th May, on the structure and tasks of the new Organisation.

They studied in particular the problems raised by the Franco-German Saar Agreement of 23rd October, 1954, and affirmed the intention of their seven countries to grant the Saar a European Statute in the framework of W.E.U.

In accordance with the provisions of the Franco-German Agreement of 23rd October, 1954, on the Saar Statute, the French and German Governments have officially notified the Council of Western European Union of the provisions of this Agreement. The Council approved those provisions of the Agreement requiring its assent and assumed the responsibilities, powers and duties attributed to it by the Agreement.

Furthermore, the Ministers signed the Convention on the Status of W.E.U., its national representatives and international staff, the text of which had been approved during the first meeting.

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12th May 1955

At the request of the Ministers of the Council of Western European Union, Mr. Harold Macmillan, Foreign Secretary, President of the first session of the Council, today informed the Head of the Saar Government of the result of the discussions held by the Council of Western European Union at its meeting on Wednesday, 11 May, on the implementation of the Agreement of 23 October 1954 relating to the European Statute of the Saar.

In the course of this conversation, which was of a very cordial nature, M. Hoffman studied the texts elaborated during the meeting and agreed to refer them to the Saar Government.

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13th May 1955

After having consulted the members of his Cabinet, M. Hoffman, Prime Minister of the Saar, announced his Government's acceptance of the texts elaborated on Wednesday, 11 May, in the course of the meeting of the Council of Ministers of Western European Union on the implementation of the Agreement of 23 October 1954 relating to the Saar Statute.