

## The Customs Union of Benelux, 1948

### 1. The birth of the Benelux Customs Union

“Special report by our correspondent



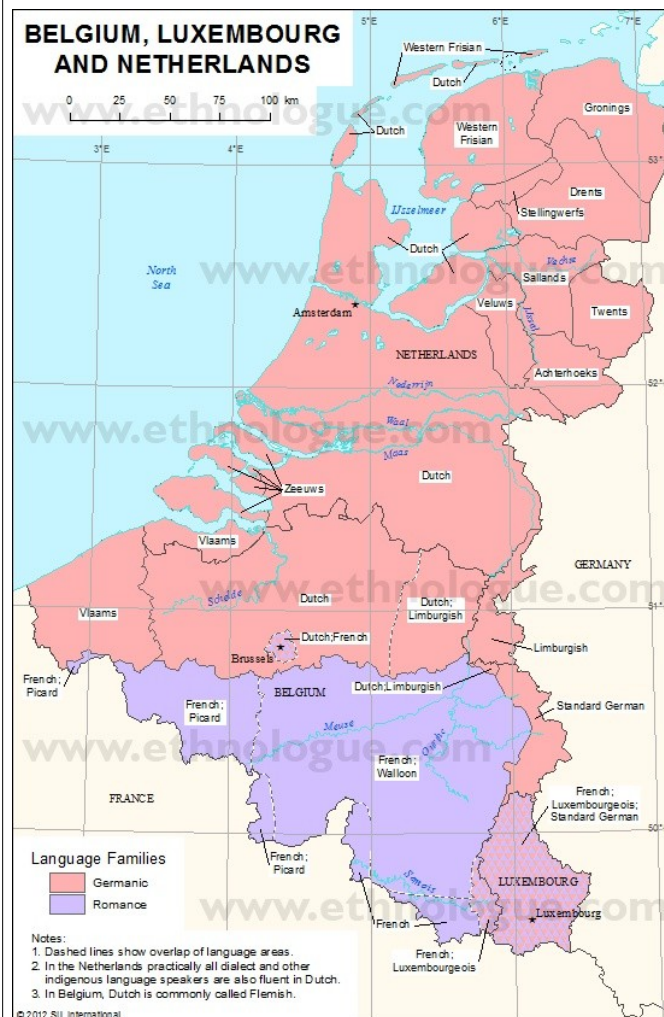
Simon, March 1948

On 1 January 1948, the Customs Union between the Netherlands, Belgium and Luxembourg comes into force. An important initial step on the road to the economic union of the Benelux countries will thus be taken. The Customs Union implies, on the one hand, that the participating countries no longer have to pay each other customs duties, and, on the other hand, that a common tariff will be levied vis-à-vis third countries. The fact that the Benelux countries no longer need to pay each other import duty does not mean, however, that trade between the Netherlands, Belgium and Luxembourg will no longer be subject to restrictions [...]

H. Bleich, "Die Geburt der Benelux-Zollunion", *Tageblatt. Journal d'Esch/Esch-Alzette*, n°6, 8 Jan. 1948, Translation CVCE.EU by uni.lu

1. Why was Benelux named Benelux?
2. Explain what a customs union is. What did this customs union imply? What were its limits?
3. Explain the expression "third country".
4. Had the three countries a common history during the previous centuries?
5. What languages are spoken in Benelux?
6. **Digging further** - What other customs union was achieved in 1833-4?

### 2. Language families in Benelux



## The Council of Europe, 1949

**Members in 2018:** Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, “The former Yugoslav Republic of Macedonia (FYRM)”, Turkey, Ukraine, the United Kingdom.

**Observer States:** Canada, Holy See, Israel, Japan, Mexico, United States.

7. When was the Council of Europe founded? Which countries were its founding members?
8. When was the European Union (previously called EEC) founded?
9. Which present members of the Council of Europe are now members of the EU?

The Council of Europe, 1949	
<p><b>What you need to know to start</b></p> <p><i>In London, on 5 May 1949, ten states signed the Statute of the <b>Council of Europe</b>: Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom. It was the very first international parliamentary assembly. At the ceremony held to mark the signing of the Statute, Ernest Bevin, British Foreign Secretary, gave the inaugural address and spoke of the new hope this institution had given to the peoples of Europe.</i></p> <p><i>The Council had its permanent seat in <b>Strasbourg</b>, a city that had long been fought over by Germany and France. The choice of Strasbourg was based on a proposal by Ernest Bevin: having been at the centre of conflicts between France and Germany for many centuries, the capital of Alsace could now become the symbolic home of European reconciliation.</i></p> <p><i>A Special Agreement relating to the Seat of the Council of Europe, signed in Paris on 2 September 1949 by the Council of Europe and the Government of the French Republic, asserts the ‘<b>inviolability</b>’ of the buildings and premises of the Council.</i></p> <p><i>Greece and Turkey joined the new organisation on 9 August 1949, Iceland in 1950, and the Federal Republic of Germany became a full member on 2 May 1951. Over the years, many other countries have joined the Council of Europe.</i></p>	<p><b>2. Statute of the Council of Europe, London, 5 May 1949</b></p> <p>The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Irish Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland;</p> <p>Convinced that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation;</p> <p>Reaffirming their devotion to the spiritual and moral values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy;</p> <p>Believing that, for the maintenance and further realisation of these ideals and in the interests of economic and social progress, there is a need of a closer unity between all like-minded countries of Europe;</p> <p>Considering that, to respond to this need and to the expressed aspirations of their peoples in this regard, it is necessary forthwith to create an organisation which will bring European States into closer association,</p> <p>Have in consequence decided to set up a Council of Europe consisting of a committee of representatives of governments and of a consultative assembly, and have for this purpose adopted the following Statute:</p> <p>[...] The aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress [...]</p> <p>10. The organs of the Council of Europe are:</p> <ul style="list-style-type: none"> <li>- the Committee of Ministers;</li> <li>- the Consultative Assembly.</li> </ul> <p>Both these organs shall be served by the Secretariat of the Council of Europe.</p> <p>11. The seat of the Council of Europe is at Strasbourg</p> <p>12. The official languages of the Council of Europe are English and French.</p>
<p><b>3. “The European Convention on Human Rights (ECHR), Rome, 4 November 1950</b></p> <p>1. The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.</p> <p><b>SECTION I</b></p> <p>2. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary: (a) in defence of any person from unlawful violence; (b) in order to effect a lawful arrest or to prevent escape of a person lawfully detained; (c) in action lawfully taken for the purpose of quelling a riot or insurrection.</p> <p>3. No one shall be subjected to torture or to inhuman or degrading treatment or punishment.</p> <p>4. No one shall be held in slavery or servitude. No one shall be required to perform forced or compulsory labour [...]</p> <p>5. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: (a) the lawful detention of a person after conviction by a competent court; (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law; (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority of reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;</p> <p>(d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;</p> <p>(e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts, or vagrants;</p> <p>(f) the lawful arrest or detention of a person to prevent his effecting an unauthorized entry into the country or of a person against whom action is being taken with a view to deportation or extradition.</p> <p>Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and the charge against him.</p>	

#### 4. Time chart on the .....

- 3 September 1953: coming into force of the convention.
- 21 January 1959: First members of the Court elected by the consultative assembly of the Council of Europe.
- 23-28 February 1959 - The Court's first session.
- 18 September 1959: - The Court adopts its rules of Court.
- 14 November 1960 - The Court adopts its first judgement: Lawless v. Ireland.

10. Who were the said high contracting parties? Explain the context of the foundation of the Council of Europe.

11. What was the aim of the Council? How would you call the first paragraphs of the statute? (convinced, reaffirming, believing, etc.)

12. Which country joined as soon as 1949 but is not a member of the EU today?

13. Can the French police investigate in the Council buildings in Strasbourg?

14. What is the CEFRL achieved by the Council of Europe in 2001?

15. What are the official languages of the Council of Europe?

16. Will the UK still be a member of the Council of Europe after March 2019?

#### CONSEIL DE L'EUROPE - COUNCIL OF EUROPE

DIRECTION DE L'INFORMATION — DIRECTORATE OF INFORMATION

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##### FIRST CASE BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

Lawless application brought by the Commission

The application of Gerard LAWLESS against the Government of Ireland has been referred to the European Court of Human Rights. The Court, whose jurisdiction is final upon eight countries, including Ireland, will now consider the application. This case, which has been referred to the European Commission of Human Rights first to be brought before it. The Directorate of Information is publishing the following statement:

17. Where did it all begin?

18. What happened to Gerard Lawless?

19. Why did the Lawless case "make history"?

20. Why could the case be brought before the European Court of Human Rights?

Ireland has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, recognised the right of petition by individual citizens and accepted the compulsory jurisdiction of the European Court inaugurated on 21st April, 1959.

##### BACKGROUND TO THE LAWLESS PETITION

On 8th November, 1957, Gerard LAWLESS, a 22-year-old Irish national from Dublin, lodged an application with the European Commission of Human Rights against the Republic of Ireland.

Lawless' principal complaint was that on 11th July, 1957, he was arrested on suspicion of belonging to an illegal organisation (the I.R.A.) and held without charge or trial in the Curragh Internment Camp until 11th December, 1957, by an order of the Minister for Justice under "The Offences Against the State (Amendment) Act, 1940". He alleged that his detention constituted a breach of the European Convention on Human Rights, in particular of Articles 5 and 6, guaranteeing the right to liberty and security of person and to the proper administration of justice. Lawless claimed damages for his imprisonment.

#### Prepare your classroom debate:

In 1999, the European Court of Human Rights made France the first European state to be convicted of torture, finding it guilty of torturing a suspected drug dealer during police questioning. The ECHR also condemned France for excessive delays in the administration of justice, as more than seven years went by between the man's complaint of torture and sexual exploitation by five police officers and their conviction in 1999. In a report published in September 2018 on corruption prevention in respect of members of parliament, judges and prosecutors, the Council of Europe's anti-corruption body, concluded that France had implemented only four of the eleven recommendations made since 2013. It called on the French authorities to make further progress.

*Are supranational institutions necessary to enforce the rule of law or are they a tyrannical deny of the nations' sovereignty?*