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CHALLENGE AND OPPORTUNITY

Lectures on United Europe

I

THE HISTORY OF EUROPEAN INTEGRATION

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One hundred and thirty-one years ago, two young Frenchmen visited the United States in order to study the American prison system. Their report on the subject was so brilliant that it won an award from the French Academy: but one of them was inspired to write a second work - not about prisons, but about freedom, the freedom that he had seen and known in the New World, although it was still far from perfect in the Old.

The young man's name was Alexis de Tocqueville, and the title of his book was Democracy in America. To re-read it today is to be struck time and again by its astonishing insight. Living as he did in the midst of the technological revolution that was to transform the world, Tocqueville took the fact of change as his fundamental premise; and he realized that is was the rapidity of change that made the modern age different in kind, not just in degree, from all the ages of the past.

Now, for the first time, man was to be able to exploit the riches of the earth from which his forebears had merely scratched a living - making possible a new kind of life in a society of men free and equal. Simultaneously, modern medicine was to begin its long and painful struggle against disease. But this in turn was to help bring about a vast multiplication of the world's population, millions of whom were to remain sunk in a misery worse than that of the Dark Ages in Europe. Meanwhile, the power of men's weapons of destruction was to grow in the same proportion as his mastery over nature. The golden prospect of the future was darkened by poverty and fear. What was more, the world itself was to grow relatively smaller as man's enterprise spread. Within Tocqueville's lifetime, the railways were to begin to unite continents, steamships were to begin to link them together, and the telegraph was to begin to make possible instantaneous

communication over thousands of miles. In our own lifetime, these early marvels have been eclipsed by automobiles, jets, television, and space rockets. "The nations," wrote Tocqueville, "seem to be advancing to unity. Our means of intellectual intercourse unite the most remote parts of the earth; and it is impossible for men to remain strangers to each other, or to be ignorant of the events which are taking place in any corner of the globe."[1/] Already, in fact, the word "foreigner" was becoming out-of-date.

By the same process, as Tocqueville saw, the already shrinking globe was becoming a world of giants. "There are at the present time," he said, "two great nations in the world which seem to tend toward the same end, although they started from different points: I allude to the Russians and the Americans. Both of them have grown up unnoticed; and while the attention of mankind was directed elsewhere, they have suddenly assumed a most prominent place among the nations; and the world learned their existence and their greatness at almost the same time." The American nation, he continued, "gives free scope to the unguided exertions and common sense of the citizens; the Russian centres all the authority of society in a single arm: the principal instrument of the former is freedom; of the latter servitude." Each of these great powers, Tocqueville thought, "seems to be marked out....to sway the destinies of half of the globe."[2/]

So much was clear to Tocqueville when he wrote his great treatise in 1835; yet it was more than a century before his fellow Europeans, and mankind in general, drew the political conclusions from what he had observed.

1/ Alexis de Tocqueville, De la démocratie en Amérique, translated by Henry Reeve (Oxford, 1946), p. 285.

2/ Op.cit., pp. 286-7.

In studying America, he had declared, "my wish has been to find instruction by which we may ourselves profit." "I cannot believe," he said, "that the Creator made man to leave him in an endless struggle with the....miseries which surround us: God destines a calmer and more certain future to the communities of Europe."[3/] Yet Europe's future - and the world's - was to be far from calm. The progress of technology, the improvement of communications, the consequent drawing-together of distant peoples and the emergence of giant powers - all proceeded apace. But the world's political organization lamentably failed to keep up with them. As Goethe had put it, "Mankind advances, but man remains the same." Europe and the world both remained disunited; and twice in a single generation, European conflicts dragged the world into war. It was only, in fact, on the morrow of the second World War that European statesmen began in practice to build the "calmer and more certain future" that Tocqueville had seen as destined for "the communities of Europe." They did so by creating a new community - a European Community: and they thereby set in motion a process which is already helping to transform the international scene as a whole.

Essentially, the motives for building a European Community were the self-same forces that had already impressed Tocqueville. The pressure of technology, increasing interdependence, a growing sense that in a world of giants, nations on the old scale must band together - all these played their part in reviving an idea of European unity that was already of long standing. It would be superfluous to enumerate the countless political philosophers, from Pierre Dubois in the fourteenth century to Joseph Proudhon in

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3/ *Ibid.*, p. 15.

the nineteenth, whose writings helped to keep that ideal alive: for indeed it was not until the twentieth century that the general motives for unity in Europe became particular and pressing enough for European statesmen to act. It was not until 1919, in fact, after a European war that had developed into the first world war, that serious efforts were made to reform international relations. Their immediate upshot was the League of Nations, itself in some respects a mainly European body; and a few years later there came the proposals of Aristide Briand, backed by those of Stresemann, for what was then already called "a United States of Europe." Behind this project lay the need to cement unity and peace between France and Germany; but in 1930, the very year of Monsieur Briand's Memorandum, the National-Socialist party scored its first unholy victory; and in the appalling barbarities that followed, all hope was buried for another fifteen years.

World War I had proved the fearful destructiveness of European quarrels fought out with modern weapons. World War II redoubled that proof. Furthermore, its aftermath publicly revealed what had already become obvious to economic experts after World War I: that is, that Europe's position in the world had been drastically altered - partly by war itself, and partly by the growth of those two continental giants, America and Russia, whose importance Tocqueville had so clearly foreseen.

In these changed circumstances, the ideal of European unity took on added strength. Throughout the war, it had never been entirely eclipsed, either in the minds of such statesmen as Churchill and De Gaulle, or in the aspirations of refugees, Resistance fighters, political prisoners, and ordinary men and women throughout the continent. The study of its slow maturing would make a fascinating task for some future historian: but his

narrative would have to record at the same time the gradual disappointment of the more ambitious hopes raised by the San Francisco Conference and embodied in attempts to achieve unity on a wider scale, both in the world and in Europe. Winston Churchill's speech at Fulton, Missouri, was one of the first explicit statements of this disappointment; but even after the so-called "Iron Curtain" had descended and the "Cold War" was generally acknowledged to have begun, the first practical move towards the re-ordering of Europe was made in a form designed explicitly to be open to the participation of Eastern European countries. It was only when the Soviet Union vetoed such participation that the effort had to be confined to Western Europe.

It was in 1947 that the first decisive step was taken, with the announcement by General George Marshall of the plan for American aid to Europe to which posterity has given his name. The economic significance of this proposal requires no stressing: Europeans can never be oblivious of the courage, the wisdom, and the generosity that it represented, or of the vital foundation which it laid for European recovery. All Europe's economic "miracles" date from then. It has to be admitted, however, that the political results of Marshall Aid, and of the Organization for European Economic Co-operation which sprang from it, fell far short of the hopes it had originally aroused. To say this is not to decry the economic achievements of the O.E.E.C. and the European Payments Union to which it gave birth: nor is it to belittle the ability and the efforts of those who worked so devotedly to serve them. But it is worthwhile to recall that in July 1947, when the parent Committee of Economic Co-operation met in Paris, its participants explicitly discussed the possibility of establishing, not just an international organization for co-operation in economic matters, but a full-scale

European customs union which would have led inescapably, as I shall suggest later, to some form of political unity. In the event, the scope of the O.E.E.C. was much more restricted; and its structure, despite attempts to reform it, remained that of a classical inter-governmental conference in permanent session. Its executive body was a Council subject to unanimous voting, and although abstention was not held to invalidate otherwise unanimous decisions, it limited their application to those countries who had not abstained. Moreover, a contrary vote sufficed to veto an otherwise unanimous decision - a fact which sometimes created difficulties, even if it failed to prevent the formation of something like a general European consciousness which was to prepare the way for further steps.

If the O.E.E.C. was therefore somewhat disappointing to those of its sponsors who had hoped for real and rapid unity in Europe, the same was true of its political counterpart, the Council of Europe. This too, it should be emphasized, was not without influence as a preparation and as a training-ground for more ambitious ventures: in fact, it is all too easy to forget the amount of modest but valuable work it has achieved, including the establishment of the European Convention for the protection of Human Rights and Fundamental Freedoms, as well as such agreements in social matters as those on Social Security and Social and Medical Assistance, and the European Cultural Convention and the activities which have sprung from it. Nevertheless, it is against the intentions of its founders that it must be measured. Its remote forebear was perhaps the famous speech of Winston Churchill at the University of Zurich in September 1946, calling for "a kind of United States of Europe": even further back Churchill had proposed a "Council of

Europe" in a wartime broadcast made in 1943. The immediate progenitor of the Council however, was the Congress of Europe held in The Hague in May 1948, at which the leaders of most of the private organizations that were pressing for unity in Europe came together to call for political and economic union, a European Assembly, and a European Court.

When the Governments of Western European countries met to consider these proposals, there was already some disagreement as to how they should be implemented - and some delegations were even opposed to the whole idea of setting up an Assembly of parliamentarians. The British Government, for its part, proposed a council of national delegations to be appointed by governments: a Franco-Belgian proposal envisaged a broad assembly whose members would be appointed by the parliaments and would vote as individuals on a majority system, the resultant resolutions being submitted to an inter-governmental council. These ideas subsequently crystallized into two separate proposals, one for a two-tier system of ministerial council and assembly, the other for a council comprising a committee of ministers and a conference of government delegates. The result was an unsatisfactory compromise which established both a Committee of Ministers meeting at Ministerial and at Deputy level, and a Consultative Assembly whose powers, however, were extremely narrowly confined: at the beginning, indeed, the Assembly was not even allowed to fix its own agenda. Moreover, the Committee of Ministers, like that of O.E.E.C., was bound by unanimous voting and therefore subject to veto by any single member. Despite high hopes in the Council of Europe's early sessions, therefore, and once more despite the sterling efforts of a number of dedicated Europeans, the outcome of all these strivings and deliberations was a deep sense of frustration matched by a mounting sense

of urgency as the growing tensions of the "Cold War" made it more and more vital for Western Europe to seek strength in unity.

I have dwelt upon these early ventures in European co-operation because they form the background against which it is possible to see more clearly the true significance of the movement that was about to begin. This was the movement for European integration, as distinct from mere co-operation; and its starting-point was the famous Declaration made by Monsieur Robert Schuman, French Foreign Minister, on the 9th of May, 1950. In it, he proposed the pooling of French and German coal and steel resources under common institutions open to any other European countries able and willing to join.

At the time, not everyone immediately grasped the significance of this proposal: but in retrospect the Schuman Declaration can now be seen to have contained, as well as to have foreshadowed, the essence of what was to come. Its aims were both long-term and immediate. In the long term, it sought to achieve European unity as a means to peace: "world peace," it declared, "can only be safeguarded by creative efforts which match the dangers that threaten it." "For peace to have a real chance, there must first be a Europe;.... Europe was not built, and we had war." It aimed, therefore at "the European federation which is indispensable to the maintenance of peace."

To achieve this required, in Monsieur Schuman's words, "the elimination of the age-old opposition between France and Germany" - a Germany only then re-emerging as a nation from the nightmare of the past years, and still divided into two halves, slave and free. It was vital to cement free Germany to the West: as Monsieur Schuman said, "the solidarity....thus achieved

will make it plain that any war between France and Germany becomes not only unthinkable but materially impossible."

To realize these long-term aims, it was necessary both to solve particular problems, such as the future of the Ruhr and the Saar, and to make a break-through on a fairly narrow front. "Europe," declared Monsieur Schuman, "will not be made all at once, or as a single whole: it will be built by concrete achievements which first create de facto solidarity." He went on: "The pooling of coal and steel production will immediately provide for the establishment of common bases for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims." "This transformation," he continued, "will make possible other joint actions which have been impossible until now." Among other things, "Europe will be able, with increased resources, to pursue the realization of one of her essential tasks, the development of the African continent." What was more, "Thus will be realized, simply and rapidly, the fusion of interests which is indispensable to the establishment of an economic community; thus will be introduced the germ of a broader and deeper community between countries long opposed to one another by bloody conflicts."

These quotations suffice to show that the Schuman Declaration was indeed a prophetic document. Today, nearly twelve years later, the "fusion of interests" is already taking place. We are ourselves achieving "the establishment of an economic community," part of whose resources are assisting "the development of the African continent." And in the Bonn Declaration

of July 1961 and the political discussions which have followed it we may perhaps see "the germ of a broader and deeper community" - or, as I think it might more appropriately be described, an organized political co-operation which may speed and assist the political integration implied in our European Economic Community. In all these respects, the Schuman proposals may be said to have gone according to plan.

In human affairs, of course, nothing goes exactly according to plan, however; and it would be naive to suppose that the history of the last twelve years in Europe had seen the simple working-out of the project sketched in outline in May 1950.

In the event, six countries followed the lead given by Monsieur Schuman's Declaration. More would perhaps have done so had they been able to foresee its eventual outcome: but as it was, France, Germany, Italy, and the three Benelux countries negotiated and signed the Treaty establishing a European Coal and Steel Community, concluded in Paris on April 18, 1951. Its essential characteristics were that it was "supranational," that it was practical, and that it was partial.

The "supranational" aspect of the new Community was essentially what differentiated it from the "international" bodies that already existed - the O.E.E.C. and the Council of Europe. To this question, and to this perhaps misleading term, I shall return in a moment. More to the point at present is that the Coal and Steel Community Treaty was a very precise instrument with a very practical task - no less than that of abolishing the economic effects of frontiers between its signatory countries in the sector of coal and steel, and establishing both transitional and permanent measures to enable all concerned to settle into the new situation of Community-wide competition.

Finally, it is also important to remember that the Coal and Steel Community represented only partial integration: it concerned only coal, coke, steel, iron ore, and scrap, and excluded from its compass even such related products as finished steel in such forms as steel tubes, to say nothing of all the variety of goods which take steel as their basis. It was thus an example of what was called at the time "sector integration" - the break-through on a narrow front foreshadowed by the Schuman Declaration.

This in turn pointed to a fourth characteristic of the Coal and Steel Community, and one which it shares with all aspects and phases of the movement for European unity: that is, its evolutionary nature. Clearly, there were certain advantages, from the economic point of view, in pooling coal and steel: but the Schuman Declaration had made it clear that the process was not intended to stop there. Indeed, the Preamble to the Coal and Steel Community Treaty, which significantly echoed the Schuman Declaration, explicitly spoke of its signatories' "future common destiny". My old friend Jean Monnet, first President of the Community's executive body, described it as "the first expression of the Europe that is being born." What the next steps should be was for some time the subject of intensive debate: it was thought, in fact, that integration in the field of coal and steel should be followed by the integration of other sectors of the six countries' economy. During those early days there were proposals for an Agricultural Community - the so-called "Green Pool"; for a Transport Authority; and for a Health Community - the so-called "White Pool". Little came of them at the time; but two further projects have a more important place in the story. These were the plans for a European Defense Community (EDC) and for a European Political Community.

The European Defense Community project, like the Coal and Steel Community, had both long-term and short-term aims. In the long-term, it was seen by its sponsors as a rapid and dramatic means of making a further break-through in European integration - this time not in the economic field but in a jealously guarded domain that was highly and patently political. The plan provided for a European army of some forty divisions, wearing a single uniform, and in full liaison with NATO; and this was to have been administered by common institutions similar to those of the Coal and Steel Community. Such a force, and such an explicit merger of national sovereignty, might have made an impressive contribution to the long-term cause of unity in Europe: but in the short term, too, they would greatly have strengthened NATO's existing 14 divisions, in particular by calling upon Germany for her due contribution to the cause of common defense, in a way which would have countered the then common objections to "the re-arming of Germany" - objections heard, it should be added, almost as frequently in the Federal Republic as elsewhere.

Article 38 of the EDC Treaty, moreover, called for further steps towards political unity, to be studied in the first instance by the European Assembly which was to have been one of the EDC's institutions. In fact, however, even as early as September 1952, when the Assembly of the Coal and Steel Community first came into being, the six Governments asked its members to co-opt further parliamentarians into a so-called "Ad hoc Assembly" in order to begin work on a draft political Treaty without further delay. It was this "Ad hoc Assembly", therefore, which had the honour of first working out the project for a European Political Community which was to have crowned the institutions of both the Coal and Steel Community and the EDC.

However, both these plans came to nothing at the time. By the spring of 1954, it was true, four of the six national Parliaments had voted to ratify the EDC Treaty; but internal political difficulties - as well as a vehement propaganda campaign, partly directed by the Communist Party - had made it less and less likely that France would be able to do so. At the end of August 1954, the French National Assembly failed to ratify the EDC Treaty. With it fell the plan for a European Political Community; and although a brilliant last-minute rescue operation, partly inspired by Great Britain, helped to salvage some of the EDC's short-term military content - essentially by making possible a German defense contribution within the very loose framework of Western European Union - the political hopes that Europeans had placed in it seemed to be finally doomed.

Defeat, however, can sometimes be the school of victory. If, as it now seems, the failure of the EDC and EPC proposals marked the end of one stage in the uniting of Europe, and of one particular approach to unity, they also marked the beginning of another. Less than a year later, in June 1955, the representatives of the six member Governments of the Coal and Steel Community met in Messina. On their agenda were three memoranda on the subject of further steps in European integration - from Benelux, from Germany, and from Italy. Their final decision, like all such decisions, was a compromise embodying some of the views of all parties: but its essential element was that it set up a committee of national representatives to study possible methods of achieving further unity.

This Intergovernmental Committee, under the Presidency of Monsieur Paul-Henri Spaak, produced its report in the following April. One month later, the Ministers of the Six adopted it as the basis for negotiating two new

Treaties - for a European Atomic Energy Community (Euratom) and a European Economic Community (the Common Market). Within a further ten months, the Treaties were signed; nine months later, they had been ratified by all six countries; and they came into effect on January 1, 1958. The speed of this achievement, which had as its starting point the lowest ebb of the European cause after the EDC debacle, was an eloquent testimony, not only to the ability of the men responsible for negotiating the new Treaties, but also to the extraordinary power and resilience of the post-war European idea.

As I have said, this period marked a transition from one phase of the struggle for unity, and from one particular approach to its achievement. Let me explain this a little. Essentially, the Coal and Steel Community Treaty, and the EDC and EPC proposals, embodied the desire to move swiftly, almost spectacularly, towards the political goal of what Monsieur Schuman had called "the European federation which is indispensable to the maintenance of peace." As such, they called for intensive action on a narrow front, and were concerned with the integration of particular sectors of national life, partly in response to particular and immediate situations - the problem of the Ruhr in the first case, and the problem of Germany's defense contribution in the other. This was the phase of what one observer has called "creative opportunism" in the post-war making of Europe.

With the two new Treaties signed in Rome on March 25, 1957, there came the beginnings of a shift of emphasis. The Euratom Treaty, it is true, was in some respects a further instance of "sector integration" - but this time in a sector comparatively new and one which was therefore a _tabula rasa_ by comparison with, say, coal and steel, in which national patterns of

economic development had a very long history. But even atomic energy, apparently so limited in its scope, has ramifications in many other fields, ranging from questions of energy policy to matters of medicine and agriculture. Moreover, the Common Market Treaty, for its part, covers not just one or two sectors of its signatory states' economy, but all sectors; and, as I shall attempt to show later, it covers matters of politics as well. In this respect, it is perhaps a more logical Treaty than that of the Coal and Steel Community: it certainly embodies the concept of "economic community" first mentioned in the Schuman Declaration, and it carries it to its logical conclusion. Moreover, simply because its scope is so vast, it is perforce a different kind of Treaty. The Coal and Steel Community Treaty, and in some degree the Euratom Treaty too, are precise agreements laying down in some detail the objectives to be achieved and the methods to be adopted. For the whole of the economy of the member states, such foreknowledge and such precision would be impossible. The Common Market Treaty is therefore very much more a Treaty setting out general aims and establishing procedures and institutions to decide upon both the targets to be reached within this general framework and the exact means which are to be used. It is an exaggeration, but not much of an exaggeration, to say that - from the purely technical point of view - the Common Market Treaty would have been capable of setting up, within its own framework, a European Coal and Steel Community or even an Atomic Energy Community. Indeed, by its recent decisions on agriculture, it has come close to establishing the so-called "Green Pool" which was first suggested in 1950. I say this not in any way to belittle the achievements of either Euratom or the Coal and Steel Community, but simply in order to emphasize the difference I have mentioned.

Such emphasis is necessary, in particular, for a full understanding of the institutional structure of the three European Communities - or rather, of what is popularly and conveniently called simply "the European Community." In fact, the Coal and Steel Community, Euratom, and the Common Market share the same institutional framework; and because it is partly this which differentiates them from classical international orginizations, it is worth examining in a certain amount of detail.

The Community's institutions have been called, with some legal justification, "supra-national": but while this word correctly focuses attention on one of their most important characteristics, it is also somewhat misleading in its overtones. It occurs, in fact, only once in the three Community Treaties - in Article 9 of the Coal and Steel Community Treaty, which calls upon the members of its executive body to "abstain from all conduct incompatible with the supranational character of their functions" and requires the member states to respect this obligation. The executive body in question is appropriately known as the "High Authority" - again a term to be found in the Schuman Declaration; and its nine members, once appointed, are completely independent of member states, from whom they are forbidden to solicit or accept instructions. Their responsibility is to the Community as a whole. The same is true of the other two executive bodies, the Commissions of Euratom and the European Economic Community, with five members in the former case and nine in the latter. All three executive bodies co-operate together, and share joint services in such fields as statistics, information, and law. It has been proposed, indeed, that they might be fused into one single body, perhaps with the title of "High Commission" - a hybrid name compounded of their present separate denominations.

One of the problems to be faced in any such fusion, however, is the fact that the powers of the High Authority and those of the two Commissions are not quite identical. It is often suggested that the reason for this difference was a greater caution on the part of member Governments at the time when the Euratom and EEC Treaties were negotiated; and there may be some truth in this. The High Authority, that is, has a direct power of decision on most matters covered by the Coal and Steel Community Treaty: only on questions of broader policy do decisions require the consent of the Council of Ministers whose members represent the member states. In addition, the Coal and Steel High Authority is directly and independently financed by a levy on the coal and steel industries of the Community.

The EEC Commission, on the other hand, and in a lesser degree the Euratom Commission, have a power of decision which is more strictly defined, although it covers some quite important fields; and they at present draw their financial resources from *pro rata* contributions made by the member Governments. The true role of the EEC Commission, in fact, is threefold. First, it has the task of drawing up proposals to be decided by the Council of Ministers: in this sense it may be said to resemble an Administration presenting Bills to Congress. Secondly, it has the duty of watching over the execution of the Treaty, and calling member Governments and enterprises to account if they fail to respect it: in this function it perhaps resembles a Federal Commission. Thirdly, the EEC executive has the role of helping to bring a about agreement in the Council of Ministers, by using its overall viewpoint, its skill and its power of advocacy, to secure the acceptance of measures which are in the interest of the whole Community, even if they mean temporary sacrifices of purely national interest. Here again the EEC Commission might

be said to resemble an Administration seeking to reconcile the various interests of the States.

Our Commission, then, is at once a motor, a watch-dog, and a kind of honest broker: the word "executive", in fact, only vaguely describes it. But to conclude from this that the EEC must therefore be weaker than the ECSC seems to me to betray a basic misunderstanding of the European Community as such. I said just now that an important function of the EEC Commission was to help bring about agreement between the member states. In a sense, this is one of the main purposes of the whole institutional structure of the European Community. Unity, as history in Europe has shown us, is not something that can be imposed from above: solutions that ignore vital interests are not solutions. Nor, indeed, was it ever the intention of the Schuman Plan, or of the countries that accepted it, to establish in Europe a kind of remote technocracy ruling by ukase from some supranational Kremlin. Despite its name, the High Authority has never been that. Rather, it was and is a body empowered to act impartially in execution of the more general decisions already reached by the member states during the negotiation of the ECSC Treaty. Something of the same is true of the Euratom Commission. But as I have said, it was impossible for the member states to reach agreement, during the negotiation of the EEC Treaty, on all the many fields involved in the integration of the whole of their economy. All that they could do was therefore to establish a kind of Constitution and leave the task of government to the various agencies for which it provided, hoping that the vitality of the Community's collective personality would make up for any lack of precision in the details of its mandate.

The second such agency, obviously enough, was the Council of Ministers. Given the circumstances that I have described, it was natural and necessary that the Council, which comprises a Minister from each member Government should share to a broader extent in the decision-making process of the EEC than in that of the ECSC. But here again some qualification is necessary. The Council of Ministers in the European Community seems in some ways to resemble that of a classical international organization: but in one important respect it represents an advance beyond this stage. That is to say, the principle of majority voting - avoiding thereby a national veto - is accepted in the Community as a necessary element of its normal working; and the rule of unanimity, which was one of the stumbling-blocks of previous experiments, is here reserved for exceptional cases which bear heavily upon national sovereignty in fields in which the principles of the Treaty require to be made more precise in order to become directly applicable. Moreover, majority voting becomes more and more the norm for Council decisions as the Treaty's transition period progresses. This again is only natural, not only because as time goes by the Community's sense of solidarity becomes that much greater, but also because in its early years one of its principal tasks is to work out common policies, thus in a sense completing the negotiating procedure; whereas from Stage Two of its transition period onwards - from now owwards - such common policies are beginning to be applied. Within them, it may be added, the role of the executive becomes proportionately greater: and this again is a function of the general process I have described.

It may be in order here to say a word about the procedure of majority voting, since this is a question upon which the entry of new members directly

impinges. In some cases, majority voting in the Council means a simple majority, with one vote for each member state. But in most instances, the rule of "qualified majority" applies. Under this system, France, Germany, and Italy - the three "big" countries - have four votes each: Belgium and the Netherlands have two each; and Luxembourg has one. To obtain a qualified majority, a total of twelve votes is needed in cases where the EEC Treaty requires a proposal by the Commission: in other cases, the twelve votes must include favorable voting by at least four members. In practice, this means that where the Commission has made a proposal, no single member state can veto it, nor can the three Benelux countries: for a veto, at least two countries and possibly even more are required, to make up the necessary minimum of six contrary votes. On the other hand, unanimity is required to modify a proposal from the Commission; and in cases where it is not required to make a proposal, the three "big" countries cannot overrule concerted opposition from the Benelux countries. This system therefore gives the smaller countries a certain guarantee, whose embodiment, so to speak, is the independent Commission: but it also ensures that necessary decisions cannot be held up by isolated opposition. Needless to say, it is comparatively rare for the power of majority voting to be used: but it forms a very effective and essential incentive to reach agreement; and although the arithmetic of qualified majorities may have to be modified in the case of the entry of new members, it is vital that the principle underlying it should be maintained.

The independent executives and the Council of Ministers, then, may be regarded as jointly forming the decision-making agency of the European Community: that is: its legislative agency, responsible for issuing

regulations. A third organ or institution of the Community is the European Parliament, composed at present of 142 representatives and senators elected by and from the national Parliaments. Each of the Communities - the ECSC, Euratom, and the EEC - has its own executive; and the Council of Ministers, although in practice "shared" by all three, is legally speaking three separate Councils. The European Parliament, however, is a joint body formed by the legal amalgamation of the Assemblies provided for in the three Community Treaties. Despite its title, it is not strictly a legislative body: but it has the task of exerting democratic supervision over the workings of the Community. This it does in three ways. First, it has the right to be consulted on most major decisions of policy; and its views have on several occasions led to modifications in the proposals put before the Council, and therefore also in the measures finally agreed. Secondly, its standing committees conduct periodic "hearings" at which the Community executives seek to explain their ideas and policies; and the Parliament, like Congress, produces on this basis a number of extremely valuable and influential reports of which the Commission takes particular account.

Thirdly, moreover, the Community executives are required themselves to report annually to the Parliament, which thereupon debates their activities; and it may compel any of the three executive bodies to resign *en bloc* by means of a two-thirds majority vote of "no confidence".

This substantial power has not yet been used against any of the Community executives; and some have criticized it as being too weighty a weapon to wield. Undoubtedly, the fact of its existence is important as an ultimate sanction - what one might call "a massive deterrent": but there

can be no doubt that as the Community develops it will be necessary to study ways and means of enlarging the Parliaments' power. The Community Treaties already provide for the possibility of direct elections to it, and a project to this end has been prepared for consideration by the Council. Other suggestions have been made, but not yet codified into formal proposals: these include the possibility of giving the Parliament a greater measure of control over the executives' proposals, as well as that of eventually playing a part in the appointment of their members. At the same time, on the Parliament's own initiative, the Council of Ministers has on several occasions appeared before it, although not specifically required by the Treaties to do so; and in some of our national Parliaments, members of the European Parliament have not only consolidated their own reputations by their European activities, but have also acquired the habit of raising Community matters in questions to their own national Ministers. In all these ways, therefore, despite the shortcomings inevitable in the evolutionary nature of the Community, the European Parliament is proving itself a real and positive force in the work of European integration.

There remains one final institution of the European Community whose function is more easily described. This is the Court of Justice, a Community Supreme Court whose word is law on all matters of interpretation of the Treaties which make up the Community's Constitution. Like the European Parliament, it is common to the ECSC, Euratom, and the EEC: its seven Judges are chosen for their acknowledged pre-eminence; and its operations represent in some ways a blend of international and civil law, since it can settle both disputes between member states and actions involving any legal

person within the Community. Its verdicts are directly enforceable by the domestic authorities of member states; and it is perhaps superfluous to add that in the nine years since the Court began handing down decisions - most of them so far on coal and steel questions, but some already within the EEC - there has never yet been a single case of Court orders being defied.

Such are the institutions of the European Community - executives, Council, Parliament, and Court. As I have suggested, they bear the traces of their origin, and are not the net result of doctrinaire planning. Independent and impartial executives are clearly necessary where Community decisions must be taken quickly, and where the Community principle must be upheld. A Council of Ministers is equally vital as a means of bringing Governments together, and ensuring responsible joint action in line with Community policy. If the executives are to be independent of national control by Governments or Parliaments, they must be subject to democratic supervision in the name of the Community's peoples; and if just and lasting traditions are to be established in this new framework, a Community Court is needed to ensure the rule of law.

The logic thus underlying the Community's institutional structure clearly bears some resemblance to that of a federation of states; and this analogy is in many ways a useful key to understanding of the Community. Since the European Community is _sui generis_, a new kind of political animal, the analogy should not, of course, be pressed too far. Discussing the United States of America, Tocqueville anticipated the dilemma of those who today debate whether united Europe is federal or confederal, supranational or international: "The human understanding," he said, "more easily invents new

things than new words, and we are thence constrained to employ a multitude of improper and inadequate expressions.... A form of government has been found out which is neither exactly national nor Federal....and the new word which will one day designate this novel invention does not yet exist."[4/]

Just as language precedes grammar, in fact, so politics precedes political theory; and disputes as to the proper terminology for what we are doing in the European Community sometimes seem to me as academic as grammarians' controversies. On the one hand, nobody knows when European nations will find themselves in the same position vis-a-vis the Community as States of the American Union; yet on the other, they are clearly ready to contemplate a form of union going further than anything yet accepted in Europe - not only in organized political co-operation of the type envisaged by the Bonn Declaration of July 1961, but also in wholehearted pursuit of the enterprise already embodied in the ECSC, Euratom, and the EEC. In this enterprise, to quote Tocqueville's words once more, "Another form of society is....discovered, in which several peoples are fused into one and the same nation with regard to certain common interests, although they remain distinct, or at least only confederate, with regard to all their other concerns."[5/] How this "form of society" works in the field of economics I shall attempt to describe in the lecture which follows, before finally turning to its political implications for Europe and for the world.

4/ Tocqueville, op.cit., pp. 101-2.

5/ Tocqueville, op.cit., p. 102.