II

WILL EUROPE BE UNITED ON FEDERAL LINES ?

by

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This question really raises the problem of the form of political union to be adopted by Europe. Politics involve a search for overall solutions which are capable of meeting the essential needs of a community. For tactical reasons, or as a result of historical accidents, the " Europe of the Six " has, since its inception, restricted itself to economic and technical questions. It has now come face to face with politics. The breakdown of the Brussels negotiations was a brutal reminder of the fact that basic decisions, by their very nature, can only be taken by political authorities. For the admission of Britain would not have been merely an economic decision; it would have involved a series of consequences for the whole process of European integration, and it would thus have raised the general question of political union as well as that of the European Communities.

Today the basic problem is the same, whether the European Community is to be enlarged or strengthened: the whole question of union will have to be thought out afresh and machinery established to work out overall decisions. If it is to go forward, the European Community must acquire a political framework. It is clearly impossible to go on indefinitely keeping the economic and nuclear sectors quite separate from those of a common foreign policy, European defence, nuclear weapons and the decisions as to their use, and joint aid to the developing countries. There is a danger that the whole house of cards may collapse under the strain of conflicting trends, both in the community and at national level. There are three

ways in which the present strains can be eased: by a return to nationalism, by the hybrid compromise of a commercial union, or by a political union. Even the most pessimistic observers reject the possibility of a return to nationalism.

For our investigation we have deliberately chosen the hypothesis of a European union. Once this is accepted as a possibility, we are faced with the two alternatives of either passively accepting the institutions created by the random influence of man and circumstances, or surveying the future in the hope of helping to create it. Assuming that we are not indifferent, can we avoid examining the facts as they are, picking out the main trends and using them as a basis for an attempt to visualize the future institutions of a united Europe? Will it be centralised or organized on federal lines, democratic or authoritarian? Will it meet the needs of the European mind and culture and of technological advance? Will it be able to provide both efficiency and liberty? The answers to these questions will largely and increasingly determine the future of the national institutions of France, Germany, Belgium, etc. These institutions will determine the form of the union, from which they in their turn will become inseparable.

By over-simplifying the problem, we can distinguish two processes which lead to the creation of a political community: compulsion or freewill. In the formation of nation-States, although these two processes often coexist, the methods adopted by individual countries can be classified according to the predominating element. From this standpoint, Europe is being built up in accordance with the principle of *voluntary membership* and not by domination. This principle in no way rules out the existence of poles of attraction and the effect of various influences or pressures. In this sense, the European Community forms the embryo of a "federating factor", while the Franco-German understanding is both one of its foundations and one of the centres of pressure. It has been proved over and over again (by the European Defence Community, the Fouchet plan, and the admission of new members) that the union cannot be created and developed without the *initial consensus* of all the members.

What path will Europe follow towards unity? By a process of elimination, we can conclude that in western Europe, as at present constituted, the behaviour pattern of the States which are involved or likely to be involved in the process of integration will rule out any

possibility of recourse to the method of national domination. That could only occur if there were a fundamental change or an exceptional situation not only in western Europe, but in the western world in general. In short, it would seem that the only method which can be envisaged for establishing the union is that of an association *freely accepted* by all its members.

The vast majority of Europeans within the Community, and in fact within the larger framework of the Council of Europe, have opted for democracy. There is little likelihood of the establishment of a fascist Europe, since Europe experienced Fascism and its defeat during the last war. A Soviet or Communist system could only be imposed on Europe, in principle, from outside, and the likelihood of this diminishes with the development of European integration and the increase in the strength of the countries of Europe as a result of the union.

Assuming then that a community will be established which is based on democratic principles, we can envisage a *federal* or a *centralised* Europe. Of the two, the unitary pattern of the nation-State seems to be the least suited to Europe in its present condition. For instance, a centralised State requires a high degree of homogeneity, which is rarely found even within the individual nations of Europe, even though most of them were created under the influence of a dominant power; among the characteristic features of present-day Europe are great diversity and a strong dislike for any forced integration. Broadly speaking, federalism seems to be more appropriate to the existing situation and the needs of a united Europe, to the diversity of its nations, regions, languages and traditions, to its cultural conditions and to the demands of technical and social progress. The federal system is flexible, pragmatic and varied, and it is thus equally suited to multi-national States like Switzerland and Jugoslavia and to super-States such as the U.S.A. or U.S.S.R. Hence this type of organization, while not demanding a standardized pattern of life or a uniformity of culture, is well suited, in principle, to a union of multifarious groups inhabiting a vast area and seeking to attain the greatest possible measure of progress and well-being.

In the case of Europe, we are faced with the following questions: (1) *What is federalism* ? What are the short-term and long-term factors—political, economic and others—which promote the development of federalism? (2) *Do the existing structures and the forces operating today lend themselves to a federal type of organization* ? Can the Europe

of today and of the future be organized both efficiently and democratically along federal lines? (3) *Is this type of union likely to assist in the solution of the problems* (technocracy, pressure groups, "depoliticisation", regional development) *which arise in a modern society*? (4) *What likelihood is there that a federal Europe will be established within the next ten years? What might its pattern be*, in the light of existing conditions, future trends and future needs?

These four questions show the lines which we propose to follow in our survey.

I

THE ELEMENTS OF FEDERALISM

1. What is Federalism?

Here are a few suggestions giving an outline of a working definition [1].

One of the essential features of federalism is the coexistence of union and diversity. This principle, which may appear paradoxical, is based on a number of simple ideas and practices. In the first place, a union means a *voluntary association*, and it is the antithesis of a social organization based on domination. Admittedly, federal States have frequently been formed by the arbitrament of force, which has sought to impose a union. But this union, once established, has never been able to survive in its federal form unless all parties have accepted a minimum of common principles which rule out any desire for domination. Such a desire would, in fact, constantly jeopardize the equilibrium between the union and its members and between the various members.

Another essential feature of federalism is the establishment of organs of government which are *common* to all the members of the union, in addition to their individual organs. The common organs of government, which are of a particular pattern, have common functions, which are selected according to the principle of "subsidiarity" or "complementarity". The members decide to carry

[1] Cp. our *Fédéralisme amphictyonique* (Paris, A. Pedone, 1956, pp. 1 to 11 and 41 to 56).

out certain functions which they are unable to exercise separately, or the efficiency of which is greatly increased by pooling. Hence the members retain those functions which they are in a position to exercise effectively on their own, or they may be allocated other functions which can be fulfilled more adequately at the regional or unit level than at the federal level. This is an application of well known principles of economy.

There is a twofold aim here: to belong to a larger unit—the federation—and to retain the special characteristics of the nation without either merging them in the larger unit or subordinating them entirely to a single central and centralized organization. Equilibrium in a federal union involves these two aspects of the members' aims. Here we come to another basic principle: just as western democracy presupposes the existence of a society made up of people whose democratic rights are recognised and guaranteed, so the federal system—which is an extension of this social expression of the individual—involves an effective mutual recognition of those social units which form or tend to form a federal union.

This mutual recognition contains a number of functional and sociological elements of federalism: it is the *autonomous* member-units which *take part* in the common task and in the decision-making of the community; normally, the federal union sets out to safeguard the autonomy and the national characteristics of each member and to ensure that each will play an effective part within the whole. Federalism introduces a *dynamic balance* between the whole and its parts, and thereby seeks to ensure the fullest development of the individual unit within the association, and the most effective management of the union, as the common goal. In order that separate and dispersed efforts may be directed towards a common objective, the federal system requires the constant participation of its members in the common effort. It thus tends to set up a two-way movement, which links the part to the whole and, at the same time, stresses the distinctive nature of the part. It is impossible to over-emphasize this aim of federalism, which is to establish a new union within which the constituent units can develop their own characteristics for the good of the whole. These are merely pointers towards the general trend or spirit of federalism, but they cannot be left out of account because in federalism, possibly more than elsewhere, there is a very close connection between the outward form and the spirit within.

The fact is that the mainspring of this relationship between the union and its members, and between the members themselves, is a *tension* between the member-governments and the regional forces and interests on the one hand, and the central government and the forces supporting it on the other. When there is a state of equilibrium, this struggle takes place within two extreme limits: break-up or secession and transformation into a unitary system or fusion. It influences the division of powers between the two spheres of activity –that of joint action and that of action reserved for the members–and also the relation between the two and the equilibrium which is attained.

From the citizen's point of view, these tensions take the form of changes in allegiance as between the larger and the smaller community, the two types or relationship which exist side by side in a federation. In Switzerland, for example, a citizen is both a Genevese or Bernese and a Swiss. In spite of certain tensions and difficult choices, these two simultaneous allegiances are not contradictory, but there can be a clash between them at a time of crisis, i.e. when there is a conflict at home or abroad, or when profound changes take place. It is in fact these moments of crisis which observers have chosen as a *test* of the solidarity of the union. For this reason, a general study of *conflicts* and their mechanisms is of value in the analysis of federal unions.

2. *Conditions which lead to Federation*

These aspects of federalism will be examined more closely and in greater depth in subsequent research, in order to secure some agreement in principle on basic terminology [1]. Moreover, these concepts will be easier to grasp as a result of a synthesizing study of the conditions which normally precede the establishment of communities of the federal type. We shall merely mention a few examples drawn from some well known authors: K. C. Wheare, K. W. Deutsch and Jean Rivéro [2]. Among the main factors leading to the establishment

[1] In this connection, it will be important to make a clear distinction between federalism and decentralisation, two concepts which are frequently confused in some European States which have a tradition of centralisation.

[2] K. W. Deutsch *et al.*: *Political Community and the North Atlantic Area.* (Princeton, Princeton University Press, 1957).

J. Rivéro: "Introduction à une étude de l'évolution des sociétés fédérales" in *Le fédéralisme: Problèmes et méthodes* (*International Social Science Bulletin, Unesco*, vol. IV, No. 1, 1952).

of a federal union are: (a) the *will* and *ability* to join a wider union whilst retaining autonomy in government; (b) some measure of common culture; similarity in fundamental values and a minimum of common principles (e.g. slavery in the pre-federal period in the United States); a similar outlook on life and similar political institutions; (c) *contiguity* or good communications, counterbalanced by a certain degree of isolation, due either to distance (United States, Australia) or to the configuration of the land (Switzerland); (d) an increase in *trade* and economic interdependence, and the expectation of bigger earnings; (e) an increase in administrative *efficiency* and a better satisfaction of the needs of the citizens; (f) plurality of nationality, religion, language and ethnic origin, offset by some degree of "resemblance" and various affinities; the pattern assumed by these many different factors will normally vary from case to case, but there will be an overall *balance* between the factors making for unity and those making for division.

To these main factors we must add *common dangers* or external threats, which have more often been advanced as an explanation of the establishment of a federation. Admittedly, a threat of this kind can set in motion forces working for integration; but a common fear does not necessarily lead to the establishment of a federal union; there are numerous examples in history which show that it can give rise to all sorts of social changes and even to unitary States. But this fact in no way diminishes the active part which can be played by fear and a common enemy in the creation of certain unions of a federal type. Virtually the same comments can be made in regard to the factors which we have just mentioned. There is in fact no direct causal connection between those factors and the creation of a federal organization: their operation does not necessarily produce a federal structure.

Nevertheless, the strength of these various factors—their "colour"—can provide a valuable indication as to how probable it is that a federal system will be achieved and whether it is likely to succeed. It is difficult to forecast this precisely, since precision obviously increases the risk of error, but there are two particularly revealing indices: the *balance* between the factors making for unity and those making for division (or between the centripetal and the centrifugal forces), very well summed up in the laconic phrase: union in diversity; and the *will* to establish a union of a federal type,

which assumes the existence of a "federalist image", i.e. of federalist models and plans which it is desired to put into practice.

If the relationship between these pre-conditions of federation is accepted, there appears to be no doubt as to their usefulness. A study of these factors and of previous experiments in federation, together with a study of conflicts in federal societies, will help us to assess whether a European union is likely to be set up on federal lines. Moreover, an examination of the similarities and points of resemblance between a particular *combination of factors* and a particular *type of organisation* will help us to weigh up the odds in favour of various types of federation as a basis for the establishment of a European union. But however thorough it may be, this study, though useful, is not enough. It does not cover the whole field of investigation: it does not take into account new factors or unprecedented combinations.

II

THE ROLE OF THE INSTITUTIONS IN THE EXISTING EUROPEAN SITUATION

The main elements involved are the European Communities, the structures in the various sectors—economic, political, social and cultural—and the proposed union of European States. In this brief survey, we are therefore dealing only with the Community of the "Six". This choice has been made deliberately, because it is in this framework, for the present, that a federal type of system is most likely to be established.

1. *Are the European Communities federal in form?*

The European Communities are a dynamic factor in the present situation in Europe. It is therefore of some interest to find out whether they are shaped according to federal principles. It is sometimes suggested that the European Communities are a centralising and centralised organization. As they form a "pole of integration"

they tend to bring together the separate States into a coherent whole, and in this sense they have a centripetal or centralising effect. But whether they are organized on centralised or federal lines is a different question. They are more highly centralised than the international organizations, but by comparison with federal States like the United States or Switzerland, they are considerably less centralised, even in their own specialized fields. They have no common economic policy or common currency and, with the exception of the European Coal and Steel Community, they do not levy any federal tax. The federal States, and even the confederations, have general political power, whereas the Communities have only limited powers in the economic and nuclear fields.

In certain spheres the European Communities, like the federal States, are empowered to take decisions in the last resort (e.g. legislation in regard to competition, commercial policy), but their political power is strictly limited to a specific sector. At the present stage of European integration, the vital sectors for which the central authority is responsible in a federal State are entirely reserved to the member States of the European Community. This is the case with foreign affairs, defence, and various important sectors in the economic field (budget, labour relations, economic policy). It is scarcely necessary to add that the European Communities have no actual executive powers. Finally, the Communities are not autonomous in constitutional matters—i.e. their institutions are not empowered to undertake any independent revision of the basic rules concerning the organization and extent of their powers. Here, unlike federal States they are obliged to resort to the traditional procedure of treaty revision.

With these reservations, the European Communities can be compared to a partial federation. They have considerable powers, which enable them to take, sometimes as a *last resort*, decisions which are not only binding but also enforceable; moreover, their decisions affect the individual citizen *directly* without passing through the national administrations, and in several respects they resemble those in a federal system. Furthermore, the Economic Communities are not concerned with one particular aspect of economic affairs; they seek to create not merely a customs union but an economic union. In these fields, the Communities normally take on the form of a single unit in dealing with the outer world: foreign trade policy in the EEC is being taken over progressively by the common institutions. These

institutions, taken as a whole, are like the rudimentary structure of a federation which, having been built up pragmatically, shows some signs of confusion. The *High Authority* or the *Commission* form an executive of the electoral college type, which is independent of the member States but subject to the political control of the Council and responsible to the European Parliament. The Commission has the right to submit proposals to the *Council*. The latter is not unlike a Senate, with a more or less weighted representation of the member States (under the qualified majority system), although it exercises both legislative and executive functions. The linch-pin of this system is the organic collaboration of the Council and the Commission; the *Court of Justice* exercises a jurisdictional control similar to that of a federal Tribunal.

The *Parliament*, which does not directly represent the people but the peoples of the member countries—and at second remove—is only associated with the legislative or budgetary process in a consultative capacity. Moreover, its democratic control is very much restricted: the Parliament has powers of censure, but these can only be applied to the supranational executives, thus leaving complete freedom to the institution, which normally has the final power of decision. This lack of responsibility is increased by the fact that the Council is not subject to any direct democratic checks, either national or European. The only way in which the European Parliament can exercise any control over the Council is by censuring the Commission, and thereby paralysing the machinery of collaboration between these two institutions. But such a step would give the Governments an opportunity to appoint new members of the executive and to replace any members of the Commission who had shown an excess of zeal for the cause of Europe. At the same time, such a step would weaken the machinery of the Community by strengthening the already powerful position of the Governments and upsetting the delicate balance between the Council and the Executive to the advantage of the former. In other words, the European Parliament would bring about exactly the opposite of what it wanted to achieve. This is why it is reluctant to resort to censure and determined to back up the supranational institutions.

The Communities have departed from the normal pattern by setting up organs which do not usually exist in federations. This innovation has been made because conditions are different. Although some

federal unions have a body dealing with economic matters, the federal systems in the past have been basically political rather than economic or social. Admittedly, these elements are not entirely lacking, but at the time when the existing federations (U.S.A., Canada, Switzerland and—strangely enough—Germany) were set up, liberal doctrine was in the ascendant, and the economic sector, with a few exceptions, was kept out of the hands of the central authority—so much so that it has often been suggested that a federal system requires a liberal economy. The federal machinery, devised in those circumstances, has had to adapt itself to the general trend towards increased public responsibility in the economic field. This change can be seen in the European Communities. In order to stimulate nuclear research, joint centres have been set up and national or private ventures have been coordinated. Again, to cushion the effect of any unemployment which may be caused by the removal of barriers between the national economies, a *Social Fund* has been set up. A *European Investment Bank* has been created to correct the imbalance in regional development and to facilitate the carrying out of large-scale joint projects. Furthermore, the European Community is moving towards the introduction of a development plan to coordinate all public and private measures and projects with the regional, national and European plans. Pooling and coordination are not restricted to a few examples, but they are mainly concerned with the scientific and technical sectors, which are cramped by national frontiers and seek space to develop on a European scale.

In addition to these new factors in European integration which find expression in the European Communities, mention must be made of the increasing influence of trade and professional organizations in economic and political affairs. This occurs in two ways: (1) *Various interests* are represented officially on the *Economic and Social Council* of the EEC and Euratom and on the Consultative Committee of the Coal and Steel Community; through this official channel they are associated with some of the legislative activities of the institutions, usually together with the European Parliament. These two organs, one political and the other occupational, only have consultative powers. In practice, the institutions appear to pay more attention to the Committees. There is nothing strange about this where economic and technical questions are involved: other things being equal, more weight attaches to the body which reflects the opinion of business

circles and of social forces [1]. (2) *The trade and professional organizations* exercise a direct influence in Brussels and Luxembourg through their spokesmen and their associations at Community level. They are frequently consulted by the Commission or the High Authority, and they attempt to influence the decisions of the Community in their favour by various means (contacts, pressure, documentation etc.).

The part which they play can be clearly seen in the preparation of Community legislation. A period of preliminary study is followed by a longish period of consultation; the officials of the Commission have numerous meetings and discussions with the representatives of the U.N.I.C.E. (Union of Industries of the European Community), the trade federations and the European trade unions, and in particular with the *national experts*. The latter take part in the discussions in a personal capacity, without any official mandate, and they play a leading part in preparing the ground for the decisions of the Community; these consultative meetings enable the Executive to associate the national officials mainly concerned, on an unofficial basis, in the drafting of the proposals which the Executive puts before the Council. At Council level, the proposals are examined by the Committee of Permanent Representatives and its working groups, in which a representative of the Commission works alongside the same national experts, who are now participating in an official capacity. This procedure has the effect of constantly mixing together European and national civil servants and representatives of various economic interests, thus ensuring wide participation in the decision-making process which, through the medium of the Council, produces the Community laws.

There will shortly be a change in the present organization of the three Communities: the six governments have accepted the principle of *merging* the three Executives and their administrations, although there will be no integration of the three Treaties for the present. By this means, it is hoped to give more weight to the common Executive vis-a-vis the Councils which, in practice, tend to follow a functional pattern (agriculture, social matters, financial affairs) instead of following the lines of the Communities. This integration of the institutions is intended to lead on to a merger of the three Communi-

[1] The trade union representation in the European institutions is unbalanced because of the absence of the French and Italian C.G.T.'s (Federations of Labour).

ties. This is a fact which must not be overlooked in any forecast of future trends.

Despite their inherent limitations, the three Communities provide the main motive-power for European integration. Hence the way they are organized and the way they act will have a decisive effect on the future. At present, they have some of the characteristics of a federation. They are subjected to the tensions caused by conflicting objectives—one being to exercise certain powers jointly in the interests of the Community, while the other is not merely to preserve national autonomy, but to attempt to further national interests. It seems likely that this equilibrium of forces will be maintained in the future although tending to swing towards the European side. Against this background, with its various poles of attraction—European, national and regional—the trend is likely to be towards a federal community, provided that no serious accident occurs. This trend will probably be encouraged by the political framework and the political institutions. Similar trends can lead to quite different types of organisation, just as different contents can assume very similar forms: the Soviet Union, like the United States and Switzerland, is organized on a federalist model. This is why the general external pattern must in practice be accompanied by the political will to achieve federalism in order to meet the very varied requirements of European society. Nevertheless, we cannot reject *a priori* all thought of a centralised system. Such a system is only conceivable if forcibly imposed as the result of a drive towards domination, the likelihood of which diminishes with the strengthening of the dual determination to live together and to maintain the independence of the member countries.

2. *The Present State of the European Political Project*

In the absence of a strong popular movement, there are two possible approaches to political union: European elections and determined action by governments. Elections, in the form laid down by the Treaty of Rome, are subject to two limitations: firstly, the people of Europe, by their universal and direct suffrage, can only elect the members of the European Parliament of the three Communities, which have limited powers; secondly, even if a parliamentary revolution should offer the possibility of transforming the European Parliament into a genuine Parliament, this step would first have to be

unanimously agreed by the governments and ratified by the national Parliaments. This means that no elections and no European union are possible unless the national parliaments have the will and are in agreement.

In September 1960 President de Gaulle put forward his idea of a confederation of European States. This proposal evoked varying responses. Some people accused the General of sinister motives: of wanting to superimpose a Council of national governments on the Communities, of weakening the Atlantic Alliance by organizing the defence of the Six, or of seeking to establish the hegemony of France. Others, however, attached less importance to motives than to possible results, and recognized that this proposal had the merit of existing and of giving a new start, at the official level, to the political integration of Europe. After a year of hard bargaining and a summit meeting of the Six, a declaration of intent was produced in Bonn on 18 July, 1961. This proclaimed the determination of the Six to give statutory expression to the will for political union already implicit in the European Communities; to cooperate in creating the conditions necessary for a common policy; to continue and develop the work of the Communities; and to strengthen the Atlantic Alliance by means of political union. To this end they proposed to widen the scope of the deliberations of the Parliament of the Six, and they instructed a committee, under the chairmanship of M. Fouchet, to prepare a proposal for a union.

The Fouchet Draft. The title of the document prepared by the Fouchet Committee recalls the " draft pack for a union of European States " put forward by Senator Michel Debré in 1950, but the contents fall short of that draft. The *preamble* reaffirms the principles of liberty and democracy which, following the example of the Council of Europe, might be a *sine qua non* for the admission of new members. In addition, the member countries declare that they are resolved to continue to bring together their essential interests, a process which is already the aim of the existing Communities, " in such a way as to prepare for a destiny which henceforth is irrevocably a common one ". The first article stipulates that the Union is *indissoluble*. Hence it does not recognize the right of secession, which is generally recognized by confederations but forbidden in Federal States.

The *object* of the Union is to secure the adoption, in all questions of common interest, of a common foreign policy and a common

defence policy; to ensure close cooperation in the field of science and culture; and to contribute to the defence of human rights and democracy within the member States. The latter statement confirms our interpretation that all the members of the Union will have to be genuinely democratic States. There is another point which should be noted: the document does not refer merely to a coordination of the foreign policies of member States but lays down the bolder aim of " the adoption of a common foreign policy ".

But the real scope of the Union can be discerned much more clearly from the pattern of its institutions and powers than from its objectives. The Union has three institutions: a Council, a Parliament and a European Political Commission. The *Council*, which is the sole decision-making body, would meet every four months at the level of Heads of State or Heads of Government, and, in the intervening period, at least once at foreign minister level. At each of these summit meetings the Council would appoint a Chairman who would serve for only four months, obviously too short a period. The Debré Plan made provision for an Umpire elected by universal suffrage for five years [1].

It would be essential for the Chairman to remain in office for at least a year, in the case of the Council, the Communities, and the Union. But a much more vital question is the voting procedure in the Council and the Union. Apparently in accordance with the wishes of the majority of the Six, the Council " shall adopt unanimously the decisions necessary for the achievement of the aims and objects of the Union ". If the Council followed a system of majority voting, the interpretation of the term " necessary " could form a question for prior discussion. Under the actual system proposed, a State which does not deem a decision to be " necessary " can choose between exercising a veto or abstaining. Under Article 6 the Council is not prevented from reaching a decision by the absence or abstention of one or two members. Hence the harmful effects of the unanimity rule—which in its original form required an affirmative vote by all the members—have been diminished; in the new draft the unanimity rule is assimilated to the veto, which assumes a determination to oppose. But a limit is placed on the number of absences and

[1] Cp. Art. 3,1, in *Projet de pacte pour une union d'Etats européens* (Nagel 1950, p. 34).

abstentions: at least four members must be present and cast an affirmative vote. The authors of the draft hoped to reduce the paralysing effects of unanimity, which is more dangerous at the "summit" than in a Community system in which majority voting and unanimity counterbalance each other.

Once the decision has been taken, to whom does it apply? In principle it is binding, but only on those members who voted for it. In other words, a country which is absent or abstains from voting is not bound by the common decision. This procedure, while it might be acceptable in the case of abstentions, is out of the question in cases of absence, since it would encourage members to avoid giving an explanation and to escape from their obligations. A member who is present, but abstains, takes part in the discussion, defends his point of view and engages in a dialogue with the others, whereas absence is an escape from all joint responsibility.

Another question is whether recognition can be given to partial agreements which are not binding on those who have abstained. Some experts in public law maintain that this will be likely to increase the efficiency of the machinery by reducing attempts to block it. This practice can be accepted as an exceptional measure, provided that the exception does not become the rule. Admittedly, the solidarity of the Six is a safeguard against abuses, but is it adequate in this vital and delicate sphere? We should prefer a system of authorized exceptions: a unanimous decision would be binding upon all concerned, including those who are absent or abstain, unless the abstainers have asked for a dispensation and obtained it by the unanimous vote of the members taking the decision. As for those who are absent, as the old phrase says, they are always in the wrong.

The *European Parliament* of the Communities would deliberate upon matters involving the aims and objects of the Union, but its powers would be strictly limited. It would examine the Council's annual report, but could not move a vote of censure as in the European Communities, where it is the Commissions and the High Authority (i.e. the European Executives) which present the progress reports and are subject to the democratic control and the censure of the European Parliament. In the Union, the Council would have no responsibilities towards the Parliament and it would enjoy unfettered power. The Parliament could only submit questions and recommendations and enquire as to the action which the Council had taken in pursuance

of its recommendations. The fact that the draft makes no mention of the election of the Parliament is significant. The Parliament would have none of the functions of a genuine Assembly: budgetary control and legislative powers. Moreover, this embryo of popular representation is not authorized to express an opinion concerning the revision of the Union treaty unless invited by the Council. Hence the Council would tend to dominate the whole machinery of the Union.

To complete the confusion, the *European Political Commission* is to be composed of high officials of the national Ministries of Foreign Affairs. This is a contradiction in terms and a fundamental change from the concept enshrined in the Communities, which guarantees the independence of the Executives, the latter being made up of independent individual members who do not take instructions from national governments, even though they may not entirely escape their influence. The Political Union, on the other hand, abandons the one element which constitutes the originality of the Communities and provides the mainspring of their development. In this leap backwards, the Political Commission is reduced to the status of a mere collective secretariat, subject to the whims of the national governments.

Thus the Six, who are always ready to condemn the inefficiency of the United Nations system, propose to saddle their closely integrated system with a procedure which is much more retrograde than the normal arrangement of independent international secretariats, protected against governmental intervention. This is a return to Briand's ideas, which have been largely superseded by the set-up of the international organizations. For instance, the authors of the draft, not content with concentrating all powers in the Council, which represents national governments, have replaced the now traditional type of international secretariat with an inter-governmental secretariat with the misleading title of Political Commission. This is undoubtedly the most negative side of the Fouchet Committee's draft.

Revision. Nothing can make up for the consequences of this original sin: neither the irrevocable nature of the Union nor even the provisions made for its revision. Yet the great majority of supporters of the European idea taking part in this debate consider this provision for *obligatory* revision to be an extremelty positive point in the draft. Article 16 lays it down that three years after the Treaty of Union comes

into force it shall be subjected to a general revision which will take the form of a study of means of strengthening the Union, taking into account the progress already achieved. The draft suggests that the main purposes of this revision should be to formulate a unified foreign policy and to set up by stages a centralizing organisation within the Union, the European Communities. There is only one firm obligation—to carry out a general revision of the Treaty—and the only points which are clearly defined are the main objectives and the means to be employed: an examination of measures to be taken in the light of past experience. There is no clear implication that this revision might lead to the introduction of majority voting or of elections. Despite the promises of progress, the scheme makes no firm commitments for the future.

The President touches up the draft. The draft for a Political Union prepared by the Fouchet Committee was ready to be discussed at a meeting of foreign ministers early in 1962, when President de Gaulle added some touches to it which caused a commotion among France's partners. This stroke of the pen was not merely a question of style; it marked a return to the initial conceptions which had already aroused lively criticism. The harmonization, coordination and unification of economic policy, which had been removed from the purview of the Council at the request of the other five countries, were now restored, so that the Union tended to become an " overlord ", taking control of the activities of the three Communities. Thus, instead of eliminating the anachronistic features of the political set-up, the revised draft sought to impose them on the Communities. Institutions which had proved their worth were to have superimposed upon them a machinery which was more likely to produce paralysis than to ensure efficiency. Moreover, European defence policy in its relations with NATO was passed over in silence, a silence which was equivocal to say the least: there was no longer any mention of the assurances given by the French government. Another retrograde step was the deletion of the provision that the Union should be indissoluble. On the other hand, the Political Commission would do more to justify its name, as it was to be composed of " political representatives ". But the proposal behind this laconic phrase is not very clear. Does it refer to " independent " political representatives or to governmental representation at a political level? At first sight, however, the second possibility does not seem to meet any need or to

add anything new to the proposed Union, in which the Council is in fact made up of political representatives of the member States. There would appear to be a substantial concession here to the Community idea.

This interpretation seems confirmed by the press conference given by General de Gaulle on 15 May, 1962. Despite his references to " some integrated esperanto or volapuk " [1], the President of the French Republic reaffirmed his view that there must be a political integration of western Europe. He went on to point out that, if this was not achieved, the Economic Community itself could not prosper, or even survive, in the long run:

" What does France propose to its five partners? I repeat the proposal: if we are to organize ourselves politically, let us begin at the beginning. Let us organize our cooperation. Let us bring together our Heads of State or Heads of Government from time to time so that they can review the problems which confront us and take decisions which will be European decisions. Let us set up a Political Commission, a Defence Commission and a Cultural Commission, just as we already have in Brussels an Economic Commission which studies questions of common interest and clears the ground for the decisions of the six governments. Obviously the Political Commission and the other Commissions will work along lines suited to their fields of activity. In addition, the competent ministers will meet as often as is necessary, so that the Council's decisions can be uniformly implemented. Finally, we have a European Parliamentary Assembly which meets at Strasbourg and which is made up of delegations from our six national Parliaments. Let us put this Assembly in a position to discuss common political questions, in the same way that it already discusses economic questions. When we have had three years' experience, we shall see what we can do to strengthen the links between us. But we shall at least have begun to accustom ourselves to living and acting together. This is what France has proposed, and she believes that it is the most practical way of proceeding."

This is a statement of basic importance, summing up General de Gaulle's views concerning the political Union, and it provides some clarification as to the nature of the Commissions. He has abandoned the idea of attempting to set up institutions which would be super-

[1] See the full report of this press conference in *Le Monde* of 17 May, 1962.

imposed on the existing Executives. In his press conference he pointed out, it is true, that the Six are already involved in politics when they harmonize their tariffs or their agricultural policies or when they negotiate with Great Britain. In his view it is illogical to leave economic matters outside the purview of the meetings of Heads of State or Heads of Government, when these matters are of vital and constant concern to every one of them. By the way he recognizes the role of the Commission in Brussels, which he proposes as the model for the three new Commissions, the members of which are to be appointed by the Governments, acting in common agreement, but who are to be independent in the exercise of their duties. The Political Commission would consist of representatives of the major political forces or of persons distinguished in public life, whose basic task it would be to prepare the ground for the Council's decisions. The French President went on to stress the difference between the Commissions, but this difference refers only to their methods of procedure, which must be suited to the special conditions in each field of activity. We are entitled to deduce from this statement that the Commissions will be identical in form, and will have similar functions, but that their procedures will be suited to the special conditions involved.

3. *The Franco-German Treaty* [1]

The Franco-German Treaty fits into the pattern of the proposed Union: it is both a means of exercising pressure on the other partners in the European Community and a partial substitute for the political framework which does not yet exist. Its main purpose is to strengthen and further regularize Franco-German cooperation and thus to bind Germany more firmly to France and to Europe.

Is this treaty compatible with a political union and with the European Communities? It is true that the treaty only deals with some of the subjects which fall within the sphere of the Communities, but the consultations which are to take place on the "problems concerning the European Communities" could, when backed by solidarity in other fields, crystallize the influence of the two countries within the Six. This threat may both cause division and lead to an

[1] Signed at Paris on 22 January, 1963.

acceleration in the development of the Communities, which would be anxious not to be left behind by any bilateral arrangements. As long as the vacuum remains in this political field, it is difficult to speak of incompatibility. This treaty is due, in part at least, to the refusal of Belgium and the Netherlands to take any steps towards a political union.

Incidentally, the Treaty reproduces some features of the Fouchet Plan, but lays stress on contacts and does not set up any institutional machinery. This latter point makes it unsuitable for extension to the other partners—this would be a retrograde move even by comparison with the Fouchet Plan—but also makes it less intrinsically harmful. The Treaty would in fact cease to have any point with the formation of a union, even as loose a union as that proposed by France.

What exactly are the provisions of the Treaty? At least twice a year there are to be meetings of the Heads of State or Heads of Government, who will issue general directives. Provision is made for other meetings: the Ministers of Foreign Affairs, Defence and Education are to meet at least once a quarter, while the Chiefs of Staff and the senior officials responsible for youth work will meet every two months at least. These activities will be coordinated bilaterally by high officials of the Ministries of Foreign Affairs, who will hold monthly meetings, and at the national level by an inter-ministerial body under the chairmanship of a high official of the Ministry of Foreign Affairs.

In the field of foreign policy, the two governments will consult, before taking any decisions, on important questions such as the European Communities [1], East-West relations, aid to developing countries, and the strengthening of cooperation in various sectors of economic policy. In regard to defence, the Treaty lays down the following objectives: harmonization of defence theory with the aim of securing uniformity, establishment of Franco-German institutes

[1] Dr. Hallstein told the European Parliament that this machinery for prior consultation between two member States "introduces into the balanced procedures of the Communities a new factor which is not envisaged in the Treaty of Rome". It is well known that a negative vote by two of the large powers can frustrate a qualified majority in the Council of the EEC. The Commission invited the Parliaments and Governments to confirm that the Treaty would not endanger the operation and active development of the European Community (*Le Monde*, 28 March 1963).

of operational research, exchanges of personnel, which may include the temporary seconding of complete units; cooperation in the field of weapons. In regard to education and youth, the Treaty proposes that each country shall increase the teaching of the other country's language, that faster progress shall be made in solving the question of equivalence (in academic and professional qualifications), that there shall be an increase in exchanges and a development of cooperation in scientific research (e.g. joint research programmes).

Clearly, this Treaty could well be incorporated in a larger union, to which it would bring the benefits of certain concrete provisions and of the network of human relations which it is likely to establish between the two governments and their administrations. This is the most positive side of the Treaty.

III

IS THERE A TREND TOWARDS FEDERALISM IN CERTAIN SECTORS?

1. *Trends in the Political Sector*

One of the basic questions is whether there is *a force*, either internal or external, *making for federation* in Europe; whether, for instance, the Six can be regarded as an active nucleus of the European union, or whether the Franco-German agreement has an integrating effect in the Community and in general. We must also examine the relationship between these two internal factors and forces outside the Community such as those within EFTA or in the U.S.A. and the U.S.S.R. The pressure exercised by these various factors, and their respective weights, will largely determine the pattern of a united Europe. The relative strength of these influences will decide, in particular, whether Europe will tend to become a federal community, an economic area, or part of an Atlantic system.

Kant laid down the principle that in a republic all the member States should be republican. Should this principle be extended to any European federation which may be formed? In other words,

is it essential that every member of the European Federation should have a federal structure? Is it necessary, for the internal balance and the satisfactory operation of the whole Federation, that those members such as France or Italy which have a centralized structure should adopt a federal system, or will it be possible to work out a *flexible* formula, at least at the outset of the experiment, which will both facilitate the satisfactory working of the Community and make it easier to achieve a balance in the future? Regional planning in France has recently started a move towards decentralization and even towards a reform of the regional system. In Italy and in Belgium these trends, which are already more clearly visible, are likely to increase as the European system grows stronger.

As a preliminary assessment, it would seem reasonable to think that the creation of a federal Europe will encourage these tendencies by providing them with an adequate framework. It is not impossible, however, that the national governments may make an effort, at least in the pre-federal period, to strengthen national cohesion within the European Community. The real " danger " of regionalization might itself lead the national " establishments " to put up a fiercer resistance. In Switzerland, for example, one of the arguments against joining the European Community is that this action might result in the break-up of the nation, which is made up of three basic elements—Germanic, French and Italian.

Whatever answer the facts may give to Kant's principle, there can be no doubt that the European union will be subjected to regional, national and European stresses. Probably a dynamic, flexible, federal system will provide the means of organizing this united yet varied entity with the minimum of compulsion and of bringing these often contradictory stresses into harmony. This is particularly probable because federalism, by its very nature, and unlike a unitary organization, does not seek to destroy the existing centres (e.g. the deserted areas of southern France), but to use them as sources of activity and power. The strength of a federation lies precisely in the division of power between the member States and the regions, which provide support for the community, and the central authority. It is not based on the logical " all-or-nothing " principle of indivisible sovereignty, but on the principle of pragmatism, which can adapt itself to many different combinations and to a sharing of functions and powers. According to this conception, the European Federation

will be based on centres of power, national and regional, which will fit together to make a European edifice. This means that these centres of activity will have to take part in the common task, while later on they will serve to counterbalance the excessive concentration of power at any level.

This view accords with actual facts rather than with theory. It finds its vindication in existing federal systems and also in the young European Community. In the nuclear field, the bilateral agreements which the United States made with European countries gave the Americans the right of inspection, which enabled them to satisfy themselves that the fissile materials were being properly used. There is no doubt that this was a serious encroachment on the sovereignty of their European partners. By combining their efforts, the Six set up Euratom, which they entrusted with powers of inspection, amongst other things. The result was that the United States recognized this Community guarantee and relinquished its claim to inspection; the agreements signed between the United States and Euratom make it the responsibility of the latter to supervise the use of fissile materials on the territory of the Community. Thus, by pooling their powers, the member States have safeguarded their sovereignty, replacing American control by Community control. The EEC and the ECSC (European Coal and Steel Community) provide a number of examples of the strengthening of the power of members of the Community. In spite of gloomy prophecies, the ECSC has furthered the rapid growth of the Italian steel industry; generally speaking, it has maintained the balance between Community development and national development. Similarly, the EEC has brought both stability and more rapid expansion to the Community as a whole and to each individual member. This is an indication that the system is in equilibrium and that the organization is of a federal type. A well-designed federal system would make it possible for different activities to be carried out efficiently at different levels—community, national or regional—in accordance with the actual potentialities of each centre.

The question raised by Kant's principle will arise in other spheres, particularly in connection with the *political parties*, at European and national level. In the member States of the EEC there is a certain trend towards a concentration of the political parties. In Germany, one of the big parties has been in power for more than ten years. In Italy the multiplicity of parties is counterbalanced by the existence of

the Christian Democrat party (which has been in power since the end of the war). In France, the emergence of a party with a parliamentary majority, coupled with the introduction of a presidential system, may tend to produce a regrouping of the fragmented parties. In the parliamentary monarchies of the Benelux countries, the Christian-Democrat and Socialist parties are in a substantial majority, with a more modest proportion of liberals and conservatives in the Netherlands, or a tiny proportion of Communists. These are signs of a nascent "bipartisan" or "tripartisan" system. Will this trend towards regrouping be confirmed in the long run?

There can be no doubt that in a Europe embarking on a political union, European elections and the strengthening of the powers of a Parliament elected by universal suffrage will work strongly towards the integration of the parties and towards organic collaboration between them. The change in dimension, the rivalry throughout Europe stimulated by the presence of the Communist parties (according to the draft scheme for European elections), the need for each party to acquire a strong position from the outset in this embryo political community, will compel the parties—like industry—to concentrate at national level and organize at Community level.

If it is accepted that these two trends, national and European, will converge and strengthen each other, an inescapable basic question arises in regard to both of them: what type of organization will be adopted within these giant parties: rigid and centralized, or federal? This question will confront the national parties and any European parties which may be formed. Moreover, if the parties, instead of merging, seek to establish organic links at regional, national and European level, it would seem that the effect of maintaining the parties and engaging in common action would predestine them to collaborate on federal lines. In view of the differences between national parties of the same political colour, it is likely that at European level we shall witness the establishment of federations of parties rather than the birth of highly integrated and centralized European parties. This supposition is borne out by American and, in a certain measure, Swiss experience.

If this point is accepted, it will be worth considering to what extent these federal party superstructures will influence party structures within the member countries of a political community. At local level, just as at the level of United Europe, the federal structure

will make the parties more adaptable to the needs of planning and action in various spheres (local, national or European) and will help to revive the dialogue between the mass of the electors and party members on the one hand and the party bureaucracies on the other. The rank and file and the leaders will be brought into close touch in smaller, more concrete units commensurate with human dimensions which will take part in affairs at the national and the European level. This factor might also act as a counterbalance to the direct monologue between rulers and ruled on television. The federal system will tend to produce an evolutive social equilibrium and to ensure the satisfactory operation of the European Union and its members.

Specialists in political science readily admit that the pattern of political powers and political bodies which a federal system facilitates can assist in the struggle against the political " couldn't-care-less " attitude of the citizen. By instituting self-government at various levels, a federal system encourages the citizen to take a wider and more effective part in the running of public affairs. By offering citizens the possibility of exercising political responsibility in a clearly defined area—a " commune " or region—the federal system provides a political education. Here, surely, is the experience which will train citizens to govern the State or Europe! Here, too, is a lesson in Europeanism, which will teach the citizen about his " commune ", his region, his nation and his European fatherland. Setting up this multi-tier system of decision-making creates a more plastic social organization which, according to the " principle of subsidiarity " enables the central authority to be relieved of those functions which can be carried out more efficiently at the national, regional or " commune " level. This pyramid of organizations, powers and activities loosens and widens the process of political decision-making and ensures that decisions will be kept in harmony by starting from the smallest units and working up to those of continental scale.

2. *Trends in the economic, social and cultural sector*

(a) *Planning and Framework.*

What are the main trends in this sector? A very marked tendency towards planning and regional development at the national and the

European level, and another tendency, less marked, in an apparently contradictory direction: towards greater autonomy and more collaboration within firms and between firms.

Two members of the Community have experience of planning—and their experiences are complementary. France operates a medium-term indicative plan, based on an investment policy, while the Netherlands resort to annual programming based on an incomes policy, within guiding lines which have been laid down for a period of twenty years. Belgium and Italy, after some experience of partial or regional planning, are moving towards the French method. Germany alone is hesitant, although there is a German plan for agriculture and although public investment constitutes 40% of total investment, against about 20% in France.

These are the national policies which provide the background to the proposal of the EEC Commission to inaugurate a system of European programming. This is to form a framework within which the governments and institutions of the Community would operate. They will be able to reach their decisions in the light of this programme, which will be a means of ensuring a rational allocation of the financial resources at the disposal of the authorities, and it will act as a guide for the plans of the member countries; it will provide a framework for the common policies (agriculture, transport, power) and for projects of regional development or industrial reconversion; finally, this long-term view is essential for an incomes policy which is intended to maintain a balance between incomes and productivity and to make for fairer shares [1]. As action on a Community scale increases, and the economy of the Community grows, the need for a more developed system of indicative planning will become increasingly urgent.

Three problems will arise at the European and national level: the part to be played by interested parties in the drawing up and implementation of the plan; the arrangements for democratic control at the different stages; and the way in which the national, regional and European plans are to be linked together. The preparation of the

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[1] *Programme d'action de la Communauté pendant la deuxième étape* (EEC, Brussels, 1962) p. 72. See also: *La programmation européenne*, by Robert MARJOLIN. (*S.E.D.E.I.S. Bulletin*, No. 839, supplément I, 20.12.1962).

plan calls for a technical body like the French " Commissariat du Plan " (Planning Commission), coupled with the direct participation of the interested parties in various commissions associated with the preparation of the general programme. The solution adopted in France meets this twofold requirement, although by no means perfectly: at the European level, this solution would involve close collaboration between the Commissions and the High Authority, the Council and the Economic and Social Committee. But if the work of preparing the plan is not to be centralized at the top in the European institutions, it will be essential to bring in not only those responsible for the national plans, but also representatives of the regions. In this way, the basic suggestions will be put forward from the bottom and then selected and harmonized by the European plan. The implementation of such a plan will require the support of governments, professional and labour organizations, industry and the interested parties. The plan must be their joint effort.

This trend towards a federal system of planning, with participation based both on spheres of interest and on geographico-economic areas, is linked with the important question of *regional development*. In France, the organization of the country was hampered by a centralized system of planning and administration and by the lack of any political and administrative infrastructure. The inadequacies of the system have led some people to toy with the idea of decentralization and even of regional autonomy. Although it runs counter to traditional thought patterns and traditions of administration, this idea seems to be gaining ground [1]. Italy, which has had a similar experience, has suffered from an increased imbalance between North and South as a consequence of unification. The regional development plans have done very little to remedy this disparity. The example of the Swiss cantons, which developed in a federal framework, the exact opposite of the unitary systems of France and Italy, seems to lend support to the idea of regional autonomy. When the federal State was established, there were striking differences between an industrialized canton like Zurich and a canton like Vaud which was living in the agricultural age. The gap between the two has been reduced, not increased, as

[1] See the tentative outline in the decrees of 2 June, 1960, and 7 January, 1961, setting up the " Circonscriptions d'action " (operational areas).

a result of the union, which has contributed to the harmonious development of both the whole body and its members [1].

This raises the question as to whether institutions of a federal type promote the balanced development of both the member States and of the federation. One thing is certain: the federation possesses political, administrative and economic machinery in its regions which, as we have seen, is often lacking in a unitary State. There are regional centres, provided with an adequate infrastructure, which can serve as relays or supports when the time comes to draw up and implement the national plan and later the European programme. Hence a system of general and regional planning presupposes the existence of autonomous regions enjoying some powers of initiative and decision. These effective units, equipped with an independent executive which may possibly be backed up by regional economic and social councils, will have the duty of submitting planning proposals for their region to the national and European authorities; in addition, they will have a share of responsibility in the implementation of the general plan at their level [2]. The vitality of this two-way movement —from the region to the summit and from the summit to the region— should ensure that the plan is thoroughly realistic.

This trend will be increased by the European programme for regional development, which is to be built up region by region. The Commission will recommend Governments, if they have not already done so, to prepare action programmes for the main socio-economic regions of the Community; these programmes will serve, in particular, as a guide for the operations of the European Investment Bank [3]. This policy of the Commission's has two facets: in the first place the embryo regions will tend to develop so as to fit in to the European framework and the well established regions will tend to adapt themselves to it; the distribution of regional centres and of their peripheries will bear less and less relation to national frontiers, whose importance is being reduced by the Community, and will be based

[1] E. SALIN: *Frédéric List, La Communauté européenne et la Zone de libre-échange,* Lausanne, Centre de Recherches européennes, 1960, p. 32.

[2] *L'Etat et le citoyen* (Editions du Seuil, 1961) p. 297. This conclusion is similar to that reached by the members of the Jean Moulin Club in the political field.

[3] *Programme d'action de la Communauté pendant la deuxième période* (EEC, Brussels, 1962) p. 72.

increasingly on genuine socio-economic, political or psychological factors; this potential development will be supported and stimulated by the action of the European Investment Bank and the institutions of the Community. The latter may also be tempted to look here for a counterbalance to the sometimes too energetic resistance put up by national governments.

How will democratic control be exercised in the preparation and implementation of plans which are the product of technical bodies, trade representatives and executives? In the first place, is this kind of control possible in a field of such technical complexity? Will not the collaboration of the Economic and Social Councils provide, as some people claim, an *ad hoc* democratic participation within a specialized framework?

Admittedly, there would be some danger of slowing down or distorting this very technical work if a political assembly were to be associated with it at every stage. On the other hand, those spheres of planning which do not lend themselves to public control do not coincide with the major options or the choice of means proposed in the plan. It is at this level that the democratic processes have a part to play; and it is all the more necessary because the efficient working of the plan largely depends on the voluntary support of all citizens. Here, in the area where basic decisions are made, the representative bodies can play their part: the European Parliament, national parliaments and possibly regional representative assemblies, would have their say, each in its own field, to approve the purposes of the plans and to check that they were being properly implemented. Responsibilities could be allocated and the representative bodies fitted into the European system as a whole in accordance with the flexible methods of federalism. Seen in this light, there is no clash between an efficient and enlarged economy on the one hand and a living democracy on the other.

According to Bertrand de Jouvenel, *decentralization* is a law of society. Is this law applied within industrial firms or in their relations with each other? It is true that in Europe there is an increasing concentration in some sectors, but it is far below the level reached in the United States for example. Moreover, it would appear that even in America, with its huge area, efficiency puts certain limits—which vary from sector to sector—on the size of mergers; excessive concentration is tending to be replaced by the practice of sub-contracting:

organic links are formed between independent units (medium and small-sized) and the big poles of production. The problem here is to find out exactly what are the links which grow up in the shadow of the dominant poles. In the Community, the large number of poles and their satellites seems to offer more scope for manœuvre.

Future trends in this field will depend on the actual effect of the network of agreements which is being woven in the Common Market area. The opening up of the large market, while it has accelerated the trend towards mergers in certain branches, has, above all, given rise to many working agreements between independent firms: agreements in regard to joint sales, specialization and rationalization and even joint production. Will it be possible, under this method, to maintain a large number of decision-making centres without forfeiting the technical and economic advantages of a large area? Experience over a longer period, and the development of the Commission's *anti-trust* policy, will show which road the European economy is going to choose: centralisation or federalism. To take one example: to obtain the optimum concentration in the field of research, firms could set up joint laboratories or research centres and thus, by the process of association, make up the leeway which they all suffer, both large and small, by comparison with their American competitors. At the European, national or production unit level, the method, broadly speaking, is to pool resources in certain fields in which efficiency demands a greater concentration of resources.

Developments will also be conditioned by the system of management adopted by *business firms* and by big business in particular. There are indications of an increase in responsibility or autonomy at various levels, a certain tendency to free the top management of less essential work and pass it over to others for action. The foundations for this change are being laid behind the scenes by the increase in the number of managerial staff, the far-reaching division of labour and extreme specialization, coupled with the fairly rigid limits of a man's powers of concentration. There is a hint of federalism here. The result of applying the principle of economy of effort would appear to be that the units making up a complex whole are enabled to achieve their optimum development by securing both greater independence and a bigger share in the formulation of general policy.

A different but no less important question is that of the participation of various categories of employees and, in particular, of the

workers, in management; the solutions which seem to be taking shape involve a twofold process of collaboration and demands on the part of the workers. The health of the European social and political system will depend largely on whether or not the workers can be integrated into the life of the factory.

At this point we must consider to what extent the modern economic system and modern technology make it mandatory to employ federalist methods. These methods seek, by means of voluntary participation, to develop the potentialities of every individual and every group for the benefit of the community. Thus they have the effect of mobilising human resources to the full, a process which, in this age of managerial staff and technicians, is becoming one of the essential factors in economic progress. This trend is more powerful than considerations of class, since social solidarity is global and comes into play at all levels, and here too barriers are being steadily broken down: the quest for maximum efficiency leads to appointments being made on a basis of ability rather than on membership of a particular category; this, in turn, increases social mobility and widens the field of social advancement [1].

(b) *Pressure Groups.*

According to Jean Meynaud's definition [2] pressure groups include both commercial interests and groups with an ideological purpose.

There are times when the influence and weight of these groups threaten the balance of a democratic society, and a similar problem arises in regard to the pressure which they exercise within a federal system. In this connection, it will be necessary to consider whether there are certain minimum requirements with which these groups must comply in order not to distort the operation of a federal system, or whether the political equilibrium which is essential in a federal system is compatible with a social environment which is strongly

[1] In one sector which is of vital importance for economic development, that of research, the inventor working on his own has been replaced, in many fields, by research teams, who appear to be governed by the federal principle: the fullest development of each research worker, thanks to his participation in the joint project and to the contribution made by the other members, for the benefit of the common venture.

[2] *Les groupes de pression* (Paris, P.U.F., 1960), pp. 13 and 14.

dominated by pressure groups organized on a centralized basis. This will bring us to an analysis of the machinery of these groups, their activities, and the way in which they fit together at various levels —European, national and regional.

There are two main aspects to be examined: firstly, their organizational set-up, their membership and the procedure by which they reach decisions, in order to determine whether they follow centralized or federal lines. Secondly, we must look at their activities and their relations with the authorities, in an attempt to assess their influence on the federal machinery. In following up these two lines of investigation, using the techniques which have now become traditional, we shall pick out the distinctive features which are to be found at three levels: European, national and regional.

It will be interesting to see to what extent the *professional and trade union federations,* and their *confederations,* live up to their name by enabling their members to take part in their work and by representing their often divergent interests; to identify current trends and to consider whether European integration will bring any changes in the organization and behaviour of these groups. At present, the professional and trade union organizations at the EEC level are organized on a confederal basis, power still being in the hands of the national groups. The breaking-down of barriers and the creation of a new echelon, for example, would alter the balance and influence of the various groups at national level, so that those groups which occupied a dominant position in a restricted area would find themselves exposed to the competition of other groups in the Community.

This would bring about changes and produce a new pattern at the Community level. We should have to establish whether these changes would lead to an increase in federalism. It is difficult to believe that, in present circumstances, a federal society would be compatible with the domination of one or more groups organized on centralized lines. In other words, we must ask whether Kant's principle should also be extended to pressure groups. This is a particularly urgent question, because existing federal systems, in the United States and Switzerland, for instance, provide no solution to the problem, their federalism being restricted to those matters which were regarded as political at a time when people were under the illusion that politics and economics could be kept in watertight compartments. The pressure of vested interests in these federal

systems is extremely strong, and consequently they cannot be transposed to the European Community as they stand.

For example, the trade unions appear to be moving in the direction of certain reforms which their leaders are demanding: reorganization at the bottom and decentralization of certain functions in order to take account of the integration of the worker in his firm, the action of the interest groups, the effects of occupational integration and of regional and European activities [1]. Does not this indicate a tendency towards the application of federal principles to trade union organisation with the object of making it more efficient and better suited to economic, political and social activities which are spreading over several levels and several sectors? It would also be possible to discover whether these emerging ideas are an adequate answer to the need for subdivision and flexibility, which is making itself felt in the organization of public and private administration, in the preparation and implementation of plans, and whether these ideas provide for an allocation of functions by sectors and by regions. Moreover, it will be essential to find out whether the trends which are coming to light in the various fields are compatible or incompatible, and whether the interaction of these organized forces is in contradiction with a federal system. It would appear that some minimum assurances are essential if a federal society is to function efficiently.

(c) *Cultural affairs.*

In cultural affairs the federal system is more obviously essential. Culture is hostile to centralization or authoritarian guidance, particularly in Europe, whose regions and nations show their originality by the diversity of their languages, literature and art. This is the main expression of the richness of European culture, the other facet being its underlying unity: here is a clear example of the two aspects of federalism—unity and diversity.

If it is to take account of the situation as it really is, the European union will have to ensure the full development of each of the cultural cells, which contribute to the enrichment of the cultural community

[1] Cp. in particular, G. DECLERQ: "Démocratie nouvelle et syndicalisme moderne" in *Les formes nouvelles de la démocratie* ("N.E.F.", April-June 1961), pp. 91-105.

and maintain its vitality [1]. The need for cultural autonomy having been accepted, the federalist method is to consider, case by case, which branches or sub-branches of culture would benefit from pooling. It is essential to have a minimum of agreed standards, while preserving independence—and hence freedom to make innovations and carry out pilot projects. The important thing will be to strike a balance between the requirements of modern education, the harmonization of certain educational methods, the reciprocal recognition of diplomas, the free movement of teachers and students, on the one hand, and the variety of experiment which contributes to the common fund of experience on the other. In this field, as in the social sector, there must be a levelling up, and not a levelling down to a common denominator.

There is no incompatibility whatever between the maintenance of this autonomy and the setting up of a joint organisation to promote exchanges by enabling demand to be constantly matched with supply, or the introduction of a system of European scholarships, which would supplement but not replace national scholarships. Priority in the European plan should be given to projects which cannot easily be carried out at national level: following the lines of the *anti-trust* laws, which were unknown in some countries, it might be possible to frame a European treaty introducing tax exemptions for cultural foundations which are in a position to extend the system of study grants and research fellowships, and to encourage permanent education and training in European citizenship. This concern with cultural and social matters is an answer to the urgent problem of mobilizing all available brain-power and of increasing the possibility of selection according to ability.

Scientific research requires even closer cooperation: starting with a harmonization of methods, it must lead on to various stages of cooperation, ranging from certain coordinated research projects to the pooling of resources and the establishment of joint centres. An example at the national level is the Swiss Federal Polytechnic School, and the increasing need for specialization and for collaboration between cantonal universities; at the European level, Euratom and its centres, CERN, the European Organization for Space Research, the European

[1] The experience of Switzerland, Canada and America will give valuable guidance in the search for a European equilibrium.

Council for the Construction of Launching Sites and Space Vehicles are all joint efforts in fields where national action is inadequate. At a different stage, the question arises of coordinating individual, collective or national research projects within the framework of a general outline plan. The basic question is still that of striking a suitable balance between the pooling of resources and efforts on the one hand and the freedom of personal initiative and invention on the other.

IV

THE PATTERN OF THE FUTURE EUROPE

1. *General*

The lines of force in a federated Europe will be produced by the factors and trends which we have just outlined. This future pattern, as we see it, may contain the seeds of several different types of federal organization, and the final form will be the result of much practical adjustment. We shall venture to outline a general model which keeps close to actual trends and hence seems to stand the best chance of coming into existence within ten years. For this reason, in sketching the outline of a *possible union,* we shall not regard ourselves as having a free hand but as being " conditioned " by the pattern of institutions and social forces which we shall have outlined in the preceding chapters. We shall only feel free to add a few small improvements to the *de facto* situation.

It is clear that the largely hybrid and incomplete nature of these structures makes it possible to employ, and hence to project into the future, several different patterns. But we shall only take into consideration those which, at the present time, seem the most likely rather than the most logical or coherent.

Here we see the defects of this method: it is basically a static method, because it does not take account of social and psychological developments which are bound to occur in the meantime. If these developments are favourable, they might open the way to a genuine leap forward towards federation; if they are unfavourable, they would hamper the introduction of any new machinery. Hence we

have worked on the assumption that, while the climate will not grow any worse, it will not be such as to enable a federal union to be established. In other words, unless there is a crisis or a sudden outburst of Europeanism, the machinery will still be in the process of transformation in 1974.

But making our forecasts, it is reasonable to assume that one factor which may contribute to the establishment of a solid union will be the creation of the Common Market, with its common agricultural policy, its trade policy, its coordination of economic policies, its work of programming and possibly its monetary union. In agriculture, for instance, the influence of the Community will increase: protection, official intervention and subsidies will to some extent be the responsibility of the Community, which will exercise pressure directly on farmers. Hence the latter will become involved and interested in politics at the European level. The knowledge that this change is coming explains the mushroom growth of agricultural organizations, now more than a hundred strong, to look after the farmers' interests. The defence reflex operates at the point where power lies. Although it is still frail, a network of solidarity is being woven in various sectors of the community, and its links will tend to become closer as the creation of the Common Market proceeds. This is the process of dynamic integration which has been released by the European Communities.

The first conclusion which can be drawn from our survey is that the federalist method is steadily invading the main sectors of social activity, although it is not always supported by an enlightened will. Broadly speaking, both present trends and future needs foreshadow—or at least open the way to—*complete federalism.* " Complete ", because it will not be limited to the structure of government, but will affect the internal organization of the majority of sectors: the economy, business firms, groups, trade unions, parties; " federalism ", because it will achieve a decentralization and a division of powers corresponding to actual requirements; unlike the myth of single and indivisible sovereignty, it recognizes the effective existence of a variety of independent centres of power which, by their active cooperation, strengthen the power of the whole. Reversing the traditional concepts based on checks and balances applied to power, the emphasis here is placed on drawing in the largest possible number of elements in society to take part in formulating and applying a

common policy or project. Proudhon's prophecy seems to be coming true.

Must we deduce from this that not only the member States in a political community, but also all the main sectors of society, must adopt a federal form? This harmonization is desirable, but it would be contrary to the very principle of federalism to impose it in a uniform manner. In the first place, federalism maintains diversity: hence different sectors or different States will be able to apply the federal method to varying degrees and in accordance with their particular conditions. In the second place, federalism is based on self-determination. But the European constitution might perhaps lay it down that the States and the major social forces must not be so organized as to run counter to the basic principles of federalism (e.g. a dictatorial system). In present circumstances, it would be difficult to compel France or Italy, for instance, to adopt a federal system. We have noted, however, that both the requirements of regional development and national or European planning lead in this direction: both the drawing-up and application of such plans require a central authority coupled with autonomous authorities. Only in this way is it possible to widen the circle of "participants", who represent not only the sectors (professional and trades union organizations) but also the regions. The success or failure of the plans will depend more on the measure of participation achieved than on the means of coercion used. It is therefore likely that the political and administrative organization will tend to adapt itself to these new conditions, despite some opposition.

Like the Communities and the Fouchet plan, the political Union will be *indissoluble* and of unlimited duration. It will be open to all European countries which practise the principles of democracy. As in the Fouchet plan, the defence of these principles will be one of the basic purposes of the Union. The special aims incorporated in the Treaties of Paris and Rome (steady expansion coupled with stability, raising of the standard of living, etc.) and also the machinery and regulations of those treaties will be incorporated in the Union. The Union will be free to go beyond these obligations and powers, but never to restrict them. The Union will only be achieved as part of a general forward movement.

The form of the constitution of the Union will depend upon the conditions prevailing in ten years' time. It may be a traditional

type of treaty or one ratified by the people, a product of governments working in collaboration with representative elements and Community institutions, or of a constituent assembly. When the constitution is being drawn up, two factors of vital importance will be taken into account; federal power will have to be kept to the minimum necessary to enable the Union to operate normally, and this minimum will correspond to the maximum which the Governments are willing to accept and which public opinion is able to tolerate. The second restriction is not so important as the first, since it is more flexible. When the Swiss Confederation or the European Communities were established, public opinion—although this is not easy to measure—was fairly accommodating and able to adapt itself to any general decisions to which it was not obviously opposed.

2. *The main functions of the Union*

We have indicated the minimum range of functions which must be surrendered to the Union. In the field of *foreign policy* we shall draw distinctions according to the importance of the question and according to whether authority is to be exercised exclusively or concurrently. Questions of major importance such as common policy in regard to Berlin (assuming that this problem is still unsolved), the attitude to be adopted towards the East, or the position of the Union within the *partnership* with the United States, will be the responsibility of the highest authority. Minor or technical questions will be passed over to the Council of Ministers and the Executive. Matters which will fall exclusively within the competence of the Union will include common trade policy after the end of the EEC transition period, the conclusion of political treaties and the question of common policy within the international organizations.

Fields in which competence would be shared include technical and economic assistance agreements and cultural agreements; in these sectors the activities of the Union and its member States could overlap, provided that the bilateral agreements did not run counter to the general policy of the Union. Fields not mentioned in the constitution would be reserved to member States. The right of diplomatic representation would also be retained at both levels, if future conditions do not allow of its being made exclusive. The Union will have its diplomatic representation, which will gradually

overshadow that of the individual member States. Joint missions will be set up to deal with all those matters falling within the competence of the Union; where the two fields of competence continue to exist side by side, prior consultation and some coordination will be compulsory. For the reserved questions, there will normally be mutual consultation at all stages in order to ensure a minimum of harmonization.

In the sphere of *Common Defence*, a distinction will be made here on similar lines: (a) vital questions such as the decision to declare war or to use nuclear weapons will be the responsibility of the European Council or of the President of the Union in case of sudden aggression; important questions, including NATO, the joint command, etc.; minor and technical questions, including the coordination of the activities of military attachés; (b) common defence policy including on the one hand the common sectors—nuclear weapons, missiles and their manufacture, together with the manufacture of certain traditional weapons and various kinds of research—essential items which, as they are beyond the capacity of the individual members, will have to be dealt with jointly; and on the other hand questions of traditional defence which are more intractable and hence will be integrated by stages: exchanges of personnel and compulsory training courses, joint training centres, logistic centres, coordination of research, etc.

In the economic and social field, the Union will have a more dominant position: the Common Market (the Customs and Economic Union) provided for in the Treaty of Rome will have come into being and the decisive steps will have been taken towards a common economic policy, a European planning system and a European currency. The institutions of the Communities will take their place within the framework of the Union. The latter will take over from the Communities, which will have gone as far as they can, and will give a political impetus to the common undertaking. The process of economic integration, which will have permeated most of the vital sectors will be supported and extended by a political determination. Contrary to the French adage *Qui peut le plus peut le moins*, the Union will only be able to go on beyond the existing Communities.

The Union will play a vital part, in particular, in the effective application of the *anti-trust* legislation (control of agreements and concentrations, but also assistance in the rational coordination of

work between business firms at the European level); in carrying out a general reform of taxation (harmonization of taxation, cultural tax or payments to European funds, ensuring equality of opportunity by means of a reform of the law of inheritance, etc.); in supporting efforts to adjust and reform the structure of industry (giving supervisory staff and workers a share in management); in the sphere of fuel and power policy (possible reorganisation of fuel and power production and basic industries); in regard to social questions (setting up social security and health institutes, etc.) where there are large gaps in the facilities provided by the Community. Policy in regard to aid to developing countries will form an important part of the Union's work.

Cooperation in the *cultural and scientific* fields will be no less active. Joint action here will be mainly supplementary, subsidiary or innovatory. It will supplement the efforts of the individual countries to broaden the base of intellectual selection, to spread education more widely and to enlarge the scholarship system. It will stimulate scientific research by setting up a Fund, joint research centres (e.g. for space research) and an independent Committee to coordinate and guide research. In this field, the Union will provide a framework for the joint activities mentioned above and will initiate new projects. For instance, it will be able to promote the establishment of a sort of *brains trust*, or of groups which would put forward suggestions, and think up solutions to the problems of the future (e.g. the problem of leisure). But above all, it will ensure freedom of movement for works of the mind and their creators.

Alongside these developments, the Union will steadily harmonize and unify the national laws, thus filling up the area of European law.

3. *The future pattern of institutions*

There is every likelihood that a united Europe will produce a new system of government. This is all the more likely because the existing federal systems were devised at a time when politics and economics were kept separate, and when science and technology had not yet appeared on the scene. Today, economics and technology have a profound influence on politics and they are a pet subject for politicians. Moreover, by a historical accident, European integration began in the economic sphere: it seems likely that the experience

gained by the European Communities in pooling certain public functions in the economic and social field will leave a deeper mark on the political structure of the European Union than various familiar patterns of government which have often been outdated by events.

Nevertheless, although it will be of an original type, the machinery of the Union may well be somewhat similar in general form to that of one of these three types of political system: presidential, collegial or parliamentary. At this pre-federal stage, plans will have to be drawn up on the basis of each of these three models, leaving control still in the hands of the member States, in accordance with the federal system. The various elements will base their form or organization on these models, choosing those which suit prevailing conditions and conceptions. But the pattern of society is much more plastic and fluid than our books would lead us to suppose. " I am tempted to think " wrote Alexis de Tocqueville, " that what we call essential institutions are often only the institutions to which we are accustomed, and that where the pattern of society is concerned, the range of possibilities is far wider than the men living in each society imagine ".

When we come to survey the three possible approaches, we must bear in mind that the *parliamentary system*, the efficiency and adaptability of which is widely questioned, is undergoing a process of transformation. Its instability makes it even less well equipped to control the advance of the technocrats, and its operation depends mainly on the work of the civil service. Admittedly, the English type of system escapes some of these criticisms—although there too parliament is besieged by pressure groups—but it is difficult to transplant a system which owes its viability to the customs and traditions from which it has sprung. Is there now, and will there be, any possibility of reviving this type of government, which is disappearing at the national level, to run Europe ?

The *collegial system* has the advantage of reproducing the Community pattern after the merger of the Executives. In addition, it provides for participation by countries (not more than two members of the same nationality), and by broad categories of interests and political tendencies. This is team government. But will today's team be equally homogeneous tomorrow if, instead of being reappointed, it is changed periodically by national governments or parliaments, or even by the European Parliament ? However this may be, this is the system which it would be easiest to adopt, because

it is the least wounding to national susceptibilities. The charge which is levelled against it in some quarters, and not without reason, is that it is both anonymous and slow-moving. It is workable in its existing miniature size, since its smallness offsets its slowness, but will the same apply to a united Europe ?

The presidential system seems to have proved itself in large political areas which are both united and diverse. But are conditions ripe for the adoption of such a system? It is true that the President at the head of a team lends continuity and coherence to the planning and execution of joint decisions. And a strong government of this kind seems to be more capable of counterbalancing the increasing weight of the pressure groups, particularly with the support of political parties. It is in line with the general trend towards a strengthening of the Executive and a struggle against unstable government. Moreover, a President who was elected for a certain length of time, would be a symbol of the European Union in the eyes of its citizens, and the union would become a reality more quickly for the broad mass of Europeans. It is nevertheless true that the introduction of this system under present conditions would arouse opposition in many quarters.

The question confronting us is this: starting from the institutions now in existence, the plans and wishes of the governments and the trend of events, how can we devise a pattern of government which will be both acceptable and viable ? There is no question here of imagining an ideal constitution. Looking at the problem from the other side, we must ask ourselves: what is the shape of Europe likely to be in ten years' time ? Hence we accept the hard facts which we see projected on the screen of the future, while at the same time trying to provide them with an adequate and solid form of union. Need we recall that for us the " hard facts " are made up of the principles in which people believe, the facts of psychology and the conditions of the material world ? Will the pattern which emerges meet the needs of federalism ? We must at least scrutinize the available options carefully, in order to ensure that no major factor in this outline plan leads the project into a wrong course which it would be difficult to alter at a later date, or prejudices the chances of future development towards a more perfected form of federalism. We are at one and the same time looking ahead, taking account of the hard facts of today and showing respect for the future; it is in this spirit

that we shall briefly survey the types of institution which are likely to be operating in the united Europe of 1974. (It should be noted that this forecast does not express our own preferences).

Short of a political volte-face or a dramatic change in the course of events, the pattern of the institutions will not yet reflect any clear-cut choice between the three types of political system. This hybrid organization, shaped by often incongruous or contradictory factors, will have to fulfil certain requirements as to viability without developing beyond the point of no return. It will then be possible to make the decision after an experimental period which will enable the tools of politics to be adapted to new and largely unknown technical conditions. In this simplified forecast of future trends we shall adopt first a pessimistic hypothesis and then an optimistic one.

On the *pessimistic* hypothesis, there will be a clumsy system: on the one hand, the European Council, the President of the Union and the European Executive; on the other hand, the European Parliament, consisting of an Assembly and possibly also a Senate, the Economic, Social and Cultural Council, together with institutions such as the Court of Justice, the Central Bank, the European Investment Bank and various Funds—social, cultural, scientific research—the Employment Office, etc. This complicated system is explained by the fact that European integration has taken place pragmatically, piece by piece, according to the needs and possibilities of the moment.

This patchwork system is mainly due to the duality of authority in the European Communities (Council—Commission). The Executive will be strengthened as a result of the merger, but the working of the machinery will still be based on collaboration between the Council and the Executive, and for that reason this key mechanism is incorporated in our forecast of the set-up of the institutions. There is one difference, however: the Council of Ministers, except in those cases where it has the power of ultimate decision, will be subordinated to a European Council made up of heads of States and heads of Governments. This is clearly a concession to national pressures. But against this must be set the fact that the President of the Union will preside over both the European Council and the Executive. In addition, a system of organic collaboration will be instituted on Community lines, between the European Council (and its special Councils) and the Executive. The Executive will have the right to initiate proposals.

Another point about this hypothetical system is that the confusion between legislative and executive functions, which exists at present in the European Communities, will be perpetuated. Under this system, the Council takes action mainly at the final stage when it approves the Executive's proposals for the introduction of general laws (regulations and directives), leaving the Executive to implement them. Once the Community laws have been enacted, the Executive will take over the leading role. In the sphere of commercial policy, the Executive shares its authority with the Council which, however, occupies the dominant position and is the competent body for ratification. A complex and hybrid system of the same type could well prove necessary in the fields of foreign affairs and defence; these functions will be carried out by a dual executive with a single President. Treaties signed with outside countries will be ratified by the European Council, which will thus assume the functions of a " Senate ", and have a dual function, as in the Communities. The Council will also have powers similar to those of a " Senate " when it draws up Community laws on the proposal of the Executive, but these laws will have to be approved by the Assembly which, if it withholds its approval, will be required to put forward counter-proposals. But in this phase, the Council-Senate will be able to override a stronger majority in the Assembly.

On a more *optimistic* estimate these various factors and practices will tend to assume a coherent form. In this phase, however, there is little likelihood that the European Council will simply be able to merge either with the Executive or the Senate. While it will continue to function at its higher level, its main functions will be in the fields of foreign affairs and defence: on the proposal of the Executive it will deal with the main lines of policy, setting out the broad political directives, the implementation of which will be left to the Executive. The Council will also be able to play an important role in amending proposals with a view to strengthening the links within the Union. It will be assisted in its work by the competent Councils of Ministers and various representative and expert committees. On the other hand, a Senate will be set up for treaty ratification and legislative functions. Here the dual function will be of an organic nature. The Senate will adopt the Community laws, particularly in the economic and social fields, on the proposal of the Executive, and after approval by the Assembly. The other institutions, too, will form a

more closely knit pattern. If conditions were more favourable, it would obviously be possible to move further on the road towards coherent integration.

It will be the task of the *President* of the Union, together with the members of the Commission, to counterbalance the influence of the member States. On the pessimistic hypothesis he will be elected for a period of five years by the Council and the Assembly. On the optimistic hypothesis, he will be elected for the same period of time by direct suffrage by the majority of the population making up the majority of the member States. A system of popular election would consolidate his authority, provide the Union with a democratic symbol and ensure the continuity of the European central authority. Another factor making for continuity will be the personal link provided by the President in his dual capacity as President of the European Council (in his absence his duties will be taken over by a Vice-President appointed by the members) and President of the European Executive. The office of President is obviously incompatible with other national or private duties.

The European Executive, the second guardian of the interests of Europe, will be made up of 9 Commissioners (or European Commissions), each of whom will be in charge of a department. The number of members of Commissions will depend on the number of member countries and the number of functional sectors (compare the Commissions of the EEC and Euratom and the High Authority of the ECSC), and the members might be appointed in the following way: on the pessimistic hypothesis, one half would be appointed by the Council and the other half by the Assembly; if conditions were more favourable, half would be chosen by the President and the other half by the European Parliament. This latter procedure would safeguard the European character of the Executive. The procedure might vary, depending on the importance attached to the political or the technical aspect respectively. If the emphasis is laid on the technical side, the Economic, Social and Cultural Council, amongst other bodies, would be associated with the procedure of appointment. Whatever method may be adopted, the two essential criteria for the election of the Commissioners would be their competence and their personality. The Commissioners would, of course, be independent of national governments and of groups and interests.

The European Parliament might consist of an *Assembly* elected by

universal direct suffrage (the procedures and proportions would be based on the draft and on experience gained in the first European elections) and a *Senate* appointed by the national governments. The Senate would thus provide representation for the member States. This procedure might vary from country to country, provided that there was a minimum of common principles. Care would also have to be taken to ensure that there was an adequate representation of *youth* in Parliament.

The *Economic, Social and Cultural Council* (ESCC), representing the various types of interest and activity, is only the successor, on a larger scale, of the corresponding body in the European Communities. Its increased importance is a reflection of the influence which it is destined to acquire in the working of the Community and of the trends which can be observed in various sectors [1]. The President, the national governments and the representative bodies will all have a say in the appointment of the ESCC. This procedure can be adapted to suit the sector concerned, the same rule being applied both in the economic and cultural sectors. In the *economic and social* fields, provision will be made for consumer representation (which will not be easy, consumers being scattered and disorganized) and for representation of regional interests. The latter would be a European extension of the regional Economic, Social and Cultural Councils, which are being steadily introduced in member countries under planning legislation. The *cultural section* would include representatives of the universities and educational institutions, together with scientists, writers and artists. The *social section* would have to include representatives of youth movements. The broad objective of the Council would be to develop national and Community procedures and thus channel into the institutions the activities of pressure groups, regional organizations and representatives of the main sectors of the social and cultural life of the European Community.

The independence of the members of the *Court of Justice* will be fully guaranteed by the method of appointment, the length of their period of office, and the rules of membership. The Court will be

[1] For instance, the Centre des Jeunes Patrons en France (French Association of Young Employers) recently asked that the Economic and Social Council should be given genuine powers of decision and control in economic affairs, after its composition has been reviewed (*Le Monde*, 27 March 1963).

modelled on that of Luxembourg, but there will probably have to be a clearer division of labour, with a special court for economic and social matters.

The European Investment Bank and the various Funds will have more important functions in the context of European programming. Among the other institutions, the *Fund for Culture and Research*, to take an example, will have to be arranged so as to ensure a clear separation between its finance and administration on the one hand and its scientific policy on the other; the latter will be autonomous, being in the hands of a council of " cultural workers ", university personnel and independent scientists.

The experience gained by the European Communities will be put to good account, particularly as it reflects certain trends in contemporary Europe: the Executive will be surrounded by a large number of *consultative committees*, made up of experts from the European professional and trade union organizations, and of national and independent experts. Consultation will be carried on in permanent committees and *ad hoc* commissions, or through the complex web of links and contacts which is being woven around the European Executive and Administration.

In addition to the existing committees (e.g. agricultural committees), it will be advisable to set up a Committee on Organization and Coordination, which will contribute to the modernization, specialization and improved coordination of industrial firms; this committee will operate within the framework of the Plan and with the aid of a Technical Assistance Fund. To this end, it will collaborate with the European Investment Bank, the Anti-trust Office and the Social Fund, in order to guide firms and their associations, and to encourage the pooling of certain services, including those in the field of scientific and technological research. In this way it will be possible to effect a further rationalization of production and of other economic activities in the Community, taking account of inter-continental competition, but not necessarily going over to " mammoth " enterprises. These various methods would make it easier to work out a European pattern of organization.

This *machinery of consultation* will differ from that of the Economic Community in providing for the participation not only of experts and technicians but also of sociologists, psychologists (economic psychology), educationalists and even " generalists or philosophers "

in the planning committees. These various bodies will help to work out the Plan which, in its turn, will provide them with an instrument of guidance and coordination. At present the existing Communities give evidence of a certain lack of harmonization between the various branches of administration. This is a further indication of the need for a Plan to chart the course of development.

Following the example of the French Plan, the *European Plan* will include a number of vertical and horizontal commissions. The new feature of the European Plan—apart from its federal character (countries and regions) and its democratic character (political participation and control)—will be that the producers, distributors and trade unions will have at their side technicians, scientists, sociologists and psychologists, experts in political thought, representatives of the cultural world, etc. The Plan will very probably be a general system of programming, not limited to the economic field, but bringing all the fragmentary plans together into a coherent whole. It will be a comprehensive plan, dealing with the basic activities of a political society. This is why it will require the participation of representatives from all types of social activity. The links between these activities (economic affairs and education, economic affairs and political organization, economic affairs and culture) will become increasingly close and visible. It may also be that economic matters will come to take a less dominant position than at present as needs become better satisfied, and that interest may shift towards other activities. Thus the *breaking down of specialization* which is advocated by experts in many fields of science will be put into practice in the whole field of forward planning and in the overall guidance of political societies. Can it be that the future will belong to Plato's " philosophers " ?

In the *cultural* field, various institutions will help to step up the pace of training and research. A Scientific Research Committee, working in close conjunction with the Cultural Fund, will prepare an annual survey of the work undertaken, the results achieved and the gaps still remaining; this will be done with the aid of a European central office which will assemble all these data together with information about existing possibilities (scholarships, grants, etc.). From this survey it will be possible to pick out the broad outlines and to coordinate scattered ventures and resources. Consultative committees, permanent or *ad hoc*, will appear in this field too. University

reform is under consideration in a number of European countries; this might well be an occasion to set up a commission to provide a forum for exchanging experiences and ideas and to ensure a minimum of harmonisation. Here, too, there will be a twofold purpose: to enjoy the benefits of diversity while pooling all resources.

4. *Division of functions and majorities required*

If we take into account the powers of the European Communities and in the French draft, what general principles could be used as a guide for the allocation of functions in this forecast of European development over the next decade?

There will be popular *referenda* at the European level, as well as elections, to ensure that the people are directly involved in the process of government.

In principle, it will be the prerogative of the *Council* (heads of States or heads of governments) to lay down the broad lines of policy. The Council will take decisions on vital questions, draw up directives on important questions, define the policy and general objectives of the Union and give the spur of political initiative to certain individual projects. All other matters, in the governmental and executive field, will be left to the European Executive. The process of decision-making will depend on an *organic* collaboration between these two institutions, a collaboration which is the mainspring of the European Communities. The European Supreme Council will normally act on *proposals* put forward by the Executive. The Executive will implement these decisions and will also deal with minor matters of foreign policy and defence. Again, the Executive will have some independent powers of decision (which will vary according to the hypothesis adopted), particularly in technical matters, or within the framework of the policies laid down by the European Council. Legislation, however, will require the approval of the Assembly. The appropriate institution will normally be chosen according to the importance and scope of the questions involved.

The same distinction will be made in regard to the *majorities* required. The European Council will reach its decisions by a simple or qualified majority; the qualified majority may well be based on the present system of weighting in the European Communities. The unanimity rule will be eliminated; provision is already made for this,

to a large extent, in the Treaty of Rome. To take an example, a qualified majority will be required for vital or very important questions, while a simple majority will normally be employed for minor or technical questions. The Executive will always reach its decisions by a majority of its members, as laid down in the European Treaties.

It will normally be a basic principle that *no provision in the constitution of the Union may constitute a retrogression by comparison with the existing Communities.*

The *President*, together with the Executive, will defend the interests of Europe or of the Union as a whole. He will form both the driving force and the linch-pin of the institutions. He will have the casting vote in the case of a tie in the institutions over which he will preside *ex officio*. Within the Union he will be the symbol of the Federation, which he will represent in all dealings with the outer world. His powers, like those of the European Executive, will have to be steadily increased until they are adequate to counterbalance the centrifugal forces in the Union.

It will fall to the two chambers of the European Parliament to adopt general regulations which will be enforced immediately on individual citizens or have a binding effect on member States, and to approve the European budget and the Community taxes: these measures will be adopted by the Senate with the approval of the Assembly. If the Parliament can be entrusted with legislative and budgetary functions, this will mark a considerable step forward by comparison with the present state of affairs. The Parliament will also exercise a control over the activities of the executive institutions. The President will submit to Parliament a concise annual report on the state of the Union, which will be supplemented by the detailed report of the European Executive. Parliament will have the right to put questions and to investigate. Moreover, the Parliament will be able to take part (by submitting a reasoned opinion) in the task of drawing up the policy of the Union, which is the function of the European Council. In the sphere of planning, the Parliament will be called on to approve the main objectives and the major decisions of the Plan, and then to supervise its implementation. The responsibility for initiating legislation will belong to the members of Parliament, the Council and the Executive and, for special questions, the ESCC.

It will be obligatory for the *ESCC* to be consulted in regard to all general legislation or important questions falling within its field of competence. It will normally have consultative powers, particularly in regard to the Plan, being closely associated in its preparation. It will be entitled to exercise a suspensive veto, by a two-thirds majority, in regard to the draft Plan, on condition that it submits a counter-proposal. As in the Communities, it will be able to be associated with certain legislative activities or consulted on any other subjects which concern it: in addition, it will have the right to put forward recommendations and opinions on its own initiative. Within the framework of the Plan, it will be able to submit recommendations to the national or regional Councils and to professional and trade union organizations and other interested bodies, inviting them to take part in the implementation of the European Plan.

The *Court of Justice* will have an important part to play. In addition to the supervisory and other functions which it already exercises in the Communities, and which will be extended, it will undertake the defence of democratic rights, individual rights, and economic and social rights; it will be able to arbitrate in social conflicts and supervise the European elections. In general, it must be made easier for the citizen to secure access to this institution, in order to safeguard the democratic balance between the obligations of the Community and its protective functions.

The various *categories of Community legislation* will have to be worked out in the light of experience. Broadly speaking, they will be based on the arrangements prevailing in the Communities and on the legal system of the Court: European laws and regulations and general enactments will be enforceable in their entirety and will be applied directly in all the member States; the States and institutions of the Union will be bound by policy directives, but they will be free to choose their own means of implementing these policies: decisions and decrees, special enactments, fully binding on the persons to whom they are directed; recommendations and opinions without binding force. It is obvious that sanctions, particularly in the form of fines, and the enforced application of certain Community decisions (e.g. judgments of the Court) will be widely applied within the Union. A more satisfactory initial solution will have to be found for the problem of the application of sanctions to member States than the timid procedure embodied in the European Treaties. In the latter,

the main sanction consists of the pressure of Community solidarity, which will be an inadequate safeguard in certain fields such as that of nuclear defence. But it will only be possible to tackle this problem in the light of experience and of the solidarity which will determine the extent to which member States accept Community decisions.

V

FINAL REMARKS

This grossly over-simplified outline forecast of the pattern of institutions and of certain trends of development (e.g. federal planning and the representation of occupational groups) provides a skeleton picture of a united Europe in a transitional stage. The machinery which we have outlined will have to be flexible enough to adapt itself to actual conditions, and this adjustment will have to be steady and continuous. Like the Communities, the new institutions will be the signal for a period of intense activity in the process of integration. To facilitate this dual adaptation, the constitution will provide for a three-fold system of revision; a *major revision,* involving fundamental changes (division and allocation of powers) will be carried out either *through the institutions*, including the executives, the European Parliament and the ESCC, or by a *popular referendum*; rapid adjustments can be made by a *minor revision,* for which the requirements will be less strict.

The citizen and his activities will form the focal point of this system with its varying allegiances: the social group, political party, interest group and club; and all these will be set in the framework of the European Community. The individual will be called upon to participate at various levels: in his local community, his country and in the European Community. For example, a Parisian will at the same time be a Frenchman and a European; he will be able to have *dual " nationality "*—both French and European.

The basic machinery is complicated, but it will have to be run in. Here is an imaginary *outline* of the *planning* procedure.

During the preparatory phase, the Economic and Planning Commission assembles the national and regional draft plans. Then,

on the basis of these documents, of its own ideas and of numerous consultations, it will draw up a preliminary draft. While doing this, the Commission will carry on sustained discussions with the interested parties in the enlarged Planning Commissions in accordance with the EEC practice; the interested parties will include the persons responsible for the national and regional plans, the professional and trade union organizations, people active in the cultural field, and independent experts at all levels; the Commission will, of course, be able to consult the European Council, the ESCC and the Parliament. It will then submit its preliminary draft to the Council and the ESCC. When it has been approved by these two institutions, the draft will be submitted to the Parliament, which will give its opinion on the objectives and main lines of policy in the light of the report from its Planning Commission.

This upward movement will be followed by the reverse process of implementation under the responsibility of the Commission, assisted by local, regional and national authorities, expert groups, economic and cultural councils and representative bodies at all levels. Thus the citizens, through their organizations and representatives, will be associated in the " tier-by-tier " implementation of the European programme. This participation will ensure that a constant check is kept on this basic function of the Community at many different stages but also on the plan as a whole. In this way, the plan will become a joint achievement of the government and the people. This " demonstration of federalism in action " will provide a political guide-line to control the capricious acts of the technocrats which, as we are often told, are the result not so much of deliberate intention as of a vacuum in political power. In principle, the political authority must be based on an *effective participation* by citizens and groups, on the *action of the parties* and on a *strong Executive*. It is this trend, together with the factors already analysed, which will point the way during the transition period. In the early stages, a dynamic balance will be maintained between the inevitable technical complexity of the process and the participation of the citizens. There will be two obstacles in the way of democratic control—the technical complexities of the Plan and the size of the Union—and a twofold distinction will therefore be introduced: on the one hand there will be the major political decisions, the broad lines of development and the technical aspects of the Plan; on the other, there will be the independent centres of

decision, linked up and coordinated in a complex but organic whole.

The political *parties* will tend to return to their basic function by concentrating their attention on major problems and coming into closer contact with the real interests of citizens. Having found their place in a united Europe, they will fulfill their mission of providing a vigorous opposition and an effective support to the Executive, of acting as the watchdogs of democracy and of training citizens and political leaders who will guide the destinies of Europe. Hence it will be their function to express a " partial " but synthetic view of the general interest, reconciling individual allegiances and interests; to work out long-term programmes, particularly by putting forward their ideas in regard to the Plan and to future developments; and to ensure that there is more than one source of information and political theories. In general, the parties will help to humanize the social processes and to breathe new vitality into the centres of political life. European elections, planning, and new conditions—all these are likely to exercise a strong influence along these lines, compelling the parties to bring themselves up to date in order to recover their effectiveness.

The *Executive* will owe its strength to the existence of an elected President, to the independence of the members of the European Commission and to the participation of various centres of political, economic and social power at different levels. In the course of our analysis we have come to the conclusion that a strong executive is essential to act as a counterbalance to national decentralization and centrifugal forces, the power of the technocrats and the power of the pressure groups. Only a strong political authority can ensure that *anti-trust* legislation is carried through, can negotiate with all elements of society and not yield to the pressure of any of them, and work out and implement a long-term policy. Moreover, the trend towards a " personalization " of power which can be seen in presidential systems, is an " instinctive " reaction against the anonymity of technocratic authority and against the spread of mass movements. This is liable to lead to a one-sided monologue between the ruler and the people, encouraged in particular by the appearance of the father-figure of the ruler on the television screen in every home. Here, as always in a federal system, it is essential to counterbalance a strong Executive by effective factors such as democratic control (elections,

opposition), a wide variety of autonomous centres of power, referenda and manifestations of public opinion. The main characteristic of federalism is this search for equilibrium rather than any "recipe" which it advocates.

It is a truism to say that a vigorous democracy requires the participation of all the active elements in society—citizens, parties, groups —in the formulation of policy and the execution and supervision of political decisions. If democracy is not to be restricted to filling in a ballot paper every four years, or to breed absenteeism as a result of over-frequent elections, it must be focussed on the main spheres of interest of citizens and it must involve a well-balanced distribution of functions between the centre and the periphery: between the central government and the national, regional and local authorities; between the headquarters of the parties or the trade unions and their local branches; between the centre of power in an economic group and its various branches or individual firms.

Here lies the strength of the federalist method, which involves the coexistence of a strong federal power and articulated independent units. A decentralized system enables each individual to make the contribution which he is best able to make; the citizen takes part in the work of his local authority and his party, the worker in his factory and his trade union. How can they fail to take an interest in these matters which are of such immediate concern to them? These delicate mechanisms which foster the development of individual human cooperation, are not merely microcosms. They are at the same time a basis, a counterweight and a buttress for the pyramid of power rising to the central authority which, owing to its position and its powers, enjoys the sole right of taking decisions which are binding upon the entire community. Policy making at the summit is carried out by an overall political authority which embraces, but does not absorb, all the partial pyramids representing the various sectors of activity and the various areas. This body politic, whose bloodstream moves from the periphery to the centre and back again, reflects the numerous allegiances of the citizens—family, town, profession, party—and also the fact that they belong at the same time to a wider community—their nation and Europe. This is the common and varied basis of the future European federation.

This united Europe will be a laboratory in which, by a peaceful process, new forms of political, economic and social organizations

will be developed. It will be equipped with dynamic machinery, made up of separate but inter-meshing cogs. The federal system makes it possible to carry out evolutionary experiments in the light of a varied social pattern, to carry out a continuous task of creation and adaptation, and to reduce the dangers of error which are aggravated by a centralized system. Moreover, it brings in the human factor; the world as it really is replaces abstract conceptions of the good or the absolute. And the model which we have built up, using solely the material at our disposal, must be regarded in this light: it is not rigid or ideal—it is a working tool, a starting point, or, for the present, a basis for discussion.

Federalism makes allowances for God and the devil, for the rational and the irrational in life and society. For this reason, although it seeks the best it will not put forward a perfect and absolute solution. It counters the threat of social explosions by providing a system of safety valves which supplement its main motive force: voluntary membership. In the new Union, based entirely on voluntary participation, the growth of consciousness and the affirmation of the personality of individuals and their groups lead to an enrichment of the community as a result of an adequate organization of social forces providing possibilities of evolutionary change. Hence federalism tends to produce a dynamic and balanced synthesis, among so many other possible syntheses, between the individual and the community. In the words of Kardiner a stable society is based on a human unit which is integrated on an obedience principle as well as on a free acting principle. Stability is maintained largely by the fact that individuals are not blocked in their development and can contribute to the common good and participate in it according to their talents. These considerations are applying to European integration in so far as it is already engaged on the path to an orginal Federation. If we are right in our analysis of principles and facts and in our forecast, Europe can be united only on federal lines.

Note on the Author

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