

Étienne Deschamps, François de Menthon and his draft Federal Constitution for a United States of Europe (June 1948)

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François de Menthon and his draft Federal Constitution for a United States of Europe (June 1948)

by Étienne Deschamps, Centre Virtuel de la Connaissance sur l'Europe (CVCE)

The European Parliamentary Union (EPU) was founded in July 1947 on the initiative of Count Richard Coudenhove-Kalergi, founder of the International Paneuropean Union and its President since 1923. Faithfully pursuing his aim of uniting Europe politically, Coudenhove decided after the Second World War to mobilise the non-Communist members of Western Europe's national parliaments with a view to exerting decisive pressure on their respective governments. His immediate objective was the establishment of a 'European Constituent Assembly'. In November 1946, he circulated a questionnaire about the creation of a 'European Federation' within the framework of the United Nations to some 4 400 members of the upper and lower houses of the various parliaments. The project was warmly received, particularly in the six countries that were later to form the European Coal and Steel Community (ECSC). Coudenhove's plan was for each parliament to set up, without delay, an inter-party committee that would send representatives to a 'European Congress' — the number of delegates being proportional to the national population. The Congress would be able to formulate recommendations to the national governments before electing a 'Council of Europe', which would function as a standing consultative body to the governments and the United Nations. Encouraged by his success, Coudenhove — who, in 1943, in exile in New York, had produced a preliminary draft of a Federal Constitution for a United States of Europe — called a conference in Gstaad in May 1947. The EPU was officially constituted at the end of the conference, with the Belgian Socialist MP Georges Bohy as its President and Coudenhove as Secretary General. The EPU held its first Congress in Gstaad from 8 to 10 September 1947; it was attended by some 100 elected representatives in 10 national committees.

Following the Gstaad Congress, the EPU set up a 'legal committee' with a remit to draw up a 'Constitution for the United States of Europe'. The committee met for the first time in Paris on 14 December 1947 under the chairmanship of Count François de Menthon and Aart Hendrik Willem Hacke, a Liberal member of the Netherlands Parliament. François de Menthon — who after the War held the successive posts of French Justice Minister, prosecutor representing France at the Nuremberg War Crimes Tribunal and Minister for the National Economy — was at that time an MRP Member of the National Assembly, representing Haute Savoie, and Deputy Chairman of the National Assembly's Foreign Affairs Committee. In 1949, he was to join the international legal department of the European Movement, working under the direction of Pierre-Henri Teitgen to draw up a draft Convention on the European Court of Human Rights. Later, too, between 1952 and 1954, he was to serve as President of the Council of Europe's Consultative Assembly. The final draft text that de Menthon delivered to Coudenhove in June 1948 was directly inspired by a draft federal constitution that had been drawn up in March of that year by Michel Mouskheli and Gaston Stefani, professors of law at the University of Strasbourg, for the Union of European Federalists. On 28 July 1948, the Foreign Affairs Committee of the French National Assembly approved by 21 votes to 6 a motion that de Menthon had tabled calling for the establishment of a 'European Parliament' in accordance with the decisions taken at the Gstaad Congress.

The draft 'Federal Constitution for the United States of Europe' strictly separated the powers and responsibilities of the Member States (of which there were to be a minimum of 10) from

those of the European Federation. It provided, in particular, for a common army and a common defence policy, for European political cooperation, for economic unification and for common citizenship and nationality. In terms of institutions, de Menthon's blueprint for a federal Europe proposed a two-chamber parliament with legislative and budgetary powers, an Executive Council elected by the parliament, and a Court of Justice.

The EPU — which, being composed of elected representatives, saw itself as the provisional repository of European sovereignty and democratic legitimacy — held its second Congress in Interlaken from 1 to 4 September 1948. The delegates considered both François de Menthon's draft and another text tabled by Ronald Mackay, a Labour MP and Deputy Chairman of the British Section of the EPU, who in March 1940 had already proposed a constitution for a supranational European organisation. In the end it was Mackay's proposal which formed the basis for the action plan that the EPU adopted. What became known as the 'Interlaken Plan' for the creation of a European Federation comprised three documents: an appeal to the governments and parliaments of democratic Europe; a resolution to be tabled for adoption by the governments and parliaments of democratic Europe; and the principles of a Constitution for the United States of Europe. Welcoming an initiative by the French and Belgian Governments, who had called on the signatories of the Brussels Treaty to convene a 'European Assembly', the EPU urged that such a gathering should be convened before 31 March 1949 and tasked with identifying immediate practical measures for achieving the economic and political union of Europe in the form of a Constitution for the United States of Europe. In this respect, the Interlaken Plan was more ambitious than a memorandum drafted in August 1948 by the institutional affairs committee (one of whose members was de Menthon) of the 'Joint International Committee of the Movements for European Unity', which restricted the European Assembly's role to studying proposals and making recommendations. Drafted in the wake of the Hague Congress, which had been held from 7 to 10 May 1948 under the auspices of the Joint International Committee, and taken up on 2 September by the Belgian and French Governments, this memorandum proposed the establishment of a European Assembly comprising only representatives of the 16 member countries of the Organisation for European Economic Cooperation (OEEC) which had accepted the Marshall Plan for economic aid to Europe. It formed a basis for the Statute of the Council of Europe, signed in London on 5 May 1949. Meanwhile, between November 1948 and January 1949, de Menthon had taken part in a 'European Union Study Committee' whose 18 members had been appointed by the governments of the five Brussels Treaty countries and instructed to draw up proposals for achieving 'closer union among the countries of Europe'.

By February 1949 the Joint International Committee of the Movements for European Unity had become the European Movement, and later that year it set up its own parliamentary section, which the EPU was to join officially in 1952.

Various aspects of de Menthon's plan are to be found in the 1953 draft Treaty for a European Political Community (EPC) intended to supervise the European Defence Community (EDC). This draft treaty — the work of the constitutional parliamentary committee of the ad hoc Assembly (which included de Menthon among its members) that had been set up by the Common Assembly of the European Coal and Steel Community — provided for the following institutions: a two-chamber parliament, comprising a Peoples' Chamber directly elected by universal suffrage and a Senate with members appointed by the national parliaments, which would have legislative power; an Executive Council (effectively the government of the Community), which would be responsible to the Peoples' Chamber and whose president would be appointed by the European Senate; a Court of Justice, responsible for interpreting

the treaties, settling disputes and ruling on the validity of Council decisions; and a consultative Economic and Social Council.