

## 'The European Statute of the Saar' from the Saar-Volksstimme für Sozialismus und Demokratie (25 October 1954)

**Caption:** On 25 October 1954, the Saar Socialist daily newspaper Saar-Volksstimme für Sozialismus und Demokratie emphasises the efforts of the French and West German Governments to reach an agreement on the future Statute of the Saar.

**Source:** Saar-Volksstimme für Sozialismus und Demokratie. 25.10.1954, Nr. 248; 46. Jg. Saarbrücken: Sozialdemokratische Partei des Saarlandes. "Das Europäische Statut des Saarlandes", p. 1-2.

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## The European Statute of the Saar

By Dr S Lion

With the explicit consent of the Saar Government, an agreement was signed by the Federal Chancellor, Dr Konrad Adenauer, and the French Prime Minister, Mr Pierre Mendès France, in the office of the French Foreign Minister at twenty past three on Saturday afternoon. In the first of its 14 articles, the agreement is given the title 'European Statute of the Saar'. Not until this Franco-German agreement had been signed were the 'Four' thereby able to sign, in the largest assembly room at the Quai d'Orsay, the protocol granting sovereignty to the Federal Republic of Germany and terminating the occupation regime, while the 'Seven' were able to sign the additional protocol to the Treaty of Brussels establishing Western European Union, the future guarantor organisation for the Saar, and the 'Fourteen' the protocol on the accession of the Federal Republic to NATO.

This product of the London and Paris conferences would have remained unsigned without the indispensable French signature and would thus have been a dead letter if Mr Mendès France and the Chancellor had not managed, in the course of their four-hour dialogue in the library of the British Embassy in Paris during the night from Friday to Saturday, to marry the two drafts produced by their Saar experts, which until then had still diverged widely on major points, into the European Statute of the Saar, the wording of which will be revealed at ten o'clock on Tuesday morning. When Mr Mendès France and Dr Adenauer present this Saar Statute to their respective parliaments for ratification, the reciprocal concessions it contains will surely be explained by reference to the need, which they have come to recognise more clearly than most Saar specialists and party leaders, to strengthen the negotiating position of the Western bloc in relation to Moscow by ending the dispute over the Saar. Given the position that the French Parliament happens to have adopted, in the absence of what it deems to be an acceptable solution to the Saar question even the controlled rearmament of the Federal Republic of Germany would have been impossible, let alone its accession to NATO — which, of course, is subject to French consent.

We have no doubt that the majority of the *Bundestag* and *Bundesrat*, the National Assembly and the Council of the Republic will appreciate these considerations in the coming months, when they shall have to decide whether to accept or reject the European Statute of the Saar on which Chancellor Adenauer and Prime Minister Mendès France have agreed. Rejection of the Statute would once again jeopardise the Treaty of Paris of 23 October 1954.

The parliaments of both countries have the satisfaction of knowing that the electorate of the Saar itself will have the final say in a referendum three months after the ratification of the Saar Statute and that fresh elections to the Saar Parliament will be held three months after the people of the Saar approve the European Statute. With effect from the day of ratification of the European Statute, political parties, newspapers, associations and assemblies in the Saar will no longer need special authorisation.

France's Members of Parliament, on the other hand, are likely to set greater store by the fact that external attempts to influence public opinion in the Saar, particularly through the subsidisation of political parties or newspapers, will remain unlawful under the Saar Statute and that the European Commissioner for the Saar, who is to be appointed after the referendum by the Council of Western European Union, subject to approval by the Governments of France, the Federal Republic and the Saar, will be responsible for overseeing compliance with the European Statute of the Saar. Any essential decisions relating to the Saar will be taken by the WEU Council, acting by a simple majority. As previously envisaged in the Van Naters Plan, the European Commissioner will be responsible for the external representation of the Saar, while its defence will be regulated by a treaty to be concluded in the WEU framework.

The European Statute of the Saar will remain in force until the conclusion of the peace treaty. Until then, the French and German Governments are pledged to guarantee the Statute. They are also asking the Governments of the United Kingdom and the United States to assume the same obligation.

The provisions concerning the Saar in the peace treaty are likewise to be submitted to the people of the Saar

in a referendum. This provision is unquestionably a major success for the Federal Chancellor. The limitation of the term of the Franco-German Saar agreement until the entry into force of the peace treaty had already become inevitable, however, when Foreign Minister Georges Bidault declared on behalf of the French Government at the Four-Power Conference in Berlin that the obligations entered into by the Federal Republic of Germany would not be binding on a united Germany. The only reason why Mr Mendès France, in agreement with Saar Premier Johannes Hoffmann, assented to the Saar provisions of the peace treaty being put to a referendum was that the Federal Chancellor had made it a *sine qua non* for his signing the European Statute of the Saar. This means that the status of the European Statute in constitutional law is quite unequivocally that of a provisional instrument.

Nevertheless, if this European Statute proves its worth, no government is likely to dare call for its repeal. Above all, in such circumstances it would be impossible to muster a majority within the Saar in favour of abolishing the European Statute of the Saar.

We believe that this European Statute will stand the test of time, because **its economic provisions**, and not only the preamble-like first article, promise the willing assistance of France and the Federal Republic 'for its greatest possible economic development'. Subject to the Franco-Saar monetary union being preserved until the creation of a European currency and to no action being taken that would ever necessitate the restoration of a border customs post between France and the Saar, and with due regard to the need to protect certain Saar industries, the same economic relations that exist between the Saar and France must gradually be established between the Saar and the Federal Republic. Although this gradual abolition of customs duties in German-Saar trade in goods may take a long time because of the differences arising from social legislation that exist between cost prices on either side of the German-Saar border, the text of the European Statute does provide for an '**immediate**' (meaning, of course, immediately after entry into force) extension of Franco-German trade in goods by means of tripartite agreements, to which the Saar Government would be a party along with the Governments of France and the Federal Republic.

The Franco-Saar State Treaties and the Saar Constitution will have to be adapted to comply with the provisions of the European Statute of the Saar.

Only two statesmen with a bold sense of purpose could have dared to sign a document in which each had made such great concessions as the European Statute of the Saar, well drafted though it had undoubtedly been in its original form by the Socialist Marinus van der Goes van Naters and by the General Affairs Committee of the Consultative Assembly of the Council of Europe, without running a serious risk of disavowal by their own parliaments. The people of the Saar will have the opportunity to pay these pioneers of Franco-German cooperation the sincerest form of compliment in the referendum on their agreement.