

'The Schuman Plan' from L'Aurore (17 April 1951)

Caption: On 17 April 1951, on the eve of the signing, in Paris, of the Treaty establishing the European Coal and Steel Community (ECSC), Paul Bastid, Director of the French daily newspaper L'Aurore, considers the main provisions of the future Treaty and emphasises the ways in which the basic text should be relaxed.

Source: L'Aurore. France-libre. 17.04.1951, n° 2.052; Xe année. Paris. "Le plan Schuman", auteur:Bastid, Paul , p. 1; 3.

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The Schuman Plan

By Paul Bastid

A conference of the six Foreign Ministers at the Quai d'Orsay is considering, revising and supplementing the draft Treaty establishing the European Coal and Steel Community which was submitted to it by a committee of experts. The talks started on the 12th, but the signing is likely to take place tomorrow morning. Whatever happens, final implementation of the Schuman Plan is now in sight.

After the initial enthusiasm which the French Government's bold initiative aroused, resistance and criticism now get their turn. Opposition on the point of principle has come, as was to be expected, from both the far left and the far right. Apart from that, though, people who initially approved of the plan have become lukewarm, or are sometimes even halfway to being hostile, either because when they were first won round it was only half-heartedly, or because the text which has emerged from the discussions in the Monnet committee disappoints or disconcerts them.

For my part, having seen the Schuman Plan from the outset as a happy attempt at building a united Europe, I do not intend to go back on that view. But, like the majority of members of the Foreign Affairs Committee, I think that there need to be some improvements to the basic text and that the articles left blank need to be given serious study.

That is, in fact, also the line the Conference of Ministers is taking. Most of our concerns are shared by the other states. So there is no reason to fear the worst. Some of my colleagues would have liked the signing to be conditional on a debate first taking place in Parliament. This would have been the exact opposite of any sensible way of proceeding. The Executive negotiates and signs; the Legislature approves or rejects. The Foreign Affairs Committee may have regretted that it was not kept regularly informed of various stages in the negotiations; but the government itself had the matter taken out of its hands, in a sense, so that the experts could deal with it. This can all be grounds for serious criticism levelled at the drafting of the treaty. It is unfortunate that greater care was not taken to maintain an atmosphere of trust between the government and the members of parliament — as indeed between the government and industrial circles. But nothing would warrant the Assembly's trespassing on the constitutional prerogatives of the Executive.

The object of the treaty is to set up a common market and common institutions for coal and steel, so as to contribute to economic expansion, employment growth and a rise in living standards in the Member States. The community takes the businesses as they are, nationalised or independent; but inevitably puts them under a degree of shared discipline, which actually allows for flexibility in certain areas. The result is an extremely complicated mechanism which only seasoned technicians can grasp in detail. The draft comprises no fewer than 95 articles, some of them more than a page long. There is also a special convention laying down minutely detailed rules for the transitional provisions which will allow the gradual adjustment of the various countries to the final common system.

Clearly the plan involves a surrender of sovereignty by the Member States, something which falls within the scope of the new international law and to which only backward thinkers could raise any objection in principle. No international society will ever be built if countries go on clinging fiercely to their traditional prerogatives. But surrenders of sovereignty of this type should only ever be conceded knowingly.

The draft creates a High Authority which will have wide-ranging powers (fixing maximum and minimum prices, setting up production quotas, the right to monitor investment schemes, etc.). It is of no small interest to know who is to be entrusted with such wide powers. The danger would be to make the High Authority a technocratic body, because there is no worse tyranny than that of specialists. It is important that in this necessarily select body (the talk is of its having seven members) the political element should be represented alongside the technical skills. The President of the High Authority will, in practice, be a European Minister for Coal and Steel. It is also important that no systematic majority should be designed into it in advance.

The High Authority is the leading body. It is assisted by a tripartite consultative committee (producers,

workers, consumers and dealers), which it must consult in a certain number of cases but whose opinions do not have any binding force. A council consisting of ministers from the six Member States also gives its opinions or authorisations. But it is the High Authority which in the end has the power of initiative in decision-making.

That is why there needs to be supervision. For this purpose, the plan is for there to be an assembly on parliamentary lines. This assembly will be composed of permanent representatives of the Member States' peoples, and its task will be to monitor the work of the High Authority, which has to send the assembly an annual report on which it can ask oral or written questions. The assembly can force the High Authority to resign by passing a vote of censure. Deciding the composition of this assembly, of course, creates the same problems of proportion as that of the High Authority. It would actually be desirable if it were to be linked openly to the Assembly in Strasbourg.

However, to see off any encroachments by the High Authority on the rights of the Member States and the national industries, normally the most useful body will be a court of justice, of what is in reality a fairly hybrid type, resembling a court of appeal, a tribunal and a council of state all at once. We have asked for certain technical modifications to the planned machinery, designed to bring about a more effective system of defence for states and industries and to give the latter more certain guarantees of redress.

There must also be provision for a situation where one of the Member States might want to bring a case for failure to enforce one of the treaty clauses through an action or on the territory of another state, without the High Authority having spontaneously put matters to rights. In that event, the draft simply provides that the High Authority, to which a question has been referred by the litigant state, may send the guilty state a recommendation for remedying the offence by the measures it considers most compatible with its own economic balance. It might even be wise to go further and allow the state with a grievance to defend itself by taking appropriate steps.

But there are other points which are even more important. The treaty is to be concluded for a period of 50 years. That is an extremely long lease. During such a lengthy period, unforeseen circumstances such as would rock the economy of the system and cause it to have damaging effects may arise. There must therefore be provision for the possible revision of some of the provisions as they are currently formulated.

There is provision, lastly, for a preparatory period and a transitional period. In the first of these, which lasts until the common market has been established, all the institutions of the community are set up, research and consultations are carried out, and there are negotiations with non-member countries. In the second, which is to last five years, steps are taken to organise the gradual adjustment of the various national systems. But it is a little presumptuous to be already setting up, in rigid form, the system to be applied to this transitional period, which the research and consultations carried out in the preceding period might give cause to modify. So we must be open to the idea of supplementary conventions.

These are the main sorts of flexibility that the basic texts require. Once again, these texts, which are not part of the direct business of the governments, remain open to amendment by them. We must all hope that they will not decline to improve them.

The last thing to say is that any failure of the Schuman Plan, although it might give satisfaction to certain political parties or certain interests, would perpetuate the retreat from European reconciliation and would consequently be an attack on the cause of peace.