

Klemens H. Fischer

# The Evolution of the EU Treaties

From the Treaties of Rome to the Conference  
on the Future of Europe

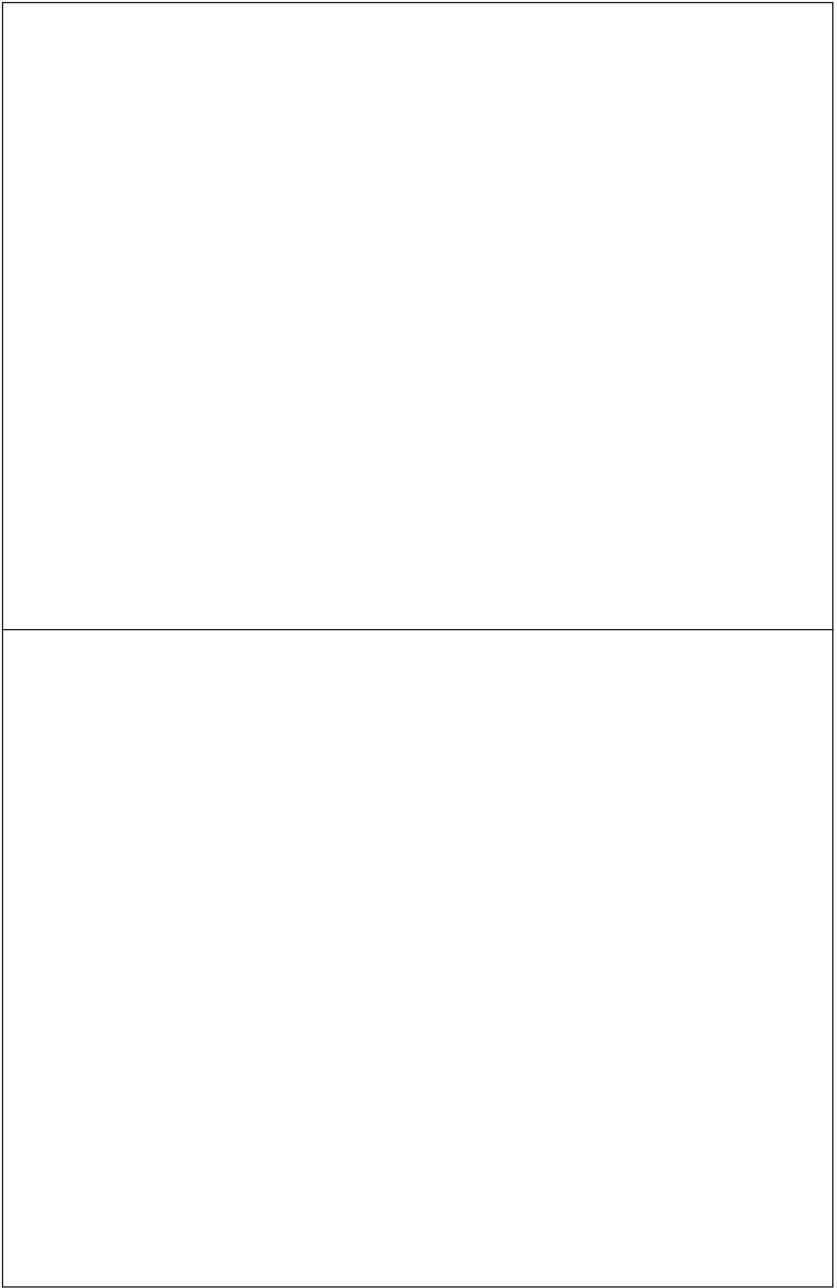
Including BREXIT and the Windsor Framework



HART



**Nomos**



Klemens H. Fischer

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*For Kirsten*

*The journey has been enjoyable  
and well worth making – once.*

*WSC,  
28 Hyde Park Gate,  
January 24, 1965*

*... even a third time.*

*KHF,  
Florence-London-Tōkyō  
December 2023*



## General Remarks and Acknowledgements

*Mieux vaut se disputer autour d'une table  
que sur un champ de bataille.*

Jean Monnet

Every generation claims a *dies ater* or an *annus horribilis* for its era, with the respective intensity being very much adapted to the prevailing Zeitgeist and circumstances. The year 2022, however, can justifiably be classified as an objectively dark year, the beginning of which marks a caesura in Europe. The Russian attack on Ukraine on 24 February 2022 constitutes a *Zeitenwende* that will be comparable to both the Great War and the Second World War. The Founding Fathers of the European Community, which steadily, if not always harmoniously, evolved into the European Union, had in mind the goal of preventing a third Great War by integrating the defeated Axis powers. From its outset in the early 1950s, European integration has always been economically based and dominated, but by its nature it represented a comprehensive peace project unparalleled in history.

The European Union was awarded the Nobel Peace Prize in 2013, a decision that did not meet with understanding or even approval everywhere. This partial ambivalence may have many facets, from general EU scepticism to specific rejection. However, one major reason may be that the peace aspect of the European Union has been all but forgotten in favour of an almost exclusively economic orientation.

Even before the Russian-Ukrainian catastrophe, the European Union's ideal world was already dramatically shaken when the United Kingdom declared her withdrawal and both the EU and the United Kingdom had to learn to live with the consequences of Brexit. Whatever one's view on Brexit, it was the result of a process in which none of the parties involved could convince the other of their respective positions and eventually there was insufficient basis for a sustainable compromise.

Most conflicts are based on a lack of both an understanding of the subject matter and a willingness to explore and understand the opposing view and to find a compromise for the good of all. In this book, I have tried to trace the development of individual EU policies from their beginnings to the present. It is a journey with detours, surprises, disagreements, and

unexpected stops. Above all, however, it is a journey that was ultimately borne by all participants in mutual agreement and compromise.

European integration will continue in one way or another, it will be shaped by endogenous and exogenous processes, it will continue to be a mirror of its time.

We will see in the course of this volume that the reforms of the Treaties came in several waves, originating in the realisation that the Community/Union had to be prepared for the coming and almost foreseeable challenges of each era. The sooner the Heads of State and Government came to this realisation, the better the reforms. Reforms that came under fire did not necessarily meet the multiple challenges. The wisdom of the ancient Romans, expressed in the dictum *sine ira et studio*, is presumably most appropriate.

This book is intended to contribute to the understanding of the development up to the present state and thus also to be a basis for future development.

At this point I would like to thank my long-time publisher NOMOS, who also made this book possible. Above all, I am indebted to the staff at NOMOS, who needed a lot of patience this time. I would also like to thank the staff at Hart Publishing, with whom I was privileged to work for the first time.

My very personal thanks go to my wife, Kirsten B. Fischer, PhD. Not only did she have to accompany one of my books for the third time, but this time she especially motivated me not to give up. My special thanks go to all my friends who took the time to discuss the individual sections of the book with me and who supported me with advice, input and, above all, time, and in the end even remained my friends.

Ceterum censeo ... it is the author's duty to take the blame for everything that went wrong and ask for leniency - that is what I humbly ask of every reader.

Florence-London-Tōkyō, 2024

Prof. Dr. Klemens H. Fischer





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## List of Abbreviations

AA/	as amended by
ACP	African, Caribbean and Pacific Group of States
aka	also known as
BSE	Bovine spongiform encephalopathy
CAP	Common Agricultural Policy
CARICOM	Caribbean Community of States
cf.	see
CFEU	Conference on the Future of Europe
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
CIS	Commonwealth of Independent States
COMECON	Council for Mutual Economic Assistance
CoR	Committee of the Regions
CPSU	Communist Party of the Soviet Union
DUP	Democratic Unionist Party
EAEC	European Atomic Energy Community
EAGGF	European Agricultural Guidance and Guarantee Fund
EC	European Community
ECB	European Central Bank
ECHO	European Community Humanitarian Office
ECHR	European Convention/ Court of Human Rights
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
ECU	European Currency Unit
EDC	European Defence Community
EEA	European Economic Area
EEAS	European External Action Service
EEC	European Economic Community
EESC	European Economic and Social Committee

## *List of Abbreviations*

EFTA	European Free Trade Association
eg.	for example
EMU	European Monetary Union
EPC	European Political Community/ Cooperation
EPU	European Political Union
ERDF	European Regional Development Fund
ERP	European Recovery Program
ESCB	European System of Central Banks
ESF	European Social Fund
ETUC	European Trade Union Confederation
EU	European Union
FPÖ	Freiheitlich Partei Österreichs
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GDR	German Democratic Republic
i.a.	inter alia
i.c.	in concreto
IBRD	International Bank for Reconstruction and Development
IGC	Intergovernmental Conference
IPCR	Integrated Political Crisis Response mechanism
ITO	International Trade Organisation
KPD	Kommunistische Partei Deutschlands
MLF	Multilateral Nuclear Force
NATO	North Atlantic Treaty Organization
OEEC	Organisation for European Economic Cooperation
OJ	Official Journal
OJ C	Official Journal C series
OJ L	Official Journal L series
ÖVP	Österreichische Volkspartei
PES	Party of European Socialists
PSC	Political and Security Committee
QMV	Qualified majority voting
SEA	Single European Act



SED	Sozialistische Einheitspartei Deutschlands
SPD	Sozialdemokratische Partei Deutschlands
SPÖ	Sozialdemokratische Partei Österreichs
TCEU	Treaty on the Constitution for Europe
TECSC	Treaty on the European Coal and Steel Community
TEC	Treaty on the European Community
TEDC	Treaty on the European Defence Community
TEEC	Treaty on the European Economic Community
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
ToA	Treaty of Amsterdam
ToL	Treaty of Lisbon
ToM	Treaty of Maastricht
ToN	Treaty of Nice
TREVI	Terrorisme, Radicalisme, Extrémisme, Violence Internationale
UK	United Kingdom
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
USA	United States of America
USSR	Union of Soviet Socialist Republics
VAT	Value Added Tax
VCLT	Vienna Convention on the Law of Treaties
WA	Withdrawal Agreement
WEU	Western European Union

Notes: Internet links as of 31 March 2024



## I. The Historical Development of European Law

*The unity of Europe was a dream of few,  
became a hope for many, and  
is today a necessity for all.*

Konrad Adenauer

The development of the European integration can only be understood if the circumstances surrounding the founding of the European Coal and Steel Community are explored and even that would fall short. To arrive at an overall picture, we have to look back even further into the history of Europe and make a comparison between the post-war order of 1918 and the post-war order of 1945.

The steps taken after the end of World War I, which today are considered inappropriate, can be identified - at least in part - as contributory causes to the outbreak of World War II and give the politicians who drafted the postwar order in 1945 an even better report card than they are entitled to anyway. On both the winning and losing sides of World War II, politicians, economists, and military leaders had realised that isolating the defeated countries would be the wrong approach to achieve a stable new order; moreover, they all faced with the Soviet Union a newly emerged superpower, unwilling to give up her - recently established - hegemonic power.<sup>1</sup>

The formation of blocs in the West, in the East, and among the non-aligned<sup>2</sup> was the logical consequence. Isolating the defeated nations of Germany and Japan was therefore out of the question, as these two states

---

1 It should not be forgotten that the USSR after World War I had entered into a somewhat strange partnership with Germany, especially in military matters. The reason for this Russo-German rapprochement was the mutual desire to establish relations on a political, military, and economic level; Germany in particular wanted her tank and air force officers to be trained on Soviet territory, as this would not have been allowed on German soil due to the Treaty of Versailles. The Treaty of Rapallo - together with its secret side agreements - sealed Russo-German relations in 1922, being consolidated and expanded in 1926 by the Treaty of Berlin.

2 The only non-aligned state on European soil was to remain Yugoslavia, which maintained close relations with the Soviet Union and was herself communist in orientation but was able to avoid having to join COMECON or the Warsaw Pact.

would have created a vacuum that would almost inevitably have been filled by one of the two blocs - and most certainly not by peaceful means. It may not have been easy for the Western states that were defeated and occupied by the Third Reich in the first half of the war or brought to the brink of defeat to make a sincere peace and integrate Germany as an equal partner in the post-war order. Pragmatism and political foresight - especially in France - triumphed over short-term revanchist considerations.<sup>3</sup>

The foundation of the Coal and Steel Community was the - legal and institutionalised - manifestation of this idea. However, the reaction to the global political situation was also to play an essential, almost determining role in the further history of European integration. The tighter the Iron Curtain and the more tense the East-West confrontation became, the more the Member States of the Community closed ranks. The various waves of enlargement of the Community and the founding of the European Union - as the umbrella of a Community that expanded above all in terms of content - must also be viewed from this perspective. The call for a foreign

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3 Pragmatism in combination with extraordinary flexibility were also evident as early as 1940, when Winston Churchill proposed a union of France and Britain to keep at least La France d'outre-mer alive. This proposal was not aimed as a love marriage, but intended to prevent the French fleet, at a time when France was on the brink of military defeat, from falling into the hands of Nazi Germany. Eventually, the proposed common citizenship, a common parliament, a unified cabinet and common institutions for foreign, defence, economic, and financial policy came to nothing. Great Britain nevertheless defied Hitler and was able to end the war victoriously, France rose from the ashes of the Vichy regime and played a decisive role in the defeat of the Third Reich. But it was not only Messrs Churchill and de Gaulle who were involved in this Anglo-French alliance. A certain Mr Jean Monnet also appears in this rather remarkable story. This idea, which was due to the war situation, was not to remain the last attempt at such an alliance between the two countries. On 10 September 1956, French Prime Minister Guy Mollet boarded a plane bound for London. In his luggage he had a no less unusual proposal. "When the French Prime Minister, Monsieur Mollet, was recently in London, he railed with the Prime Minister the possibility of a union between the United Kingdom and France" (cf. <http://www.theguardian.com/world/2007/jan/15/france.eu>). This quotation from a now declassified document from the time of PM Antony Eden's government shows that the later almost bitter love-hate relationship between France and the United Kingdom may have been the story of a rejected love. It could also have been simply another facet of pragmatic politics. No source suggests that France signed the Treaties of Rome only because she did not enter into an alliance with Britain. Similarly, there is no source evidence that France intended to involve Britain in the integration process of the European Communities through this alliance. Whatever may have been behind the French advances, one conclusion may be legitimate: The politicians who had just survived the horrors of the Second World War were aiming for alliances, not divisions.

minister of the European Union articulated in 2003 only becomes understandable when the events surrounding 11 September 2001 and the resulting wars in Afghanistan and Iraq are considered, just as only the overall view of the political situation in the first half of the 1950s provides an answer to the question of why the European Defence Community ultimately failed in 1954.

Synoptic approaches are faced with the challenge to adequately assess all the relevant circumstances in depth and detail. This may be due, among other things, to the fact that both the selection of these circumstances and their categorisation are subjective. However, they not only allow for criticism, but even encourage it. An absolute portrayal of historical events - in the sense of an all-encompassing portrayal - almost rules itself out. Nevertheless, it is only the historical view that makes it possible to understand the course of events in all its facets. Contrary to all declarations of intent, the synoptic and parallel overall portrayal of European history, as called for by Jorge Semprún on the occasion of the informal meeting of EU Ministers for Culture in Weimar in early autumn 1999,<sup>4</sup> has not yet begun, let alone been written. History is still experienced and written from a national or even regional perspective, without considering the fact that Europe only becomes and is rich through its diversity, that a multifaceted representation of its development is therefore a direct outflow of this diversity and at the same time manifests Europe's diversity. The development of European primary law is not only a matter of legal considerations; these lead to the formulation of ideas, demands, and compromises. Legal texts are in general the statutory outflow of political, economic, and military considerations, which in turn are the reaction to events, processes or developments. They are interdependent and must be understood as a holistic work.

Spanning the arc from the first European Treaty, the Treaty establishing the European Coal and Steel Community, to the Treaty of Lisbon, and including the Conference on the Future of Europe as well as Brexit, is an exercise that presents a particular challenge for both the reader and the author. The aim of this book is to span this huge arc in such a way that the decisive steps of change can be traced before they are finally submerged in the annals of the respective archives. However, such a book can neither be planned nor implemented as a substitute for the relevant commentaries on

---

4 Mr Semprún admitted on this occasion that this kind of historical portrayal would also be subjective, but that it was precisely this subjective portrayal that was an outflow of diversity.

the individual policies of the European Union; this would require several volumes, which in turn would prevent the intended easy access.

The aim and content is a synoptic presentation of the individual stages of development in two respects. On the one hand, from a broader politico-historical point of view, and on the other hand, from the perspective of the deliberations of the intergovernmental conferences that led to the very texts of the Treaties. In the first part, the politico-historical section, the circumstances and background of the genesis of the individual treaties are discussed and placed in the overall picture of the respective political environment. In the second part, which presents the genesis of the individual policies, the politico-historical context is brought together with the concrete negotiating situations in order to give as accurate a picture as possible of the actual course of negotiations and the reasons for certain treaty changes. This synoptic perspective makes certain treaty changes, whose logic threatens to become increasingly obscure to the user after a certain time, both comprehensible and traceable. In the synoptic presentation of the analysis, this edition not only deals with primary law that was once in force or is still in force, but also refers to those provisions that were contained in the failed Constitutional Treaty and nevertheless found their way into the realm of the Union's treaty system by way of the Treaty of Lisbon.

I.1. Establishing the European Coal and Steel Community – 1945-1951 –  
Overcoming War Resentment<sup>5</sup>

*Le talent travaille, le génie crée.*

Robert Schuman

When the surrender of the German Wehrmacht came into effect on 8 May 1945, the guns fell silent on the European theatre of World War II.<sup>6</sup> Not only had it been a total war, but the destruction - both physical and psychological - had reached almost total proportions.<sup>7</sup> In contrast to World War I, not only the frontline theatres of war, but above all the hinterland of the warring parties had been exposed to the effects of enemy fire. Only the United States of America - apart from some attacks by German submarines and warships - had not suffered any damage or territorial encroachment by the enemy (with the exception of the attack on Pearl Harbour, which is not part of the American mainland). The European and Asian warring parties had not only paid a heavy blood toll but were also faced with severely damaged infrastructures and territorial damage.<sup>8</sup> Only twenty-seven years after the peace negotiations in Versailles, the European political landscape had to be reordered from scratch.

However, the situation in 1945 was in many respects not comparable to that of November 1918. The end of World War I also marked the end of centuries-old monarchies; in particular, the successor states of the defunct Habsburg monarchy emerged and were to give the European political landscape a completely new face. Austria remained as the core country of the Habsburg monarchy and became a federal republic, Hungary, the Czech Republic, and Slovakia turned their backs on the monarchical system of government, but new monarchies emerged in the Balkans - or rather, former monarchies restored themselves as independent states. The

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5 Full text of the Treaty establishing the European Coal and Steel Community: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Axy0022>.

6 The Imperial Japanese troops only surrendered in the Pacific theatre of war - as a direct result of the two atomic bombs dropped on Hiroshima and Nagasaki - on 2 September 1945, one day after the sixth anniversary of the outbreak of World War II.

7 When Reich Propaganda Minister Goebbels called for total war, hardly anyone in the Berlin Sportpalast may have been aware of the direction in which this "total" was to develop.

8 Only the neutral states of Switzerland, Sweden, Spain, and Portugal had survived the war almost unscathed.

Tsarist Empire had already collapsed in 1917 and the Soviet Union had established herself on its former territory. Moreover, Poland had reappeared on the political map as an independent state. In south-east Europe and in the neighbouring Asian and African territories, the Ottoman Empire had totally disintegrated. However, the peace negotiations were not to achieve the desired result; the situation at the end of the war was too emotional, and the urge for reparations and territorial claims overshadowed the original goal of a peace order. As early as in 1918, the last year of the Great War, the American President Woodrow Wilson had formulated his 14-points plan,<sup>9</sup> which was to become the basis of the European post-war order. The aim of this programme was to make the European landscape safe for democracy, as it were, after the end of the monarchies that ruled without popular participation, and at the same time to install a lasting, stable peace order. A central concern was the preservation of the peoples' right to self-determination, which necessarily required a high degree of sensitivity in the drawing of borders.<sup>10</sup> Parallel to a European post-war order, a global organisation was to help avoid armed conflict to a large extent. The newly created League of Nations was destined to be the referring platform; a platform for stabilisation and conflict resolution, a platform for open diplomacy, a platform for democratically legitimised foreign policy.<sup>11</sup> However, the American advance was to quickly lose momentum and give way to mutual territorial claims and demands for reparations. The United States of America withdrew - disillusioned or even frustrated - when the Versailles peace negotiations developed contrary to her intention. The successor states of the defeated war parties were soon confronted with ethnic minorities on their territory who made demands that these young governments found difficult to deal with; in Germany, politicians, military, and other groups felt virtually humiliated by the Treaty of Versailles and sought change; Austria had to come to terms with being reduced from a once gigantic empire to a comparatively small heartland. The League of Nations, which was based on the principle of unanimity, was not the instrument that had been hoped for. The victorious but weakened power Russia which had in the meantime transformed into the communist Soviet Union, was confronted with massive economic, political, and military difficulties.

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9 <https://www.theworldwar.org/learn/peace/fourteen-points>.

10 The treatment of the different ethnic groups should be just as important as the treatment of historically grown entities.

11 All this contrasts with the destabilising settlement of armed conflicts and the secret diplomacy of non-democratically legitimised absolutist ruling dynasties.



These problems led to a self-perception as an isolated quasi-loser. Germany in particular saw herself increasingly isolated and not integrated as an equal partner in the post-war order. To cut a long story short, the post-war order of 1919 was doomed to failure.

Even before the end of World War II was in sight, the future of Germany - and thus of Europe - was to become the subject of controversial debates among the Allies at the Teheran Conference (28 November to 1 December 1943); at most, agreement was reached on the westward shift of Poland's future border. At the Yalta Conference (4 to 11 February 1945), however, the Allies agreed on the division of Germany - and Austria - into four occupation zones and reached an understanding on reparation payments. Parallel to these decisions, the initiative was also taken to establish the United Nations, which was to be a kind of successor organisation to the League of Nations, albeit with a significantly different framework. After the end of all military hostilities and the - provisional - occupation of the former territory of the Third Reich, the decisive conference to shape the post-war order took place in Potsdam (17 July to 2 August 1945). In negotiations that were as tough as they were marked by mutual mistrust, the victorious powers agreed on the final definition of the four occupation zones in Germany and Austria, the establishment of the Allied Control Council in Berlin and Vienna respectively, the procedure for denazification and demilitarisation, the amount and type of reparations, the westward transfer of Poland's border, the reaction to the ethnic expulsions, and the establishment of an Allied Council of Foreign Ministers. These decisions represented the minimum consensus of the Allies, the recognition of the Oder-Neisse line as Poland's new western border and the expulsion of Germans - and Austrians - from the Eastern European states were made definitive.<sup>12</sup> According to the will of the victorious powers, Germany and Austria were to be divided into four occupation zones, but otherwise both

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12 These expulsions were essentially based on the so-called Beneš Decrees in what was then Czechoslovakia and the so-called Avnoj Decrees in what is now Slovenia. The Beneš Decrees in particular were to lead to renewed and extremely emotional debates in Germany and Austria on the one hand and in the Czech Republic on the other on the occasion of the Czech Republic's imminent accession to the EU in May 2004. The Czech Republic - supported by the Commission, namely Commissioner Verheugen, who was responsible for enlargement - successfully refused to repeal these decrees before accession. The reasoning for the refusal adhered closely to the legal opinion that these decrees did not fall under the *acquis communautaire* as will be discussed later.

were to be regarded each as a single economic area and as an independent state. The political situation in the Eastern European states liberated by the Soviet troops was not necessarily pro-Soviet at this time. On the contrary, in some states there were already a number of non-communist parties participating in the respective governments and that way able to exert their political influence. However, the Soviet Union's hegemonic aspirations soon became clear, for example in January 1947, when she intervened massively in the election campaign in Poland and supported the communist-oriented and dominated Democratic Bloc. The year before, the Communist Party had already become the strongest party in Czechoslovakia. The interventions in favour of the communist parties were the Soviet Union's reaction to what she saw as the unfavourable election results in Hungary in November 1945, when the communist party gained a mere 16.9% of the vote and only narrowly remained in government.<sup>13</sup> In Romania, there was blatant electoral fraud in 1947, suppression of the opposition, and the forced abdication of the king. Only Yugoslavia was able to escape the influence of the Soviet Union, as Marshal Tito, although allied with Stalin, otherwise took a fairly independent path. In the referring German occupation zone, the Soviet Union, as the occupying power, enforced land reform<sup>14</sup> and united the Communist Party of Germany (KPD) and the Socialist Party of Germany (SPD) in the newly founded Socialist Unity Party of Germany (SED) in order to permanently prevent the coexistence of two - large and competing - left-wing parties.

The emerging confrontation between the two systems became increasingly apparent, but in contrast to the end of World War I and the political course under Mr Clemenceau, France of all countries was now to play the leading role in the future integration of Germany.<sup>15</sup> However, before these

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13 The elections in Bulgaria in 1945, sometimes referred to as "pseudo-elections", had led both to the result desired by the Soviet Union and to the suppression of any opposition that began immediately afterwards.

14 This land reform, which essentially involved the expropriation and redistribution without compensation of plots of land larger than 100 ha, was to occupy the Federal German courts again in the course of reunification.

15 However, this assessment must also be viewed critically from the point of view that the French Foreign Minister at the time, Aristide Briand, was already vehemently in favour of a united Europe in 1919 after World War I and characterised the system to be aimed for as a "régime d'union fédérale européenne". His plan for Europe was about a united Europe that had to be created on the basis of urgent and vital needs; moreover, this project had to be based on mutual trust. One could even call Mr Briand the Founding Father of a common foreign and security policy, because he

French initiatives could have an impact, the Organisation for European Economic Cooperation (OEEC)<sup>16</sup> and the Council of Europe<sup>17</sup> were founded in 1948 and in 1949 respectively. Alongside these economically and politically oriented organisations, the first military alliances were established, inter alia the mutual assistance pact between the Benelux countries, France and Great Britain in 1948, which also became known as the Brussels Pact.<sup>18</sup> Although Winston Churchill, in his Zurich speech of 19 September 1946,<sup>19</sup> was the first to call for a new foundation of Europe, which would at any rate have to be supported by a partnership between France and Germany, it was the Frenchman Jean Monnet who synthesised the ideas and visions circulating at the time in the plan he developed for the French Foreign Minister Robert Schuman, and both broadened and condensed them to an unimagined extent.<sup>20</sup>

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demanding that such a newly established Europe should, if necessary, also cooperate with other states or even groups of states if they also had an interest in the universal development of peace. In any case, he argued, it was essential to create greater unity in Europe. At the time, in contrast, French policy, which was supported by other interests, did not allow for such thoughts and was heading towards the isolation of Germany.

- 16 The original OEEC later transformed into the Organisation for Economic Co-operation and Development (OECD).
- 17 The fact that the Ministerial Committee of the Council of Europe, in contrast to the Consultative Assembly of the OEEC, to which each Member State sent representatives, was to be the centre of gravity, was due to a reservation on the part of Great Britain, which, while increasingly turning its interest to the European continent, clearly saw her main interest in the Commonwealth and in transatlantic relations. Furthermore, the idea of a European executive that could have limited or even curtailed national sovereignties was both alien and unacceptable to the British, an attitude that still manifests itself - occasionally and to varying degrees - until today and eventually led to Brexit.
- 18 The accession of Germany and Italy in 1954 transformed the Brussels Pact into the Western European Union.
- 19 cf. [http://www.coe.int/t/dgal/dit/ilcd/Archives/selection/Churchill/ZurichSpeech\\_en.asp](http://www.coe.int/t/dgal/dit/ilcd/Archives/selection/Churchill/ZurichSpeech_en.asp).
- 20 In the further development and condensation of these conceptual outlines, Mr Monnet benefited from the fact that he had already wielded considerable political influence in the interwar period as Deputy Secretary General of the League of Nations from 1919 to 1923 and, above all, had clearly seen the failure of the policies of that time.

However, the plan devised by Monnet cannot necessarily be considered original in all its features. In 1713, during the peace negotiations of Utrecht, the French Abbé de Saint Pierre published a "mémoire pour rendre la paix perpétuelle en Europe" based, among other considerations, on the idea that a permanent alliance of princes should be established in order to maintain the European balance of powers. In

Monnet's initiative, which was to go down in history as the Schuman Plan, was on the one hand a reaction to the circumstances after World War II - the already de facto division of Germany and the increasingly tense East-West relationship - but on the other hand it drew lessons from the treatment of Germany after World War I. The Schuman Plan was a novel response to this. Ultimately, there were two options to choose from, either integration or isolation of Germany. The relationship between the Eastern and Western hemispheres had become clearer but nonetheless more complex with both the rise to power of communist parties in the future Eastern bloc countries and the Truman Doctrine. The Truman Doctrine of 12 March 1947, which stated that American aid would be given to all countries resisting communist influence, was the most logical reaction to the Stalin doctrine that communism and capitalism were incompatible.<sup>21</sup> At

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addition, Mr de Saint Pierre proposed that the observance of this alliance should be supervised by a "European Senate", which should have both legislative and executive powers. In addition to French ideas, not least by Mr Rousseau, who praised Mr de Saint Pierre's proposals but did not consider them feasible, it was also German philosophers who advocated a European federation, for example Mr Kant in his memorandum "Ewiger Friede" (Perpetual Peace). At the time of the Congress of Vienna, it was again the French who took up these ideas, namely Messrs Saint Simon and Thierry in their memorandum "de la réorganisation de la société européenne ou de la nécessité et des moyens de rassembler les peuples de l'Europe en un seul corps politique en conservant à chacun son indépendance nationale" of 1814. In addition to Mr Briand's initiative mentioned above, the Paneuropa movement founded by the Austrian nobleman Count Coudenhove-Kalergi should also be mentioned here. The Paneuropa movement aimed to create a United States of Europe - excluding the Soviet Union and Great Britain, as they did not conform to the system and formed their own spheres - structured according to the principles of the rule of law. For a detailed collection of sources, which can be seen as a precursor to the idea of European integration, cf. in particular Ziegerhofer et al., *Die „Vereinigten Staaten von Europa“*.

- 21 The Truman Doctrine also represents a turn away from the Monroe Doctrine, developed in 1823, which had itself been directed against the interventionist efforts of the Holy Alliance under the slogan "America the Americans". Whereas the Monroe Doctrine stood for a course of isolationism, the Truman Doctrine stood for a course of direct interventionism.

The Monroe Doctrine comprised (a) neutrality and (b) a policy of non-interference by the USA in European affairs and, in return, banned any interference by Europeans on the American continent. It was intended to exclude colonisation by European powers in particular. The "no-colonisation principle" of the Monroe Doctrine was expanded in the years between 1845 and 1869/70 to the "no-transfer principle", which prohibited non-American powers from ceding colonies on the American continent to other powers without the consent of the USA; in addition, the Monroe Doctrine subsequently prohibited the acquisition of American land by non-American powers

the Moscow Foreign Ministers' Conference in March and April 1947, held shortly after the release of the Truman Doctrine, the differences became abundantly clear. The development of the German occupation zones was unbalanced by the Marshall Plan in that the Soviet Union had almost nothing to offer in the economic field.<sup>22</sup> The USA had offered Poland, the Czechoslovak Socialist Republic (CSSR) and Hungary - as well as the Soviet Union (!) - participation in the Marshall Plan, but under pressure from Moscow these three states refused - needless to say, the Soviet Union (Union of Soviet Socialist Republics - USSR) did not accept the offer either. Participation was by definition out of the question for the Soviet zone both in Germany and in Austria. With the establishment of the North Atlantic Treaty Organisation (NATO) on 4 April 1949, the military dividing lines had in any case been clearly drawn.<sup>23</sup> In 1947, the UK and the USA had already combined their two German occupation zones to form the United

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without the consent of the USA. Finally, the Monroe Doctrine was not, after all, a dogma whose content and scope is taxatively determined, but rather the doctrine was defined by its interpretation at the respective time; however, all of these interpretations had the basic tendency in common that the doctrine should be interpreted as a protective doctrine for the prosperity and security of the people of the USA.

The policy of isolationism - i.e. the economic and foreign policy isolation of a country from all other countries, whereby a sufficiently large domestic market, economic self-sufficiency, and freedom from international obligations must be given as a prerequisite for the long-term success of this policy - was first abandoned by the USA through her entry into World War I in 1917 and finally through her entry into World War II.

The Truman Doctrine, which clearly distinguished between two different forms of society - one characterised by freedom and one by totalitarianism - laid a universal claim and thus stood at the beginning of the US containment policy towards the USSR and thereby formed a cornerstone of the Cold War. The aim of the containment policy was to prevent or contain the spread of communism and Stalinism. The containment policy according to the Truman Doctrine found its direct continuation in the Eisenhower Doctrine. The rather defensive orientation of containment was thereby amended in favour of the aggressive roll-back principle.

- 22 The European Recovery Program (= ERP) - aka Marshall Plan - was an integral part of the implementation of the Truman Doctrine. It included comprehensive US foreign aid to restore the (western) European economy in pursuit of the two goals of (a) expanding the political sphere of influence for protection against Russia and (b) building up a sales market for US industry, which had been fully developed during the war.
- 23 The Brussels Pact fell into insignificance virtually overnight with the founding of NATO and led only a shadowy existence since then. Even the later quasi-incorporation of the Western European Union, which emerged from the Brussels Pact, into the European Union should hardly change this downgrading.

Economic Territory, and in 1948, France and her zone also joined this grouping, resulting in a unified trizone in western Germany, in which the German mark was introduced as a means of payment in the same year.<sup>24</sup>

With these steps, the integration of the western part of Germany had already been advanced almost irreversibly. Nevertheless, France's memory of Germany's rapid strengthening after World War I was still present. Accordingly, Monnet's core idea aimed at integrating Germany into the Western economic sphere and, through this integration, preventing a military conflict between Germany and the Western European states in the long term. The armies of the time were based not least - apart from manpower - on the striking power and mass of the tank and artillery forces deployed. Coal and steel were indispensable for both weapons systems. Mr Monnet's almost ingenious approach was, on the one hand, to prevent Germany from being able to freely dispose of these two components and, on the other hand, to prevent one-sided discriminatory control so as not to provide any possible revanchist forces with a basis for argument. Accordingly, not only the industrial areas in the Rhineland and Westphalia would have to be subject to such control, but also the industrial area in Lorraine.

Such a control, if it did not aim to be discriminatory or to subject France or Germany to an international organisation, would have to be exercised jointly by the two states concerned. Jean Monnet, however, went a decisive step beyond the approach of joint control. Such joint control authorities always contain the national approach, which in the final consequence would lead to a blockade of the authority if it were based on the principle of unanimity. In his eyes, the only way out was a common supranational administration that would supervise these communitarised key industries.

Between 16 April and 5 May 1950, a total of nine versions of the Monnet draft were drawn up, to which a counter-draft was submitted on 6 May 1950. On 9 May 1950, the French government's declaration on a joint Franco-German heavy industry was published, which was henceforth referred to as the Schuman Plan. In the run-up to the publication of the Schuman Plan, positive reactions had already been obtained from Germany, Italy, the Benelux countries, and the United States of America. On 3 June 1950, the governments of the Benelux countries, Germany, Italy, and France agreed to open negotiations on the Schuman Plan in the so-called

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24 Although the introduction of the Deutsche Mark was highly symbolic, the fight against inflation and the prevention of the proliferation of the black market were at the forefront of the introducing decision.