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BUILDING THE EUROPE OF COMMUNITIES. INSTITUTIONAL PRECEDENTS

COSTRUIRE L'EUROPA DELLE COMUNITÀ. PRECEDENTI ISTITUZIONALI

Editoriale Scientifica

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BUILDING THE EUROPE OF COMMUNITIES. INSTITUTIONAL PRECEDENTS[1]

1. *Introduction*

Normally, it is said that the process of European integration that gives rise to the European Union starts after the World War II, although we can find precedents to this process much earlier, because it is clear that the idea of Europe is not typical of the 20th century[2]. Thus, the regional organizations for European cooperation in the post-war hardship situation after the World War II were the immediate precedent to the process of European integration that began in the 1950s[3].

[1] This article is part of the project *Desafíos al* ius ad bellum *en escenarios de zona gris*, submitted for funding to the Ministry of Defence through the 2025 Call for Grants to Promote Defence Culture.

[2] Numerous publications can be found in this regard F. CHABOD, *Historia de la idea de Europa,* Editorial Norte y Sur, Madrid 1967; H. BRUGMANS, *La idea de Europa. 1920-1970*, Moneda y Crédito, Madrid 1972, pp. 25 ss.; E. GRUTER, *L'idée européenne,* Armand Colin, Paris 1971 ; P. GERBET, *La construction de l'Europe,* Notre Siecle, Paris 1983 ; C. ZORGBIBE, *Histoire de l'Union Européenne,* Albin Michel, Paris 2005 ; M. T. BITSCH, *Histoire de la construction européenne,* Éditions Complexe, Brussels 2004; A. MORENO JUSTE, *La idea de Europe: balance de un siglo*, in *Cuadernos de Historia Contemporánea,* n. 21 (1999). About the horrors of war and the international system that emerged from the Second World War, we can see L. MARTÍNEZ PEÑAS, *La progresiva restricción del ius ad bellum: de la guerra como estado basal al sistema de Naciones Unidas*, in *Glossae*, n. 22 (2025); E. PRADO RUBIO, *Aproximación histórico-jurídica a los crímenes de lesa humanidad*, Dykinson, Madrid 2024 and EAD. *Evolución de los mecanismos jurídicos de defensa de los Derechos Humanos: una aproximación a la cuestión de la nacionalidad en la UE*, in M. FERNÁNDEZ RODRÍGUEZ, E. PRADO RUBIO, *Telaraña y muro: derecho, instituciones y política en contextos de cambio y conflicto*, Dykinson, Madrid 2024.

[3] This is the general opinión. See P. JURADO MONTEJANO, L. CANGA RODRÍGUEZ VALCÁRCE, *Comunidades Europeas*, Centro de Estudios Procesales, Madrid 1993; J. ABRISQUETA MARTÍNEZ, *La construcción de Europa. Antecedentes, actualidad y futuro de la Unión Europea,* Colex, Madrid 1995, pp. 20 s.; R. PÉREZ-BUSTAMANTE, *Historia política y jurídica de la Unión Europea,* Edisofer, Madrid 2008. For economic coopera-

In this initial period, it is necessary to highlight several factors that influenced the process. Firstly, the effects of the World War II: the huge death toll; the moral trauma in the face of the flagrant violations of fundamental rights and freedoms; the territorial modifications that took place under the principle of return to the frontiers of 1937 with the resulting population displacements; the need to restructure political systems in many countries; the catalyzing of decolonization processes which are violent in many cases[4]; the serious financial effects like the increase of the public debt, the rise of inflation, depletion of gold reserves, scarcity of essential raw materials, lack of means of payment for imports, destruction of infrastructure and urban property, the low levels of production and export; and the bipolarization of the world due to the tension produced between the Western bloc and the Eastern one[5].

Secondly, the driving role of the United States[6] was really important. From the economic point of view, a 1947 memorandum to the Secretary of State, Georges Marshall, prepared by Undersecretary William Clayton, argued that US aid should lead to a European economic federation as Europe would be unable to recover from the effects of war if it continued to be divided into small state compart-

tion, see B. GONZÁLEZ HUERTA, *Cooperación económica: del Plan Marshall al G-20 (1944-2012)*, in *Mediterráneo económico,* n. 22 (2012), pp. 125-138.

[4] For an analysis of some of them, see L. MARTÍNEZ PEÑAS, *En nombre de Su Majestad*, Omnia Mutantu, Valladolid 2016.

[5] There are numerous publications dealing with the Cold War, including A. FONTAINE, *Historia de la Guerra Fría*, Luis de Caralt, Barcelona 1970; J. L. GADDIS, *Nueva Historia de la Guerra Fría,* Fondo de Cultura Económica, México 2011; J. C. PEREIRA, *Los Orígenes de la Guerra Fría*, Arco Libros SL, Madrid 1997; R. E. POWASKI, *La Guerra Fría: Estados Unidos y la Unión Soviétic*a, *1917-1991,* Planeta, Barcelona 2011. The war, in general, has played a historical role of utmost importance in the formation of Europe; not in vain, the first time that the European term is used is to define the set of nations that served under the banner of Charles Martel in the Battle of Poitiers that took place in the 8th century, although other authors already speak of the army of Aetius in the *Campos Catalúnicos* as the first truly European army L. MARTÍNEZ PEÑAS, *El invierno. Aproximación jurídico-institucional a las relaciones internacionales hasta el final de la Edad Media.* Omnia Mutantur, Valladolid 2017, p. 212.

[6] Informal transatlantic cooperation did not originate in 1945, but the period immediately following World War II increased the density of contacts between American and European actors on numerous levels. W. KAISER, B. LEUCHT, *Informal Politics of Integration: Christian Democratic and Transatlantic Networks in the Creation of ECSC core Europe*, in *Journal of European Integration History*, n. 1 (2008), pp. 35-49 (p. 43).

ments. As an example, he looked at the Benelux[7] economic union. Within the policy of containing communism advocated by President Harry Truman, the union of the European countries allied to the United States was seen as a fundamental element to prevent the expansion of communism by the Western world, so Washington helped and intervened for the union to take place:

> One of the primary objectives of the foreign policy of the United States is the creation of conditions in wich we and other nations will be able to work out a way of life free from coercion. This was a fundamental issue in the war with Germany and Japan…
>
> … We shall not realice our objectives, however, unless we are willing to help free peoples to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon them totalitarian regimes. This is no more than a frank recognition that totalitarian regimes imposed on free peoples, by direct or indirect aggression, undermine the foundations of interntional peace and hence on the security of the United States[8].

The integrationist alternative of the countries of Europe began to change from a theory of philosophers or humanists to a need driven by politicians, businessmen, statesmen and some significant sectors of European society, based on shared values: peace as the supreme value; a democratic system of freedoms and economic and social progress as the foundation of the system; and making union a long-term objective. The process of European construction began and some people think that it was one of the main utopias of the 20th century[9].

[7] The authors also refer to the influence of the Benelux customs union model on future European integration. S. NASRA, M. SERGES, *Between Charlemagne and Atlantis: Belgium and the Netherlands during the first stages of European Integration (1950-1966)*, in *Journal of European Integration History,* n. 2 (2012), pp. 183-205 (p. 183).

[8] Recommendation for assistance to Greece and Turkey. Address of the President of the Unites States. 80th Congress 1st session. House or Representatives. Document n. 171.

[9] MORENO JUSTE, *La idea de Europa* cit., pp. 167-168.

2. *The Organization for Economic Cooperation and Development (OECD)*

One of the first and most relevant regional cooperation organizations to emerge after the World War II was the European Organization for Economic Cooperation and Development, whose main function was to distribute the financial aid that the United States granted to European countries so that they could rebuild their structures and economies after the World War II[10]. Thus, the American influence was evident in this organization. The US was interested in granting aid for several reasons.

Firstly, the acceptance of this aid was linked to the signing of bilateral trade agreements between the recipients and the supplier. Thus, the reconstruction of the Western European states increased trade between both parties. In this way, the Washington government ensured trade partners that would boost its own economy.

Secondly, the aid was politically motivated. The foundation of political reconstruction was the economic one, involving the re-establishment of democratic systems and rule-of-law states with strong and free institutions that could prevent a new conflict. These recovered countries would approach the orbit of American influence and constitute a frontier against the expansion of communism, argument of the American policy of containment of this ideology, synthesized in the so-called Truman Doctrine[11].

[10] During the months following Liberation, the most urgent cases were handled by a United Nations specialized agency, financially maintained by the United States. UNRRA (United Nations Relief and Rehabilitation Administration). It distributed more than one billion dollars and subsequently disappeared. BRUGMANS, *La idea europea*, cit., p. 112.

[11] «It is logical that the United States should do whatever it is able to do to assist in the return of normal economic health in the world, without which there can be no political stability and no assured peace. Our policy is directed not against any country or doctrine but against hunger, poverty, desperation, and chaos. Its purpose should be the revival of a working economy in the world so as to permit the emergence of political and social conditions in which free institutions can exist». Excerpt from the speech given by Secretary of State Georges Marshall at Harvard University. This information can be seen in this website http://www.nato.int/ebookshop /video/declassified/doc_files/Marshall%20Plan%20speech.pdf.

BRUGMANS, *La idea europea*, cit., p. 114. «The Marshall Plan was decisive step in establishing a political balance in postwar Europe... The aid program confirmed the long-term American commitment to the continent and it stymied the Soviet strategic

Finally, another objective was achieved with the economic aid program: to promote cooperation between European countries as the aid was granted on a global basis, a common amount for all those states that wished to participate so that they would have to agree the distribution according to their needs.

The aid came from the hand of the well-known Marshall Plan[12] when it was announced by the American Secretary of State at the time, Georges Marshall, on June 5, 1947, at Harvard University.

During the first negotiations for the partition between European countries the Soviet rejection to participate in the aid program[13] followed, as well as that of other Communist countries of Eastern Europe or close to the area of influence of the Soviet Union. Although the absence of the countries in the eastern part of the Iron Curtain was a serious blow to the plan. The reason was the creation of the Committee of European Economic Cooperation on July 12, which was made up of the countries of Western Europe, with the sole exception of

objective of a weak and fragmented Europe. It also provoked a more intense response from Stalin, who presumably considered a politically and economically healthy Western Europe a threat to his ambitions and security». D. WILSON, C.S.C. MISCAMBLE, *Harry S. Truman, the Bomb, and the Transformation of U.S. Foreign Policy,* Florida Atlantic University, Florida 2008, p. 13; R. ARACIL, J. OLIVER, A. SEGURA, *El mundo actual: de la Segunda Guerra Mundial a nuestros días, Barcelona*, Editions Universitat de Barcelona, Barcelona 1998, pp. 57-58.

[12] Officially, European Recovery Program. Related to the Marshall Plan, E. SOREL, E. C. PADOAN, (eds.), *The Marshall Plan. Lessons Learned for the 21st century,* OCDE, 2008.

[13]«Stalin decided that the security risk of participating in the Marshall Plan was greater than any possible economic gains. American financial and economic superiority over the rest of the world and the USSR was too great, and, in Stalin's eyes, had already subjugated Britain and France to US interests. The spreading of an American assistance program over the rest of Europe, Stalin reasoned, could allow the United States to impose its will on other states, including the ones inside the Soviet sphere of influence. Stalin decided to thwart the American move, in the absence of economic and financial assets, by political and propaganda means, through the mobilization of West European communism and by an accelerated consolidation of Eastern European States into a bloc of Soviet satellites». V. ZUBOK, *The Soviet Union and European Integration from Stalin to Gorbachev*, in *Journal or European Integration History,* n. 1 (1996), pp. 87 ss. Related to this information, D. PARRISH, M. M. NARINSKY, *New evidence on the soviet rejection of the Marshall plan, 1947: two reports,* Cold War International Historic Project, Washington 1994.

Spain[14]. This committee prepared the Paris Agreement with the estimated financial needs and forwarded it to the United States in September. On October 3, the Foreign Assitance Act was approved with an aid of seventeen billion dollars paid in four years, until September 30, 1951[15].

An international organization was created on April 16, 1948 to receive and distribute this aid. It was called the European Organization for Economic Cooperation and Development. The Treaty of Paris, which created this organization, was signed by sixteen countries and its seat was also installed in the *Palais de la Muette* of Paris. The spirit of the body was reflected in the preamble of the treaty in which the signatories affirmed their desire for solidarity and close and lasting cooperation that would make it possible to lift the ruins of war and restore prosperity.

The treaty was based on the conviction that only a strong and prosperous economy could help to achieve the objectives set out in the Charter of the United Nations. Its purpose was to safeguard individual freedoms, increase overall well-being and contribute to peacekeeping[16]. In an institutional way, the idea of a partnership between economic well-being and the maintenance of peace and democracy has been seen as a milestone in the process of European integration.

The specific objectives of the OECD were therefore: to establish and implement general programs to increase and modernize production; to develop exchanges, reduce tariffs and consider the possibility of establishing customs unions or free trade zones among the signatories; stabilize their currencies, balance their finances, seek full employment and establish arrangements to draw on available manpower in the member states of the organization[17].

[14] Sixteen European countries, eighteen with West Germany and Trieste, met in Paris on July 12, 1947 to draw up a balance sheet of their needs. France, Great Britain, the three Benelux countries, Turkey, Greece, Italy, Portugal, Ireland, Austria, Switzerland, Sweden, Norway, Denmark and Iceland. Spain and Switzerland were excluded from this aid. Spain did not become a member of the OECE until 1959. GERBET, *La construction de l'Europe*, cit. p. 81.

[15] BOSSUAT, *The Marshall Plan,* cit. p. 13.

[16] The balance sheet of this organization prepared by the secretariat itself can be seen in A. GURRÍA, *La OCDE, a los 50 de su creación: logros, retos y decisiones futuras*, in *Revista de economía mundial,* n. 28 (2011), pp. 29-38.

[17] BITSCH, *Histoire de la construction*, cit., p. 38.

According to the treaty, the main institution for implementing these objectives was a Cabinet, a decision-making body which would meet several times a year at ministerial level (Secretaries of State and Treasury) and, more often, at ambassadorial level. The Cabinet was assisted in its duties by an Executive Committee, composed of officials of the Member States, experts in the various fields of activity of the organization. The Cabinet took its decisions unanimously, although this form of voting did not imply a right of veto for each State, but a softened unanimity was applied which allowed a country to abstain from the decision and hence from its application, without preventing the others from adopting it. This main institutional framework was complemented by the existence of a General Secretariat[18].

This organization helped members to consult and share economic reports, as well as developing and liberalizing trade between European countries, thanks to agreements that limited some quantitative and monetary restrictions existing between them. On the contrary, it failed to establish a customs union, as several countries, including the United Kingdom, refused to impose a common external tariff for trade with states outside the organization. There were also attempts at partial unions, between France and Italy, between France, Italy and the Benelux, or the United Kingdom with the Scandinavian countries, but they all failed for various reasons[19]. States were not yet ready to liberalize intra-European trade.

In 1961, the European Organization for Economic Cooperation and Development became a larger organization, thus losing the regional character it had had so far. From that date, the European adjective was removed from its name, becoming the Organization for Economic Cooperation and Development (OECD) and joined the same countries as the United States and Canada (which were only associated before) or Japan, among others.

[18] GERBET, *La construction de,* cit., p. 83.

[19] The names intended for these failed attempts were Fritalux, Finebel, or Uniscan. This aspect is deeply studied by F. FAURI, *Italy in International Economic Cooperation: The Franco-Italian Customs Union and the Fritalux-Finibel Negociations*, in *Journal of European Integration History,* n. 2 (1995), pp. 27-45.

3. *The Western Union*

A month before the signing of the treaty establishing the OECD, another had been signed giving life to a new organization with different objectives, the Western Union. The Treaty of Economic, Social, Cultural and Collective Self-Defense Partnership was signed in Brussels on March 17, 1948. Considering the post-war context, the initiative was due to the fear of the expansion of communism by the European West and to a new armed conflict, as recognized by the Commander-in-Chief of the German zone occupied by the U.S., Lucius Clay[20]. The propaganda of the East against the Marshall plan as an element of influence in fear[21] must be added to this wording. As a result of these misgivings, the Secretary of State from France (Georges Bidault) and the Great Britain (Ernest Bevin) demanded military aid from the United States to deal with a hypothetical Soviet attack[22]. Thus, the idea of setting up a European defensive cooperation mechanism emerged.

France and Great Britain had already begun their military cooperation with the signing of the Treaty of Dunkirk in March 1947. In this document, they undertook to establish a common defense in case of aggression through diplomatic consultations, although this treaty was primarily aimed at dealing with a possible German aggression[23]. In January 1948, both governments began diplomatic consultations to draw up a second agreement, inspired by the Treaty of Dunkirk, but broader, as they also aspired to contain the expansionist policy of the

[20] BITSCH, *Histoire de la construction*, cit., p. 39. On the system the changes in the nature of conflicts after the Cold War can be seen L. MARTÍNEZ PEÑAS, *Redefining conflicts: escalation, attribution and other legal challenges*, M. FERNÁNDEZ RODRÍGUEZ, E. PRADRO RUBIO, E., (coords.), *El derecho como instrumento geopolítico*, Dykinson, Madrid 2024.

[21] There were three central arguments of Soviet reaction, not only to the Marshall Plan, but to any movement of possible European construction: American control over Europe, remilitarization of West Germany and the preparation of a new war. W. MUELLER, *The Soviet Union and Early West European Integration, 1947-1957: From the Brussels Treaty to the ECSC and the EEC*, in *Journal of European Integration History,* n. 2 (2009), pp. 67-85 (pp. 70-71).

[22] GERBET, *La constuction de l'Europe*, cit., p. 87.

[23] F. ALCARÁZ ALBERO, *La configuración del marco defensivo europeo tras la IIGM: el papel de la UEO*, *Instituto Español de Estudios Estratégicos, Documento Marco7*/2011, p. 5.

USSR and create permanent institutions[24]. The three Benelux countries, Belgium, the Netherlands and Luxembourg, were also invited[25].

After accepting the invitation, these countries expressed their preference for a broader pact, involving a general alliance and cooperation that, in addition to military matters, dealt with the economic and social fields. With these new objectives, on March 17, 1948, the Netherlands, Belgium, Luxembourg, France and Great Britain signed in Brussels a treaty that aspired to reach cooperation between these countries in the economic, social, cultural and military fields. The essential element was undoubtedly contained in Article 4 of the document, concerning automatic mutual assistance by all means, military or otherwise, to which the signatories undertook in the event of armed aggression in Europe. Thus, the obligation to intervene in a colonial conflict is excluded:

> Si cualquiera de les Altas Partes Contratantes fuera objeto de un ataque armado en Europa, las otras partes contratantes proporcionarán, de acuerdo con la previsiones del artículo 51 de la Carta de las Naciones Unidas, asistencia a la parte atacada y toda la ayuda militar y de otro tipo en su poder[26].

The Treaty of Brussels of 1948 was amended in 1954[27], changing its name to the Western European Union and giving rise to Italy and the Federal Republic of Germany. The amendment also established a vital change in the nature of the organization, as it delegated its military powers to NATO, created shortly after the signing of the treaty on April 4, 1949. This organization consisted of twelve countries as founding states including the five of the Western Union and had been

[24] F. OBRADOR SERRA, *Antecedentes de la Unión Europea Occidental*, in *Cuadernos de Estrategia,* n. 5, 1988, p. 22.

[25] Historically, these territories were administered by the House of Burgundy first and by the Spanish monarchy later. Regarding the period of domination of the latter E. PRADO RUBIO, *La tormenta de las estatuas: orden público y cuestiones jurídicas en la furia iconoclasta*, in *Revista de la Inquisición (Historia de la intolerancia)*, n. 27 (2024) and EAD., *Voorspel, el Preludio*, Omnia Mutantur, Valladolid 2023.

[26] F. ARTEAGA, *La seguridad de la Europa occidental: 1986-1991*, Universidad Complutense, Madrid 1994, p. 384.

[27] A. ELICES HUECAS, *La Unión Europea. La Unión Europea Occidental. Una identidad europea de seguridad y defensa*, in *Cuadernos de Estrategia,* n. 95 (1998), p. 203.

sponsored by the United States[28]. In order to accommodate the change, a new wording was agreed for article 4:

> En la ejecución del Tratado, las Altas Partas Contratantes y cualquier órgano establecido por Ellas bajo el Tratado trabajarán en estrecha cooperación con la organización del Tratado del Atlántico Norte. Reconociendo que no es deseable duplicar los órganos militaras de la OTAN, el Consejo y su Agencia confiarán en las autoridades militares de la OTAN para su información y asesoramiento en asuntos militares[29].

For the Western European Union, this resulted in the renunciation of the development of its own military instruments in order to avoid duplication with NATO. However, it would not be the military sphere alone in which the Western European Union was diluted, since in 1960 it delegated cultural and social competences to the Council of Europe. Moreover, their economic activities were also reduced following the creation of the European Coal and Steel Community and came to a definitive standstill at the beginning of negotiations between the United Kingdom and the Communities in September 1970.

The delegation of powers and the coverage of defense needs by NATO condemned the Western European Union to a period of reduced activity which lasted until the mid-1980s, while the organization was reactivated thanks to the impetus given by the Single European Act to Political Cooperation to develop the defensive field[30]. Since the potential of the Western European Union as a means of uniting countries on the basis of a common threat was diluted in favor of the NATO, so the union between Europe should have come from other means.

As the main institution for its operation, the organization envisaged an Advisory Council, formed by the Secretaries of State of the Member States, whose aim was to be consulted on «a cualquier situ-

[28] The North Atlantic Treaty was signed by the United States, Canada, the Brussels Five, Portugal, Italy, Iceland, Denmark and Norway. In 1951 Greece and Turkey would join, in 1955 Federal Germany and in 1982 Spain, etc.

[29] ARTEAGA, *La seguridad de la Europa occidental*, cit., pp. 385-386.

[30] M. M. IGLESIAS OSTIÁSTEGUI, *La Unión Europea Occidental*, *La convergencia de intereses de seguridad y defensa entre las comunidades europeas y atlánticas*, Ministerio de Defensa, Madrid 1998, pp. 35-65.

ación que pueda constituir una amenaza a la paz, en cualquier área donde esta amenaza pudiera surgir, o un peligro a la estabilidad económica», which empowered the Council to address any matter of interest to its members. These matters had to be decided unanimously.[31]

After a long existence, the Western European Union ceased to exist in 2011, following the entry into force of the Treaty of Lisbon.

4. *The Council of Europe*

This organization was another step to achieve the European cooperation which began after the World War II. The treaty that created it was signed on May 5, 1949, in London, being the result of the international context: the post-war hardship, the bloc policy, the fear of a new conflict, etc. Therefore, the need for a closer union between European peoples was advocated in its Preamble and its articles.

The initiative to create the Council of Europe came driven by the citizenry, focused on the idea of European union. In May 1948 it was organized around the Hague Conference where the so-called Congress of Europe took place between the 7th and the 10th of May 1948[32]. The convocation and the call for its celebration was sponsored by a Coordinating Committee of the Movements for European Unity, which brought together different European movements, and managed to attract around 800 delegates from many countries[33].

Two main trends emerged during the conference. On the one hand, those who advocated intergovernmental cooperation that did not affect the sovereignty of States, which formed the group of unionists. On the other hand, there was a current formed by supporters of federal integration, which led to them grouping under the name of federalists. Within this second trend, there were two different groups (maximalists and moderates) whose distinction referred to the way in which each current posed how they would transfer the sovereignty between the common institution and States: as soon as possible and all

[31] ARTEAGA, *La seguridad de la Europa occidental,* cit., p. 386.

[32] J. M. GUIEU, C. LE DRÉAU, *Le Congrès de l'Europe à la Haye,* Peter Lang, Bruxelles 2009.

[33] A. TRUYOL Y SERRA, *La integración europea. Análisis histórico-institucional con textos y documentos,* Tecnos, Madrid 1999, p. 39.

at once in the case of the former, and against progressive and negotiated transfers of sovereignty in the case of the latter.[34]

At the end of the Conference, the political resolution that was reached, drafted by the unionist representatives Duncan Sandys and René Courtin, was adopted unanimously. It reflected the desire to create a European Parliamentary Assembly and a Council, which would have the task of preparing the political and economic integration of European countries. The resolution also included the adoption of a Universal Declaration of Human Rights and the establishment of a Court of Justice to ensure respect for human rights. These ideas would eventually crystallize in the institutions of the Council of Europe.[35]

The agreements in the political resolution were transmitted to the sixteen Member States of the Organization for Economic Cooperation and Development who received the information. In the Advisory Council of the Western Union, the five Member States of that organization decided to set up a Study Committee for European Unity, chaired by Edouard Herriot of France, where the proposals of the political resolution of the Hague Congress were discussed. The positions varied during the exchange of views. The British representatives envisioned a traditional organization based on intergovernmental cooperation with no delegation of sovereign powers and an assembly under government. Faced with this, the Franco-Belgian position, represented by two heavyweights of their respective diplomacies, Robert Schuman and Paul-Henri Spaak, was in favor of the existence of an assembly of a parliamentary character that expressed the opinion of the citizenry[36], and the establishment of an economic and customs union among the five members. Dirk Stikker and Joseph Bech were Secretaries of State from the Netherlands and Luxembourg and were also close to this position[37], leaving the UK in a minority. Beyond the Atlantic, the United States viewed all these negotiations positively, considering that cooperation and friendship between European states

[34] J. M. HEREDIA, J. *La actualidad de las aportaciones de Salvador de Madariaga a la idea de Europa*, in *Anuario da Facultade de Dereito da Universidade da Coruña,* n. 7 (2003), p. 763.

[35] F. J. MONTES FERNÁNDEZ, *El Consejo de Europa*, in *Anuario Jurídico y Económico Escurialense,* XLVII, 2014, pp. 57-92.

[36] ZORGBIBE, *Histoire,* cit., p. 21.

[37] GERBET, *La constuction de l'Europe*, cit., pp. 91-92.

would avoid a new conflict between countries on the continent and help the creation of an allied bloc against Eastern Europe.

In addition to the five members of the Treaty of Brussels, another five countries were invited to participate in the initiatives emanating from the Hague Congress: Denmark, Ireland, Italy, Norway and Sweden. They all became the founding States of the Council of Europe by drafting its Statute, which they signed on May 5, 1949. The headquarter was established in Strasbourg[38]. This organization has increased its membership throughout its history, reaching the present forty-seven including six observer States.

The first chapter of the treaty, consisting of a single article, reflected the purpose of the organization:

> Artículo 1.
>
> A) La finalidad del Consejo de Europa consiste en realizar una unión más estrecha entre sus miembros para salvaguardar y promover los ideales y los principios que constituyen su patrimonio común y favorecer su progreso económico y social.
>
> B) Esta finalidad se perseguirá a través de los órganos del Consejo, mediante el examen de los asuntos de interés común, la conclusión de acuerdos y la adopción de una acción conjunta en los campos económico, social, cultural, científico, jurídico y administrativo, así como la salvaguardia y la mayor efectividad de los derechos humanos y las libertades fundamentales.

The Member States also undertook to defend fundamental rights and freedoms:

> Artículo 3.
>
> Cada uno de los Miembros del Consejo de Europa reconoce el principio del imperio del Derecho y el principio en virtud del cual cualquier persona que se halle bajo su jurisdicción ha de gozar de los derechos humanos y de las libertades fundamentales, y se compromete a colaborar sincera y activamente en la consecución de la finalidad definida en el capítulo primero.

[38] «Le siège de la nouvelle organisation était établi à Strasbourg, sur proposition d'Ernest Bevin, comme symbole du rapprochement franco-allemand». GERBET, *La constuction de l'Europe*, cit., p. 94.

The Council of Europe, like the previous ones mentioned in this study, is an intergovernmental cooperation organization, although it has an important peculiarity vis-à-vis the OECD and the UEO: it has the first international parliamentary assembly in history. According to the text of its creation, the Consultative Assembly[39], known since 1973 as the Parliamentary Assembly[40], was the deliberative and debating body of the Council of Europe, whose resolutions that should be adopted by a two-thirds majority, were transmitted to the Committee of Ministers, the decision-making function. The Assembly was composed of representatives of the Member States, who met in ordinary session for one month once a year, although it could be convened in extraordinary session by the Committee of Ministers or the President of the Assembly itself.[41]

The Committee of Ministers[42] was defined as the body competent to act on behalf of the Council of Europe. It was made up of the Secretaries of State from the Member States and was generally decided unanimously, thus, each State had a right of veto over proposals. The votes were reserved. This body was responsible for examining the measures necessary to achieve the objectives set out in the treaty and its decisions take the form of recommendations that are not binding on States. In that way, although to a lesser extent than the Assembly, its powers are limited, as this organization lacked coercive mechanisms to ensure compliance with its resolutions[43]. In addition to these two main institutions, the Treaty also provided for the existence of a ministry[44] with administrative functions, composed of a Secretary General, a Deputy Secretary General and the necessary staff to assist them.

Another priority of the Hague political resolution was the drafting of a European Declarations of Human Rights. After the barbarism of the World War II, the defense of human rights at an international level was an objective not only for the various European movements, but

[39] Chapter V, Articles 22 to 35 of the Statute of the Council of Europe.

[40] BITSCH, *Histoire de la construction*, cit., p. 53.

[41] MONTES FERNÁNDEZ, *El Consejo de* cit., p. 66.

[42] Chapter IV, Articles 13 to 21 of the Statute of the Council of Europe.

[43]«De esta manera, aunque el Consejo de Europa continuó siendo un símbolo popular durante largo tiempo, se vio que este primer organismo político de unión europea sería paralizado». In this sense, it is interesting that Brugmans dedicates to the decline of the Council of Europe and the difficulties it had in the first years of its creation. BRUGMANS, *La idea europea*, cit. pp. 145-148.

[44] Chapter VI, Articles 36 and 37 of the Statute of the Council of Europe.

also for the United Nations[45] and became a recurring element in the political discourse of those years[46]. This concern led to the first of the conventions signed under the auspices of the Council of Europe being the Convention for the Protection of Human Rights and Fundamental Freedom,[47] adopted by the Committee of Ministers of the Council of Europe in Rome on November 4, 1950. This Convention entered into force on September 3, 1953.[48]

Title I of the Convention contains a catalogue of civil and political rights which the Member States undertook to guarantee to all persons under their jurisdiction, as well as the limitations that could be adopted for security reasons or for the sake of the freedom of others. The Title II was devoted to the creation of the European Court of Human Rights[49], the main instrument for ensuring respect for these rights. Until the entry into force of Protocol nº. 11 in November 1998, two other bodies played an essential role in this work: the Commission and the Court, both based in Strasbourg. Since that date, a Court sitting

[45] The first article of which sets out the objective of developing and encouraging respect for human rights. The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on December 10, 1948.

[46] J. M. MARTÍNEZ DE PISÓN CAVERO. *Derechos humanos: historia, fundamento y realidad,* Egido, Zaragoza 1997. J. R. FLECHA ANDRÉS, *Derechos Humanos en Europa,* Universidad Pontificia de Salamanca, Salamanca 2009. M. T. FERNÁNDEZ DE LA VEGA SANZ, *Derechos Humanos y Consejo de Europa,* Ministerio de Justicia, Madrid 1985. Y. GÓMEZ SÁNCHEZ, *Los derechos humanos en Europa,* UNED, Madrid 1997.

[47] J. A. CARRILLO SALCEDO, *El Convenio Europeo de Derechos Humanos,* Tecnos, Madrid 2003.

[48] Following the establishment of the Council of Europe in May 1949, the drafters of the draft Convention on Human Rights submitted the draft. The Committee of Ministers decided, in November 1949, to set up a committee of governmental experts to draw up a draft convention collectively guaranteeing a set of rights enshrined in the Universal Declaration of Human Rights of 1948 and after fourteen months of work, It was signed by the Secretaries of State of 13 European countries: Belgium, Denmark, France, Ireland, Iceland, Italy, Luxembourg, Norway, the Netherlands, the Federal Republic of Germany, the United Kingdom, Saarland and Turkey. Countries such as Greece, Sweden, Austria, Cyprus, Malta, etc. signed it later. All members of the European Union are now signatories to the Convention. C. GOUEL, *Conseil de l'Europe et coopération judiciaire pénale dans les années cinquante*, in *Journal of European Integration History,* n. 1 (2000), p. 35.

[49] C. DÍAZ BARRADO, *El Tribunal Europeo de Derechos Humanos. Órgano garante de los derechos humanos en Europa*, *Diario La Ley,* nº. 7075(2008).

permanently in Strasbourg replaced the Commission and the former Court meeting several times a year.[50]

The European Court of Human Rights was composed of one jurist from each Member State[51] who were elected for a term of nine years by the Assembly. The Court is completely independent of the governments of the Member States. Its judgments are final and binding. The execution of the sentence is under the control of the Committee of Ministers and its content plays an important role both in the jurisprudence of the various judicial bodies and in the legislation of the signatory States to the Convention.

The European Convention of 1950 was the first buy not the only one signed within the Council of Europe. The European Social Charter was adopted in Turin in 1961 and came into force in 1965 as a catalogue of economic and social rights. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment came into force in 1989. Recently, the Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence was signed in 2011, among many others[52]. However, the system of guarantees contained in these subsequent conventions is less demanding than that of the Convention on Human Rights and Fundamental Freedoms, as they are based on a reporting system by a committee of independent experts who make recommendations to States.

5. *The Declaration of May 9, 1950*

Following the launching of the first cooperation organizations, the United States was determined that the Federal Republic of Germany should be progressively integrated into the political and economic context of Western Europe, as in the American approach only a strong

[50] On October 31, 1999 the Commission became extinct. J. RUILOBA ALVARIÑO, *El Tribunal Europeo de Derechos Humanos: organización y funcionamiento*, in *Anuario de la Escuela de Práctica Jurídica,* n. 1 (2006), p. 5.

[51] ABRISQUETA MARTÍNEZ, *La construcción de Europa. Antecedentes, actualidad y futuro de la Unión Europea.* Colex, Madrid 1995, p. 24.

[52] For a historical approach to women's rights, see. Mª. D. ÁLAMO MARTELL, *Estudio jurídico de la mujer en el Estado liberal*, in R. PÉREZ MARTELL, (dir.), *Compromiso con los Objetivos de Desarrollo Sostenible*, J. M. Bosch, Barcelona 2021

and cohesive Europe could face the Soviet threat[53] and Europe could only achieve these conditions in the context of a project of which Germany was a key part. Thus, after the formation of the republic and the adoption of the Constitution of 1949, Germany gradually regained its sovereignty as well as the ability to maintain an army and be a part of the European organizations and the NATO[54] security structure. France was afraid of the recovery of German industrial power, as well as a possible renewal of hostilities in the future. France's interest, as opposed to Washington's position, was to maintain for as long as possible a policy of obstructionism and of maintaining the maximum possible restrictions on the newly created German state, slowing its reindustrialization.

The main focus of tension between France and the Federal Republic of Germany was on the coal and steel industry which were fundamental materials at the time. Each country wanted free access to the resources of the other since France was richer in iron, while Germany was in coal. The latter was one of the main sources of energy at the time, and iron and steel were central to the arms industry. In addition, steel was produced from the union of iron and carbon, an element in which coal is rich.

After World War II, the nation's industrial production was restricted in various ways due to the occupation of the German territory

[53] R. W. PRUESSEN, *Cold War Threats and America's Commitment to the European Defense Community: One Corner of a Triangle*, in *Journal or European Integration History,* n. 1 (1996), p. 60.

[54] The new West German state was created, and remained during its early years, under the tutelage of the Allies, who maintained important military contingents on federal territory, which retained control of the country's foreign policy and reserved the right to resume all powers if external conditions required it or if the democratic form of government was threatened. The regulation of this form of limited sovereignty was enshrined in the Occupation Statute of September 21, 1949. Under the terms of this text, an Allied High Commission for Germany (ACA) was also set up, consisting of an American, British and French High Commissioner with the right of veto over the decisions of the German Government. The ACA, based in the Petersberg Palace, actually held supreme power in the FRG, and during the six years of its existence -it was dissolved with the entry into force of the German Agreement on May 5, 1955- constituted the mechanism by which the three western allies exercised their rights as occupiers over the FRG and the western sectors of Berlin. C. SANZ DÍAZ, E*spaña y la Republica Federal de Alemania (1949-1966): política, económica y emigración, entre la guerra fría y la distensión.* Tesis Doctoral, Universidad Complutense de Madrid, Madrid 2005, p. 20.

by the Allies. The United States aspired to eliminate these limitations gradually, but France tried to delay that moment to prevent a new independent German state, strong and more prosperous than France, from once again endangering Gallic integrity. Some key elements in this tense situation were the protectorate that France exercised over the territory of the Saar, formerly German territory, as well as the allied control of the Rhur[55] basin, the largest industrial region in Europe.

The Saar[56], according to the Treaty of Versailles, came under the rule of the League of Nations after the Great War and was administered by France for a period of eighteen years to compensate for the losses suffered in the country as a result of the war. After the World War II, the Gallic nation again occupied the territory, this time by mandate of the United Nations. The Saarland was constituted as an autonomous State in 1947, deprived of international powers, since it was represented abroad by the French government, although it did have a constitution, a parliament and a government, which formed a customs union with France, economic and monetary. The disassociation of this territory from the rest of the Federal Republic of Germany during the post-war period, as well as its importance for French interests, became a source of constant vindication by Germany, which demanded its return to German sovereignty. After the creation of the first of the European Communities, the possibility that the region would be defined as a European territory and seat of the various regional institutions was raised, but this solution was rejected in a referendum by the population in 1955. Finally, the agreement between the two countries was concluded in 1956 with the approval of other occupying powers, by which the Saar was reintegrated into the Federal Republic of Germany. With its entry into force on January 1, 1957, the Saarland was annexed to the German state after twelve years of French administration.[57]

The case of the Ruhr region is similar, and the conflict, like the case of the Saar, dates back to the Franco-Prussian War. This war led to the cession of part of the territory of Lorraine to the German Empire in 1871. With this, the rich deposits of the Briey basin were divid-

[55] BRUGMANS, *La idea europea* cit., p. 153.

[56] J. FREYMOND, *Le conflict sarrois (1945-1955), Revue française de science politique,* Vol. 10, n. 4, *1960.*

[57] C. LION, *Les assurances françaises, la Sarre et la construction européenne de 1945 aux années 1960*, in *Journal of European Integration History*, n. 2 (2009), p. 47.

ed, so that Lorraine contributed to the consolidation of the Ruhr steel complex and German industrial and military expansion[58]. This territory was occupied after World War I by Belgian and French troops, as Germany did not assume economic compensation after its defeat. At the end of World War II, the territory was occupied by the British and the United States, establishing in 1949, through the Ruhr Agreement signed by the United States, the United Kingdom, France and the Benelux countries on April 28, 1949, the creation of the International Authority for the Ruhr, a commission made up of the six former countries plus West Germany, which aimed to ensure that the Ruhr's resources were not used to carry out a new aggression. The International Authority therefore monitored the production of coal and steel and determined the quantity of coal that could be exported by the Federal Republic of Germany. This committee was also abolished in 1951 when the European Coal and Steel Community was created[59].

The need to unite interests around this industry at European level[60] was due to the need to overcome Franco-German rivalry and warmongering, which went back at least to the 19th century, and to the pressure exerted by the US State Department for reconciliation between the two countries.

The Declaration of May 9, 1950, also known as the Schuman Plan, is considered the founding document of the European Union, whose date of presentation is commemorated each year as Europe Day. This document was the result of the action of numerous factors and personalities. The figure of Jean Monnet[61], who spent much time develop-

[58] E. TORRES ESPINOSA, *La Comunidad Europea del Carbón y del Acero, un exitoso y aún inacabado experimento institucional,* in *Biblioteca Jurídica Virtual del Instituto de Investigaciones Jurídicas de la UNAM,* p. 716.

[59] J. GILLINGHAM, *Coal, Steel and Rebirth of Europe, 1945-1955: The Germans and the French from Ruhr conflict to economic community,* Cambridge University Press, Cambridge 1991.

[60] M. T. BITSCH, *La premiére institution supranationales: du nouveau sur l'histoire de la Haute Autorité de la Communauté européenne du charbo et de l'acier*, *Journal of European Integration History,* n. 1 (1995), p. 130.

[61] The central role belonged to Monnet and the idea came from him. However, others like Adenauer, De Gasperi and Schuman are the fathers of supranational Europe. G. BOSSUAT, *Histoire de l'Union européenne. Fondations, élargissements, avenir*, Belin, Paris 2009, p. 165. There are numerous publications about Jean Monnet, such as his own memoirs or other books that review his life journey, for example R. PÉREZ-BUSTAMANTE, *Jean Monnet: Ciudadano de Europa,* Edisofer S.L., Madrid 2008; C. P. HACKETT, *A Jean Monnet chronology. Origins of the European Union in the Life of a*

ing his doctrines on European affairs between 1950 and 1970[62], cannot be overlooked among the people who played a prominent role. He was a French citizen whose first professional activity as a young man was the family brandy business[63]. This early work led him to travel and to cultivate important international relations, so that, he became Deputy Secretary-General of the League of Nations in 1919, a position he would hold until his resignation on December 18, 1922. From that date, he resumed his work at the head of the family business for seven years. During the World War II, he was part of the French Resistance and, after the end of the conflict, was appointed as Commissioner of the France's Modernization and Equipment Plan, a position he held at the time of writing the famous Declaration.[64]

Since Monnet joined the French Committee of National Liberation, he reflected on how to organize post-war Europe. In his view, the continent faced the danger of rebuilding a multitude of sovereign States in which pacts, alliances, mistrust and fear of one another would soon generate a new conflict between neighboring nations. From an economic point of view, European countries were considered too small to guarantee their peoples prosperity. Monnet thought that Europe needed wider markets and it was vital to establish a federation that would make them a common economic unit to achieve that purpose.

Like most Europeans, especially French citizens, who had experienced several direct conflicts with Germany recently, Monnet's thinking after the post-war was focused on containing German industrial and war power, protect France from another invasion and prevent the

Founder, 1988 to 1950, Jean Monnet Council, Washington 2008; F. DUCHÊNEM, *Jean Monnet. The First Statesman of Interdependence,* W. W. Norton. London 1994 or about specific stages of his life. About Monnet's activities in China, you can read H. SU, *The Father of Europe in China: Jean Monnet and creation of the CDFC (1933-1936)*, in *Journal of European Integration History*, n. 1 (2007), pp. 9-24. On his profile as a businessman, you can see P. MIOCHE, *Jean Monnet, businessman avant l'Europe*, in *Journal or European Integration History*, n. 2 (2012), pp. 143-158. Its influence on American politics in the decades after World War II can be seen in J. GILLINGHAM, *American Monnetism and the European Coal-Steel Community in the Fifties*, in *Journal of European Integration History,* n. 1 (1995), pp. 21-36.

[62] H. SU, *Jean Monnet's Grand Design for Europe and its Criticism*, in *Journal of European Integration History*, n. 2 (2009), p. 25.

[63] P. MIOCHE, *Jean Monnet, businessman avant l'Europe*, in *Journal or European Integration History*, n. 2 (2012), pp. 143-144.

[64] BOSSUAT, *Histoire de l'Union européenne*, cit., pp. 150-152.

outbreak of another conflict on the continent. Monnet wrote a note on August 5, 1943, in Algeria, where he envisioned union in Europe and control of the Ruhr under the sovereignty of a European authority. He was already theorizing not only about cooperation between countries, but about the transfer of sovereignty from European nations to some kind of central institution. The possibility of reducing customs barriers and creating a general European market in an attempt to prevent a resurgence of nationalism was also contemplated, which was harmful and caused the catastrophic wars in Europe from his perspective.[65]

During the conflict, Monnet considered the possibility of transforming the nature of Germany once again, separating certain territories from the country (such as the Ruhr and the Saar) to constitute a new industrial state in Europe. This new state, whose natural resources would be exploited by all European nations for the benefit of the continent, would not be comparable to other European nations. In any case, the German question was the starting point and the solution was, one way or another, to reduce its industrial strength so that a new aggression would be impossible in the future. The Europe of which Monnet spoke should be an ally of the United States, otherwise it would not be able to guarantee security and maintain peace on its own. The American option seemed to Monnet the most reasonable for two reasons: firstly, both sides of the Atlantic shared a common civilization, based on freedom and democracy; the second reason was that both sides had common interests, especially from an economic point of view.

In the autumn of 1949, the United States pressured France to plan how to integrate the Federal Republic of Germany into the European environment and economy, allowing its economic recovery and putting an end to rivalry and fear between countries. Thus, in March 1950, the American Secretary of State, Dean Acheson, asked the French Secretary of State, Robert Schuman, to draw up proposals on the matter, before the meeting between France, the US and the UK

[65] Monnet linked the German question to the danger of the rebirth of nationalism in Europe. So, in all his design he introduced his anti-nationalist spirit, because he considered this the greatest enemy of freedom. nationalism was the cause of inter-state conflicts in the past while integration would give Europeans wealth, peace and collective progress. H. SU, *Jean Monnet's Grand Design*, cit., p. 31.

which would take place on May 12 in London[66]. The problem was how to formulate a proposal that was acceptable to the involved ones: French, British, American, as well as to German Chancellor Konrad Adenauer.

The French Secretary of State, Robert Schuman[67], decided to rely on Jean Monnet to plan the rapprochement of the Federal Republic of Germany to the European context protecting French interests. In April, Monnet, along with his closest collaborators[68], secretly drafted a proposal[69]. Since the production of coal and steel and the rearmament of the Federal Republic of Germany, were one of the most problematic issues, the efforts should be focused on this area. In the view of the Commissioner, a global union should not be sought to solve a particular difficulty, but rather the opposite: coal and steel would be the first step towards future economic agreements. Thus, the proposal made coal and steel a guarantee for peace, allowing German steel superiority to be channeled while it was developing for the benefit of Western Europe[70]:

[66] The Franco-German reconciliation was not a new matter. Other personalities had referred to that need, including Winston Churchill. «Thus, by the end of the war and the beginning of the post-war period Churchill regarded a solution to the following political issues as particularly urgent for the development of a peaceful world: Franco-German reconciliation and the re-integration of Germany into the European family of nations» K. LARRES, *Integrating Europe or Ending the Cold War? Churchill's post-war foreign policy*, in *Journal or European Integration History*, n. 1 (1996), p. 23. Except from Winston Churchill's speech at the University of Zurich on September 19, 1946: «The first step in the re-creation of the European family must be a partnership between France and Germany. In this way only can France recover the moral leadership of Europe. There can be no revival of Europe without a spiritually great France and a spiritually great Germany. The structure of the United States of Europe, if well and truly built, will be such as to make the material strength of a single state less important. Small nations will count as much as large ones and gain their honour by their contribution to the common cause». LARRES, *Integrating Europe*, cit., p. 28.

[67] W. DIEBOLD, *The Schuman Plan*, New York, 1959. Seguir aquí

[68] The collaborators within the Commissioner Etienne Hirsch, Pierre Uri, the jurist Paul Reuter and the chief of staff of Robert Schuman, Bernard Clapier.

[69] Only German Chancellor Konrad Adenauer was informed in advance. S. NASRA, M. SERGES, *Between Charlemagne and Atlantis: Belgium and the Netherlands during the first stages of European Integration (1950-1966)*, *Journal of European Integration History,* vol. 18, number 2 (2012), p. 185.

[70] As early as 1947, John Foster Dulles had been thinking of European integration as a mechanism for specifically preventing the renewal of a German menace. R. W. PRUESSEN, *Cold War Threats and America's Commitment to the European Defense*

> World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it.
>
> The contribution which an organized and living Europe can bring to civilization is indispensable to the maintenance of peaceful relations. In taking upon herself for more than 20 years the role of champion of a united Europe, France has always had as her essential aim the service of peace. A united Europe was not achieved and we had war.

Monnet's proposal contained two new elements. Firstly, it made the union of the coal and steel sectors only a first step in a much broader process of integration which would affect the whole economy and lead to a genuine federation of European states[71]. The Declaration stated that:

> Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity. […] The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims.

Secondly, it proposed the creation of the High Authority, an institution which would have a supranational character, since it would be composed of personalities independent of State governments and its decisions would be binding on States.

> To promote the realization of the objectives defined, the French Government is ready to open negotiations on the following bases. […].

The declaration also set out a number of economic and social objectives:

Community: One Corner of a Triangle, *Journal or European Integration History,* vol. 1, number 1(1996), p. 60.

[71] SU., *Jean Monnet's Grand* cit., p. 34.

> The task with which this common High Authority will be charged will be that of securing in the shortest possible time the modernization of production and the improvement of its quality; the supply of coal and steel on identical terms to the French and German markets, as well as to the markets of other member countries; the development in common of exports to other countries; the equalization and improvement of the living conditions of workers in these industries.

The French proposal was welcomed by all the involved nations[72], although the German Chancellor called for equality of rights between France and Germany as prerequisites for implementing the community which praised the text, as well as the removal of controls allied to their industry[73].

On May 9, 1950, the Declaration was published by the French Secretary of State in the French Cabinet. The fact that it already had the support of the United States and the Federal Republic of Germany helped to boost its will. After the tense and long cabinet meeting, the project was announced at a press conference.

The future organization arising from the acceptance of the declaration would be open to the participation of other European countries: «The essential principles and undertakings defined above will be the subject of a treaty signed between the States and submitted for the ratification of their parliaments».

It would be a guarantee of peace and a way to achieve progress, competing with other powers: «the organization will ensure the fusion of markets and the expansion of production».

The reactions that the Declaration provoked in the involved media were not negative, although the fact that it was prepared in secret was criticized, without considering other elements affected by the future organization, such as professionals in the sector that knew the news by the media like the rest of the citizens. The Union of Soviet Socialist Republics, for its part, did attack the nascent integration process, us-

[72] John McCloy, American Commissioner of the Allied High Commission in Germany believed that the future organization would serve as «a sort of test of whether the European countries are yet prepared to work together in creating a progressive European community which will advance the interests of all and overcome the cleavages of the conflicts of the past». PRUESSEN, *Cold War Threats*, cit., p. 64.

[73] F. BERGER, *Les sidérurgistes français et allemands face à l'Europe : convergences et divergences de conception et d'intérêts (1932-1952)*, in *Journal of European integration history*, n. 2 (1997), pp. 49-51.

ing arguments such as the attempt at American control over Europe, the imminent remilitarization of West Germany and the renewal of hostilities by the West.[74]

6. *Conclusions*

In order to take stock of the three organizations considered to be precedents of the European integration process, it can be said that the OCED, the Western European Union and the Council of Europe contributed to increasing, even if was not their objective, the tension between the blocs as the Soviet Union saw in them an attempt by the US to attract to its sphere of influence neighboring countries of the Soviet Union, with the ultimate aim of dominating Western Europe. The emergence of these organizations also generated a reaction in the Eastern bloc as the Molotov Plan was created against the Marshall Plan. This plan was completed with the signing of a network of bilateral agreements with the founding of the Kominform and with the creation in 1949 of the Council of Mutual Economic Assistance. Regarding the creation of the Western Union and NATO, the Warsaw Pact was established in 1955 as a result of the action-reaction strategy prevailing at the time.

On the other hand, the OCED managed not only to increase intra-European trade, but also to increment trust and cooperation between States which had been in conflict with each other recently. It was a small but lasting first step evidenced by the fact that it still exists today, although it has been transformed into the OCED and has managed to increase its membership. However, this organization has lost its regional character and the adjective "European", as well as some of its functions have been replaced, since other later organizations with a higher degree of linkage have dealt with the European economic field: firstly, the European Communities and the European Union thereafter.

With the signing of the agreements that gave life to the OCED supported by the US, the nations of Western Europe were able to choose between two different economic and political systems, and the

[74] W. MUELLER, *The Soviet Union and Early West European Integration, 1947-1957: From the Brussels Treaty to the ECSC and the EEC*, in *Journal of European Integration History*, n. 2 (2009), p. 72.

balance tipped in favor of democratic countries that respect fundamental rights and freedoms.

The cooperation initiated after World War II shows a willingness not to repeat the same mistakes made after the first world conflict. Therefore, instead of opting for a policy of isolation, Germany was opened to participate in European reconstruction, renouncing any semblance of revenge, which had had such serious consequences after the World War I. It sought to promote, whether out of fear or interest, bringing the renewed Federal Republic closer to union with its Western European neighbors. The OCED united countries, whether or not they were allies of the US, in a common objective: the reconstruction and recovery of the continent. The emergence of several organizations shortly after the end of the conflict shows a willingness or a need for cooperation between countries and for a reduction in tension between the countries of the European West.

Perhaps the Western Union can show a less positive spirit due to its defensive character and shows the fear and distrust that still existed on the continent in the immediate aftermath of the war. The number of signatory countries was small compared to the OCED or the Council of Europe, but there was a desire to strengthen ties in other areas, as the Benelux countries demonstrated by extending the scope of the organization to cultural and social aspects, going beyond the initial approach of a purely military entity.

As a negative counterpoint, there was an overlap of organizations. The OCED or the Western Union did not disappear when they achieved the purposes for which they were created, but they survived for decades, even when they were distorted much of its functions by the emergence of new and larger organizations or more effective mechanisms or institutions. This would be the case of NATO, the European Communities and the Council of Europe, with respect to the Western Union; and of the European Communities and the European Free Trade Association (EFTA), in the case of the OCED. Finally, the Western European Union disappeared in 2011, although its powers had been almost completely diluted at that time. For its part, the OCED is maintained, but the decision-making system and the degree of obligation binding its members make it not very operational.

Regarding the operation system and the institutions that formed these organizations, there is a common element in all of them: the Cabinet. It assumes the central decision-making role, consisting of

representatives of the governments of the Member States, who must also take their decisions unanimously. It should be noted that there is a consultative assembly within the Council of Europe, which had a limited role in decision-making, but served as a model for later organizations and as a loudspeaker for issues discussed there.

One of the greatest achievements of the time, extending its effects to the present, was the Council of Europe, especially its mechanism for safeguarding fundamental rights and freedoms. The European Court of Human Rights is today an institution which corrects abuses in the Member States and influences national legislation and case law. It is a pity that other later agreements have not been made equally binding.

Regard the Declaration of May 9, 1950, two main forces inspired the preparation of the document. On the one hand, the American interest in attracting the Federal Republic of Germany to the Western world. Thus, they tried to make it a frontier in the face of the expansion of the dominant communist ideology in the Eastern bloc and drew it into its sphere of influence, given its geostrategic importance and its key role in promoting European economic recovery. On the other hand, the fear of French and other nations that the newly created Germany would embark on an independent and hostile path towards its neighbors on the continent, which could lead to a new world conflict.

The design that was made of the united Europe happened to be a continent that looked towards the Atlantic, with a permanent alliance and a convergence of interests with the United States. In turn, it fostered the common interest of its participants. At that time, this interest concerned only the coal and steel industry, but pursued more ambitious objectives, such as the search for greater prosperity and economic development in the region, promoting a trade union that would make it possible to confront other commercial and technological powers such as the United States or Japan, as well as an ultimate goal: to promote relations between European states and avoid a new conflict.

From Germany's point of view, the plan gave it the possibility to develop economically with the approval of those who had been occupying powers of its territory. The needs of these powers gave the possibility to Germany to demand the return of the Saar to its natural borders, as well as to make disappear the controls on its industry, so that for the German country, the rapprochement with its European neighbors was a way of pressing to recover its economy, its industry

and its sovereignty, which until then was very limited given the distrust that still existed, at international level, on the country.

The beginning of the process of European construction began in a key sector for the time, coal, iron and steel industry. The project was not an end in itself, the idea was that if the result of this first rapprochement was positive, it would be extended to other branches of the economy or to the whole of it, up to a European federation.

With no doubt whatsoever, France played a leading role since the consensus text was prepared by French diplomats. Despite the pressures and interests of other sides, who were partly responsible for the final outcome, the merit of having started the path of European integration must be recognized as a French achievement.