

POSTWAR INTERNATIONAL ORGANIZATIONS PREDECESSOR OF THE EUROPEAN UNION

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Abstract

The European Union, as its existence that we can meet in the present moment, is not a creation which came out of nothing or arising of the history's hazard, but is rather an evolutionary process that began after the end of the Second World War. In this respect, in their continuing search for security, cooperation and common prosperity, European countries have made, in turn, organizations with different profiles (economic, political, security), such as the Treaty of Dunkirk, Western Union, Organization Economic Cooperation in Europe, Council of Europe, Western European Union, all of which are creations precursor Union and, before being dissolved as obsolete or being embedded in Cleaned have served the aims of their times, representing evolutionary steps in defining project European.

Keywords: *Dunkirk, Western Union, Organization for Economic Cooperation in Europe, Council of Europe, Western European Union.*

1. Preliminary considerations.

By the present approach, we want to bring to the attention of readers those international organizations which have planted the seeds of cooperation among European states in the new political, economic and security paradigm which followed the Second World War, following the construction of cooperation or integration on the old Continent, from the Treaty of Dunkirk to the formation of the European Communities.

In this note, we wish to prove that the future European Communities represent the culmination of a process of creating and deepening a culture of cooperation in Europe, who's premises can be identified before World War II, but which is decisively influenced by its catastrophic consequences, and also by the new power configuration which would define the postwar world. We believe that this study is relevant for the student body, specialists and enthusiasts of the domain, due to its relatively sporadic treatment in the Romanian specialty literature, a fact that may be considered the product of the historical circumstances that define Romania's relations with the European cooperation or integration projects. Thus, during the period which holds the events presented, Romania was placed in a different influence zone, as part of the socialist system, its connection with the ensemble of the European community being interrupted. However, given the resumption of Romania's European course, after the fall of the communist regime, and its present status of member state of the European Union, we don't consider as lacking in interest the presentation of the roots of these process and any approach that is likely to support the deepening of European culture

phenomenon in our country and its complete understanding.

As far as we are concerned, in this study that we bring to your attention, we wish to bring our modest contribution towards reaching the aforementioned purposes by chronologically and synthetically presenting the highlights marking the creation of postwar European international organizations that precede the establishment of the European Communities.

For this purpose we use primarily the bibliographical research method, by appealing mainly to primary sources, and especially to the agreements signed by the founding states of the aforementioned organizations. We select from the ensemble of provisions, mainly the elements that appear as characteristic for the purposes of the Member States and for the concrete ways in which they are put into practice.

Following, we perform certain correlations between the events that were presented and we emphasize the role of each moment analyzed in the broader picture of the system consisting of the analyzed organizations and their relationships.

We believe that that our approach can be harmoniously integrated into the overall existing literature in the vernacular doctrinal space, thus contributing to the completion of the already existing assembly of writings with a number of elements of detail, based on the study of primary sources, and also with a number of personal considerations, which we consider to be the starting point for future debates.

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2. The End of World War II and the United Nations.

For this, however, we must start our analysis from a brief description of the postwar international context and a presentation of some provisions of the UN Charter, relevant to the case, without insisting on issues well known to readers that would expand impermissibly the limits of the study we propose to you for analysis.

As the distinguished reader very well knows, the end of World War II offers mankind the full measure of the worst disasters resulting from the destructive action of man in the history of our species. In Europe and in great part of the rest of the world, many generations contemplate their disturbing fate and mourns the tens of millions of deaths, material achievements of many years of human struggle lie destroyed and prospects are almost as grim as the War that has just ended. Moreover, the discovery of the horrors of the Nazi regime, no less important, however, to the communist ones, installed in the USSR and beyond (Eastern Europe, China, part of South-Eastern Asia and in perspective, Africa and Latin America) take a serious question mark over man's ability to cooperate with the different others, instead of using violence fueled by unleashed hatred.

In this context, which we have mentioned because, as constructivist thinkers such as Alexander Wendt teach us, the ideas that dominate the thinking of decision-making people and, more generally, of human societies have great impact on their actions, both victors in the war mentioned and the states that have not taken part in hostilities seek a formula to establish and preserve the future climate of peace and security worldwide, which would make impossible to repeat past experience.

Certainly, having at hand the project, be it failed, of the League of Nations in the interwar period (hence the set of ideas and concepts that materialize in the United Nations is not entirely new, but it already existed in the relevant collective mind), the solution that shows the handiest refers to the establishment of a similar organization, whose charter to correct, however, the vulnerabilities that led to the failure of the previous approach, thus ensuring its superior functionality of Nations.

Thus, starting from the efforts of the period of the war, of the Allied Powers, to bring together the international society to defeating the common enemy, Nazi and others, which we can exemplify in moments, such as the Atlantic Charter (1941), Statement of US President F.D. Roosevelt (Washington, 1942), Moscow and Teheran Conferences etc., but which we will not explain in this endeavor, for reasons related to its wideness, a total of 51 countries signed in San Francisco on June 26, 1945, which became the United

Nations Charter, or, in other words, the constitutive document of the most important organization with universal vocation of the contemporary world.

The stated purpose of the new Organization was, as its Preamble showed, to save future generations from the disaster of war, which twice in the founders' lifetime caused unprecedented human suffering.

In this respect, Article 2 of the Charter expressly mentions the obligation of every Member State to abstain in the conduct of its international relations from the threat or use of force against the territorial integrity or political independence of any State.

To ensure, however, the efficiency and effectiveness of this article, the Charter allowed, and even encouraged, I would say, the existence of regional arrangements or other agents with responsibilities for maintaining international peace and security, provided that such arrangements or structures are consistent with the principles and purposes of the United Nations¹. Moreover, the same Charter expressly specified that the decision making structure with the most extensive powers of the Organization can use these regional organizations for actions to implement the provisions of the Charter, under its close authority².

Moreover, however, one of the symbolic articles of the Charter, namely Article 51, provides that nothing in the Charter does not prevent the inherent right of self-defense, individual or collective, in case of an armed attack against one member of the United Nations, which is exercised until the Security Council takes the necessary measures to maintain international peace and security³.

These fundamental articles of the UN Charter will form the legal basis for the establishment and functioning of European international organizations, before the Union, which we will analyze below.

3. The initial moments of economic integration. BENELUX debut year.

Before analyzing key debut moments of security cooperation it is necessary, as this is required by the chronological criterion, to take a look on what will become the main level of European integration, which will lead to the Union that we see today into being, namely the economic field.

In this regard, we consider it appropriate to begin the analysis with the series of agreements that will serve as a model for the creation of the European Communities, namely the agreements between the Netherlands, Belgium and Luxembourg that will create the space known today as the BENELUX.

Thus, it is useful to remember that the roots of this happy ending are still in the period of the Second World War, more precisely in 1943, when representatives of the governments in exile of the three countries

¹ United Nations Charter, art. 52.

² Ibidem, art. 53.

³ Ibidem, art. 51.

mentioned, meeting in London, signed, on October 21st the Monetary Convention between Belgium, Luxembourg and the Netherlands.

Without going into the many technical details contained in this Convention, which do not fall either in the space, or the purposes of this study, we shall merely present some essential provisions drawn from reading the said Convention.

Therefore, the purpose of this agreement of wills is defined by the signatory parties, by stabilizing monetary relations and facilitating mechanisms for payments between the Netherlands and Economic Union Belgium-Luxembourg (dating from 1921)⁴, as well as between their territories overseas (provisions which will see their relevance diminished with increased decolonization process). Further, the Convention sets out details of the fixed exchange rate between the currencies of the Member concerned, to be used in mutual economic and financial relations, covering a multitude of technical relevant aspects for the covered field.

The next agreement concluded by the same three states that we can consider a vanguard of the European project is the Customs Convention between the Netherlands, Belgium and Luxembourg, signed in London on September 5th, 1944.

It aims to create, upon handing the territories of the Economic Union, Belgium-Luxembourg and the Netherlands, the most favourable conditions for a subsequent sustainable customs union and the resumption of economic activity⁵ disrupted by the ongoing war and the German occupation.

In this regard, starting with its first article, the Parties intended to implement, at the entry of goods from third states on their territory, the same customs duties, according to an annex that was part of their agreement⁶.

We see, therefore, the highly advanced degree of integration that the signatory states suggest from the start, like the common market that the European Communities have achieved many years later.

Further, Article 2 of the Convention includes the prohibition of customs duties collection at the entry of goods from the territory of a Member State in the other signatory states, except for certain categories of goods such as spirits, wines, sugar or tobacco⁷.

To ensure and develop the organization created, Article 3 of the Convention establishes the creation of an Administrative Council of Customs, composed of three delegates from the Economic Union Belgium-Luxembourg and as many from the Netherlands, with President exercised in turn by delegates of the Union and the Netherlands. The purpose of this Council was to propose the necessary measures to harmonize laws

and regulations and administrative regulations regarding the levying of customs duties in the Member States⁸.

We see virtually in those provisions, a possible source of inspiration for future Commissions of the European Communities.

The Board of Directors will be assisted under Article 4, by a Commission of customs disputes, composed of two delegates from the Economic Union Belgium-Luxembourg and the Netherlands, which will decide, ultimately, on complaints relating to decisions of competent bodies of the Parties, which are considering applying legal provisions or administrative regulations resulting from application of the Convention. Member States enforce the Commission's decisions⁹.

In our view, there can be identified some similarities between this committee and the forthcoming Court of Justice of the European Communities, also accounting for the task of ensuring the interpretation and uniform application of Community law.

Further, the Convention also provides for the establishment of a Council of Administrative Regulations for Foreign Trade, with a similar composition of the Administrative Board of Customs and a presidency exercised according to the same model. It will have the mission to provide advice to the competent authorities of the Member States in all matters they wish to regulate, in matters covered by the Convention (customs duties, charges having equivalent effect, imports and exports, transit of goods, licenses, quotas, administrative fees) and coordinate the measures to achieve a common regime in the Member States, to ensure the administration of import, export and transit quotas, common to the Member States and to provide advice to the competent authorities of the Member States concerning all legal measures related to bonuses or grants which Member States want applied¹⁰.

We must not forget the Commercial Agreements Council, composed and chaired by the same rules, competent to ensure as far as possible, the coordination of provisions relative to the relations with third countries¹¹.

We can identify, in the mentioned institutional framework, the seeds of future supranational institutions of the Communities and later the European Union, although the proportions should be maintained properly and assimilation cannot exceed a limited correspondence. However, given that constructions such as the Communities rarely occur spontaneously, ideas that lead to their creation have evolved gradually,

⁴ Monetary Convention between Belgium, Luxembourg and the Netherlands, signed in London October 21, 1943.

⁵ Customs Convention between the Netherlands, Belgium and Luxembourg, signed in London on 5 September 1944.

⁶ *Ibidem*, art. 1.

⁷ *Ibidem*, art. 2.

⁸ *Ibidem*, art. 3.

⁹ *Ibidem*, art. 4.

¹⁰ *Ibidem*, art. 5.

¹¹ *Ibidem*, art. 6.

step by step, we consider useful their exposure in the study which we bring to your attention.

Another provision which appears as interesting consists of temporal application of this agreement, conceived as unlimited¹², which is detached from the practice that we observe applied in international relations, in the period under review.

The aforementioned Customs Union came into force on January 1st, 1948, supporting with its innovative means, however limited they may be, economic recovery, encouraging a free trade in the area bounded signatory states' territories.

4. Transposition of the cooperative spirit of the UN Charter in Europe. Alliance and Mutual Assistance Treaty of Dunkirk.

As indicated in the title of this part of our study, in our opinion, the UN Charter and general predominance of the idea that peaceful cooperation between countries is the paradigm taking place in relations between the states of postwar democratic world. However, in terms of the Treaty which we will analyze, a number of other considerations will contribute to its materialization.

Thus, as we can deduce from the works of neoliberal and constructivist thinkers of international relations science, the cooperation's culture between the two countries can influence in a significant way, their mutual actions. In this sense, history shows the existence of a long cooperation between Britain and France in the field of security, began with Entente Cordiale, marking overcoming the millennial rivalry between the two countries, which did not correspond to the interests and circumstances of the present times. As a result of this agreement, the two states form common front in World War I against Germany, and the second conflagration places them in almost exactly the same circumstances.

It is not surprising, therefore, that, just two years after the end of World War between the years 1939-1945, Britain and France signed in Dunkirk, on Belgian territory (a place chosen also because of its symbolic significance for Anglo-French solidarity, manifested through the joint effort of evacuating approximately 340,000 combatants, of which 120,000 French and Belgian, before the German offensive against France and Belgium, in the spring and summer of 1940), a Treaty of Alliance and Mutual Assistance, on March 4th, 1947.

Even in its Preamble, the parties affirm their desire to confirm, through a treaty, cordial friendship and close association of interests.

The parties also noted the same Preamble, their determination to work together through mutual assistance in the event of any renewal of German

aggressive trends, stating also their belief in the sense of opportunity of concluding a treaty between all parties which hold responsibilities in relation to Germany, in order to prevent it from turning again into a threat to peace.

We see, therefore, in this paragraph, both the intention of extending forms of European cooperation and reminiscences of strategic thinking in the periods before and during the two World Wars. Of course, looking in retrospect at the events, it is easy to accuse Europeans decision-makers of the time of a slight myopia in connection with the distribution of further power and the source of threats to their security, but, judging by the information which they had and in the paradigm of thought developed in previous decades of this Treaty, including marked by two world wars which had Germany as the protagonist, their approach appears as natural. Moreover, we can not know whether the further development of the European security architecture would have been the same if French and German leaders would not be afraid of an uncontrolled rearmament from Germany and would have not insisted to include in all their integrative endeavours.

However, we consider important to note that the Treaty of Dunkirk includes provisions that exceed the security scope aimed at deepening French-British cooperation in a number of other areas. Thus, the Preamble to the Treaty also underlines the intention of the Parties to strengthen economic relations between them to their mutual advantage and in the interest of general prosperity.

However, in terms of the security aspect, Article I of the Treaty includes the obligation of the Contracting Parties to undertake, after mutual consultation and, if necessary, with prospective parties which would have responsibilities for the German problem, those actions on which they will agree upon to end any threats arising from the adoption by Germany of a policy of aggression or any action to facilitate such a policy¹³.

We note in this article, the existence of provisions designed to give Parties the ability to combat since the beginning any aggressive policy of Germany, without allowing it to benefit from the respite necessary to put intentions in practice, as it happened in the recent war that ended. Basically, we can say that we are dealing with a preventive action mechanism which, once implemented, prevents escalation of violence to war.

However, if either Party saw itself again involved in hostilities with Germany, triggered both by an attack launched by Germany and the action carried out in accordance with Article I, described above, the other Party shall provide immediately the full support, military or otherwise, which lies in its possibilities¹⁴.

Moreover, the Treaty also includes in its article V, the obligation for Contracting Parties not to enter into any alliance and not to take part in any coalition

¹² Ibidem, art. 8.

¹³ Alliance and Mutual Assistance Treaty of Dunkirk, art. I.

¹⁴ Ibidem, art. II.

directed against the other Party and not to assume any obligation which is not in accordance with the Treaty¹⁵.

Regarding the duration of this agreement, Article VI sets it to a period of 50 years.

Therefore, in our opinion, we are dealing with an embryo of the future European security architecture. Although maybe its provisions do not represent something new and do not have a pan-European vocation, the Treaty lays the foundation of cooperation that will expand gradually and can be seen in this paradigm as the first part of the whole that is to be defined.

5. Strengthening cooperation on the issue of security. Western Union.

As previously stated, the Treaty of Dunkirk is only a first security cooperation exercise between West European states. Shortly after its signing, policymakers in Britain and France realized that, compared with tensions between Western countries and the Soviet Union (fueled by the aggressive behaviour thereof, exemplified by events such as the Berlin Blockade or the establishment by force of some governments faithful to the Soviet power in Eastern Europe, including Romania) the coalition effort of European states should strengthen. Moreover, we are witnessing, in the same period, a gradual shift of attention from a possible rearmament of Germany, in an uncertain future, to the Soviet aggression, immediately perceptible. This is the framework in which the second security organization analyzed will be established, the Western Union.

Thus, the Constitutive Treaty signed in Brussels on 17th of March, 1948 by representatives of Belgium, France, Luxembourg, the Netherlands and the UK will include, in the preamble, reaffirming the intention of signatory parties to preserve their faith in fundamental rights of the human being, in the dignity and worth of the person and in the other ideals proclaimed in the Charter of the United Nations.

Also, the same Treaty contains a number of core values that Member States share, including democracy, personal and political freedom, constitutional traditions of the Member and the rule of law, considered the common heritage of the legal systems and political conditions in Western Europe.

Accordingly, Member states reaffirm their desire to strengthen the economic, social and cultural ties between them, on which to coordinate their efforts to create an adequate basis for European economic recovery.

In addition to these targets, Parties emphasize what will become, in fact, the most important component of the Organization, namely the security aspect. Accordingly, mutual assistance is an aim of their approach, in accordance with the provisions of the UN Charter, for the maintenance of an international climate of peace and security and to combat any policy of aggression, coming not only from Germany (specifically mentioned) but also from other international players (undefined).

The open, pan-European nature that the Treaty wanted to print to this construction is further emphasized by the desire to associate progressively other states that share the same principles and are animated by the same goals.

However, the Treaty does not begin to state the provisions relating to collective defense, but by the economic provisions. Thus, Article I contains the obligation for Member States to organize economic policies so as to support the common goal of European economic recovery and eliminate the conflict of mutual economic relations.

In order to harmonize the interests and actions of signatory states in the economic sphere an Advisory Board is constituted by the same Article I, stating that membership in it does not contravene the Members' belonging to any other forms of economic association, as long as they pursue similar objectives¹⁶.

Article II of the Treaty also contains a very interesting and ambitious objective, namely to cooperate, both at headquarters and in the various bodies and agencies to achieve a high level of life standard and to accelerate economic and social development in signatory states¹⁷.

Similarly, Article III includes members' wish to promote cultural ties that unite them, forming the foundation of their common civilization¹⁸.

Collective defense will make its appearance in Article IV, which states that if one of the parties will become subject to an armed attack, taking place within the geographical limits of the European continent, the other Parties are obliged to give, in accordance with the provisions of Article 51 of the UN Charter, the necessary assistance, by any means, including military¹⁹.

Moreover, Article VI continues a provision mentioned in the Treaty of Dunkirk, namely the obligation of the parties not to take part in any agreement that would imply provisions contrary to this Treaty²⁰.

The same treaty also includes provisions concerning the settlement of any dispute between Member States which, through its article VIII, brings

¹⁵ Ibidem, art. V.

¹⁶ *Treaty between Belgium, France, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, signed in Brussels on March 17, 1948*, art. I.

¹⁷ Ibidem, art. II.

¹⁸ Ibidem, art. III.

¹⁹ Ibidem, art. IV.

²⁰ Ibidem, art. VI.

them to the attention of the International Court of Justice, if states from which the dispute arises are unable to settle it by better operational means²¹.

Moreover, Article IX provides for the possibility for Contracting Parties to invite other member countries to be part of this agreement, if they agree with the principles, values and concrete provisions thereof²².

Article X establishes, exactly as in the case of the Treaty of Dunkirk, whose natural continuation I, the same validity period of 50 years²³.

We therefore have before us a linear, continuous example of the European security construction and furthermore, of the cooperation development and, ultimately, European integration. This is the conclusion we are led to both due to the expansion of the membership of the new construction, in relation to the Treaty of Dunkirk and the horizontal and vertical development of areas covered by the Treaty, the ongoing cooperation also including economic and cultural aspects, but setting up a specialized institution to coordinate them. Of course, in spite of certain results in economic and social policy and some meetings devoted to this theme, between the Parties, these areas will fall in relative disuse, with the establishment of some perfected forms in the field, here referring mainly to European communities. The security side, however, will develop, gradually having increasingly more advanced forms.

Until then, we propose to consider the efforts made by European countries in the predominantly civil fields.

6. Economic cooperation at continental level. Organization for Economic Cooperation in Europe.

As we said at the beginning of our study, after the end of World War I, Europe was in a state of unprecedented devastation, which left European countries vulnerable to any shock from outside. In this world that was struggling to find itself after the War, two superpowers were left with no other potential adversary, namely the USA and the Soviet Union, and their confrontation would mark the following five decades of world's history, placed under the sign of bipolarism.

United States came out of war with an industry intensified by the effort to support its specific military actions and changing again major industrial producers in the production of peace put a difficult problem, namely targeting goods surplus, which otherwise could create an overproduction crisis. That is why the United States needed a European market able to absorb goods produced and which exceeded domestic consumption

capabilities. But more than that, the United States could not afford communism to expand in Europe. However strong the US economy was, it could not exist without a free world with which to conclude commercial agreements. And as widespread poverty, installed in Europe after WWII could only encourage the rise to power of the communist parties supported by the Soviet Union, it was necessary to help these countries to overcome this state of poverty and thus limit the audience of communist parties²⁴.

The way to achieve these goals has been stated, for the first time publicly by Secretary of State George C. Marshall, in a speech in June 5, 1947, at Harvard University in Cambridge, Massachusetts. His plan, subsequently approved by Congress, which would bear his name, included a helping scheme for European countries on the basis of agreements with each of them, in order to re-launch their economies and combat communist influence. The Marshall Plan, however, involved a much larger mobilization of energies favourable to democracy across Europe, including the opinion leaders' activity, radio and TV media, intellectuals', civil society's activities etc. This vast concentration of energies has reached its goal, in the first elections organized in the European states, after launching the aid plan, communist parties registering unfavourable results.²⁵ However, the Marshall Plan remains, in our view, the Europeans subjected to Communist dictatorships, a distant dream and a limited success, as the Soviet Union did not allow states in its sphere of influence to benefit from US aid.

US aid has also assumed, however, another aspect, namely to encourage, by the Partners over the Ocean, economic cooperation among European states in order to improve its effects. In this regard, benefitting from the contribution of American diplomacy, the governments of Austria, Belgium, Denmark, France, Greece, Iceland, Ireland, Italy, Luxembourg, Norway, Netherlands, Portugal, United Kingdom, Sweden, Switzerland, Turkey and the powers in charge with the occupation areas of Germany, signed on 16 April 1948, in Paris, the Convention for European Economic Cooperation.

The Convention contains a number of obligations on Member States, where we would certainly recognize future provisions of the Treaties establishing the European Communities.

Thus, in the very first article of the Convention, the Parties agree to work closely for the development and execution of a concerted economic recovery program. Its objective was to achieve in the shortest time, and to maintain at a satisfactory level the economic activity, limiting external aid needs, and to develop mutual economic exchanges with third countries. With this stipulation, the signatory states

²¹ Ibidem, art. VIII.

²² Ibidem, art. IX.

²³ Ibidem, art. X.

²⁴ www.cvce.eu, 07.07.2016, accessed on January 16, 2016.

²⁵ Ibidem.

approved the establishment of an Economic Cooperation Organizations in Europe²⁶.

In accordance with Article 2, the Contracting Parties undertook the obligation to strongly promote the development of their production, through the effective use of available resources²⁷.

Also, under the auspices of the Organization, Member States will set up programs for the joint production and exchange of goods. Further, Article 4 is the core of developing countries' efforts in cooperation, the highest possible level of interchange of goods and services. To this end, States bear the obligation to create in the shortest time, a multilateral system of payments and cooperate to ease restrictions on trade and payments between them, in order to finally abolish these restrictions completely²⁸.

In addition, they will continue to study the possibility of establishing a Customs Union or an arrangement similar to a free trade area, as a means to achieve goals set by the Convention²⁹.

States will also assume the obligation to ensure the attainment and maintenance of relative stability of prices and macroeconomic coordinates, which will increase their credibility internationally³⁰.

Another interesting provision, in perspective, of the Convention is the obligation for Member States to seek full employment of labour force and, when needed, to use labour from other partner states. To this end, Article 8 encourages states to adopt measures for the establishment of free movement of labour force and freedom of residence for workers' families and, as a prospect, for the abolition of all obstacles to the free movement of persons in general³¹.

Aims of the Organization were, under the Convention, to prepare and implement measures needed to achieve the aspirations set out in Article 11 (a high level of European economy and cooperation between Members), to facilitate the implementation of this Convention, to adopt the measures necessary for its enforcement and to facilitate the optimal use of states' resources, whether internal or external, and to manage the relationship with the US or other third countries in order to conclude commercial agreements³².

The Convention also establishes a specific institutional system to the freshly created Organization, consisting of a Board, as a supreme decision-making body, which includes representatives of all Member States, an Executive Committee consisting of seven members appointed annually by the Council, before which there is a Secretary General, responsible for managing the technical aspects, a Secretariat, subordinated to it, technical committees and other

bodies. Also, the Organization reiterates, in Article 25, its open character³³.

We find practically, in the scheme shown, both common elements of cooperative organizations and elements that can lead us thinking about the future institutional structure of the European Communities.

7. Initial moments of political cooperation. Council of Europe.

The idea of setting any kind of European political cooperation, in less than five years after a devastating war that took millions of lives, harmed profound national dignity of the belligerent states and, normally, would have created animosity difficult to overcome between countries and peoples of Europe seems difficult if not impossible to conceive, unless we consider the existence, even during war, of some strong resistance movements, in both countries occupied by the Axis powers, and within them.

Furthermore, reversing the course of history made it that, after the war, many members of the movements mentioned or supporters of their ideas reached decision-making positions in West European countries, and thereby had the opportunity to put into practice pro-European vision.

After the feverish activity of all groups of major pro-European influence, on 7 May 1948, an International Congress for the coordination of movements favourable to European unity was convened, in Hague. Although many ideas were presented there, some contradictory and important differences between federalist and functionalist followers were revealed, participants failed to agree on a political resolution calling for convening a representative European assembly, drafting a Charter of Human Rights and creating a Court of Justice charged with interpreting and defending its observance. Actually, their approach benefits from the entire efforts of the US administration, favourable, in general, to the idea of European unity and even more to a form of European unity that includes the Federal Republic of Germany. European federalist movement representatives addressed on 18 August 1948 their draft to the European governments concerned³⁴.

They managed to capture the interest of governments in France and BENELUX, but faced opposition from Great Britain, which rejected the idea of international institutions (or, rather, supranational institutions) whose members are not appointed by the governments of the organization's member states they

²⁶ *Convention for European Economic Cooperation*, signed in Paris, April 16, 1948, art. 1.

²⁷ *Ibidem*, art. 2.

²⁸ *Ibidem*, art. 4 and the following.

²⁹ *Ibidem*.

³⁰ *Ibidem*.

³¹ *Ibidem*.

³² *Ibidem*, art. 11.

³³ *Ibidem*, art. 11-25.

³⁴ www.cvce.eu, 07.07.2016, accessed on 19.10.2016.

belong to. To overcome the crisis, a study committee for the European Union was constituted on October 26, 1948, meeting in Paris under the chairmanship of Edouard Heriott. The Committee reached an agreement and presented Governments of the States mentioned a draft of European Union on 15 December 1948, only to be faced with a new British refusal. After further negotiations, the foreign ministers of the countries concerned reached an agreement on the creation of a Council of Ministers endowed with certain powers of decision and a Consultative Assembly, where members are appointed under a procedure chosen by each individual government³⁵.

The Five (France, UK and the BENELUX countries) invited representatives of Ireland, Italy, Denmark, Norway and Sweden to attend the Conference on the creation of the Council of Europe, held in Saint-James Palace, in London, between 3 and 5 May 1949, after which there was signed what was to become the Council of Europe Statute, which entered into force on August 3rd, the same year, after ratification by the UK³⁶.

Basically, these efforts contain the steps of creating a European Union, a federative entity that, even if it will not be carried out on this occasion, it will inspire efforts to create Communities that will give birth, tens of years later, to today's European Union, which, in turn, can only represent the form of a construction in progress to strengthen.

In what follows, we will present some of the essential provisions of the Agreement on the Statute of the Council of Europe, as it was adopted in 1949. Of course, this document has undergone a number of changes over time, which we will approach in other research efforts.

First, we wish to emphasize that, in the preamble of the Agreement, the signatories considered that it represented the mission of the new Organization. Thus, they emphasized their conviction that consolidation of peace, founded on the ideas of justice and international cooperation is essential for the survival of human society and civilization. Attached to the spiritual and moral values that represented the common heritage of their peoples and which are underlying the principles of individual and political freedom and the rule of law, underpinning genuine democracy, they decided to constitute a Council of Europe consisting of a Committee representing Governments and the Consultative Assembly.

Further, Article 1 of the Statute clearly establishes the Organization's goal: achieving greater unity between Member States and safeguarding and promoting the ideals and principles which are their

common heritage and favors their economic and social progress, an aim had in view through the established institutions. However, letter d) of the same article states expressly that problems in the sphere of national security and defense are outside the Council of Europe's competence³⁷.

To strengthen the above, Article 3 reiterates that all Member States recognize the principle of the rule of law and the one according to which all persons under its jurisdiction enjoy the provisions concerning its human rights and fundamental freedoms, for the observance of which Member States are committed to work together³⁸.

The open nature of the new organization, for any European state that adheres to the principles laid down by the Statute, is outlined in Article 4, while sanctions for failure to comply with it, which can reach up to the withdrawal of membership, are outlined in Article 8.

Further, the Statute provides the institutional structure of the Council, made up of the Committee of Ministers and the Parliamentary Assembly (Consultative, in the French version of the Statute of 1949).

Of these, the Committee of Ministers, composed of the external affairs ministers of member states has as responsibilities examining, on a recommendation from the Parliamentary Assembly or on its own initiative, measures that are necessary to accomplish the purpose of the Council's existence and to facilitate the conclusion, by the States, of international agreements and conventions in the field, thus trying to coordinate their foreign policies, in the areas within its competence. The Committee of Ministers presents the activity report to the Parliamentary Assembly, at each session³⁹.

As for the Parliamentary Assembly, it is the deliberative body of the Council, responsible for the debate of relevant issues in the fields of competence, and for submitting its conclusions to the Committee of Ministers, in the form of recommendations. The Assembly is composed of representatives of Member States, designated under the 1949 Statute, at the desire of Great Britain, according to the rules adopted by each state. Membership of the Assembly is incompatible with that of Member of the Committee of Ministers⁴⁰.

Moreover, the Statute also details the rules of procedure applicable to the institutions mentioned, especially regarding the voting rules for each area. The Council also benefits from the contribution of a Secretariat responsible with managing the

³⁵ Ibidem.

³⁶ Ibidem.

³⁷ *Statute of the Council of Europe, signed in London, 5 May 1949*, taken from www.cvce.eu, accessed on 20.10.2016, available at Archives Nationales du Luxembourg, Luxembourg, Organisations internationales, Conseil de l'Europe - Constitution. Statut du Conseil de l'Europe, AE 12380, art. 1.

³⁸ Ibidem, art. 3.

³⁹ Ibidem, art. 10 and the following.

⁴⁰ Ibidem, art. 10 and the following.

organizational aspects involved by the Organization's existence and activity⁴¹.

We are, therefore, dealing with an organization which benefited from a particularly promising foundation, the pro-European effervescence provided by the federalist movements, but failed in fulfilling the federalist ideal, coming down to an intergovernmental character. It results from a compromise between the original federalist idea and the desire to ensure a pan-European vocation of the Council, in particular by including Great Britain in its composition. Or, as we see in many other aspects related to British foreign policy guidelines, and the dominant mentality at all levels, in this state, the United Kingdom is a constant source of opposition to the supranational aspirations.

8. Conclusions

Summarizing the presented information so far, we are able to conclude that World War II and the new worldwide balance of power that were brought contributed, by undermining the foundations of traditional politics power in Europe and by the shock generated by the magnitude of its catastrophic results, and the emergence of a new actor involved in European issues, namely the US, the emergence and development of a system of cooperation focused on several levels, which led, ultimately, to the creation of the European Communities and, for a longer period of time, the European Union. Moreover, even this creation can not be seen as the end of the road by the analyzed developments, but also as an evolving entity, as can be seen even from the analysis of recent events.

Thus, the analyzed period began with an example of an economic cooperation, namely Benelux Customs Union, in the section dedicated to it being presented as a first exercise of its kind in Europe. Further, we showed how cooperation can target the military aspect, analyzing moments such as the Treaty of Dunkirk or the establishment of Western Union, both steps seen as based on fear of a possible new rearmament of Germany. Next, we presented the role of US involvement in Europe's economic recovery, but also the specific requirements its Atlantic partner had in order to obtain the requested aid, which have an important role in developing a culture of cooperation among European states. Finally, we presented a first exercise of political and legal cooperation between the European states, also exposing the moments that preceded, generated and promoted the creation of the Council of Europe.

In our opinion, the ideas in this framework can be a useful working tool for the readers interested in studying the phenomenon of European construction, thanks to the fact that gives them details about a period somewhat less analyzed in the domestic space.

However, our aim is also to provide premises for the elaboration of approaches for future research, in which case the communication face only serves to draw attention to this field of study, which we consider important because of the natural need to know the starting points, the premises and the context that generated the paradigm in which we find ourselves now.

In particular, we see as possible developments of this theme, the analysis of the initial moments of European Communities, of the stranded episodes as the European Defence Community and European Political Community and, in a broadened context, the development of some works that present, in a full picture, the evolution of cooperation and European integration in the aftermath of the Second World War, giving all the main organizations that make up this framework, in a chronological unfolding, enabling the analysis of the relationships between them and their systemic research.

At the end of this presentation, we can say that, in our opinion, analyzing the constitution and peculiarities of postwar international European organizations, prior to the European Communities, reveals that the idea of European unity, circulated more or less concrete for nearly a millennium, in the space of the Old Continent, reaches, both before and during, and especially after the Second World War, a level of concreteness which places it already, under its various aspects, on the agenda of European and even Americans policy makers. However, at least so far, despite a surprisingly high degree of acceptance of the need for Europe to move in the future towards a federal form of organization, actual achievements are not approaching this level. In other words, *"the European construction has oscillated since its beginning between integration and cooperation, between deepening and staging / rescheduling the progresses that had to be achieved from the collaboration between states"*⁴²This, however, does not justify, in our view, a highly critical approach of the progress achieved in this period in terms of putting the European idea into practice. It is true that, for starters, cooperation focused on the economic component and limited regionally, but we can also notice a cooperation increasingly more extensive at the security level between almost all countries of Western Europe, which will result in future in including Germany, which ended the German aggressive policy, regular source of conflict in Europe. Moreover, we can notice how, after economic and security cooperation exercise, we are witnessing the first political approach that will bring together gradually, almost all European countries, which is, with all its drawbacks outlined above, a first in the tumultuous history of Europe.

All these efforts represent a great milestone in the history of Europe, which makes the transition to a new paradigm that will get more concrete forms with the creation of the European Communities.

⁴¹ Ibidem, art. 10 and the following.

⁴² Laetitia Garat, *Le federalisme dans le Traite de Lisbonne*, apud Mihaela-Augustina Dumitraşcu, *Dreptul Uniunii Europene și specificitatea acestuia*, Universul Juridic, Bucharest, 2012, p.13.

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