

EDITORIAL COMMENTS

The Czechoslovak Crisis

The recent events in Czechoslovakia have come as a heavy blow for all those who, during the last decade, have hoped for a gradual *détente* between East and West. The Russian military intervention in this country, together with four of its Warsaw Pact allies, amongst them the German Democratic Republic, is certainly a shattering experience for the Czechoslovakian people, who had wholeheartedly supported their Government in its experiment to start a process in which socialism could be combined with democratic freedom. The Russians have miscalculated the psychological effect which their attempt to restore "law and order" would have on their relations both inside and outside the communist bloc. Within the communist movement they have lost any pretension to moral leadership by the forceful subjugation of one of their allies. The strong condemnation of their action by nearly all major communist parties in the world is very revealing of the total isolation in which the Russian communists find themselves at present. On the outside, strong reactions could be expected from the Western countries. Some of these have stimulated developments which could certainly not be desired by the Soviet leaders. To cite but a few: the strengthening of the more conservative elements in the American elections; the dimmed chances of an early ratification to the non-proliferation treaty; the renewed emphasis on NATO as a military necessity.

The Soviet leaders must therefore have had dominating internal reasons for engaging themselves in this operation in spite of all the negative effects which could be expected. Most of these reasons remain very speculative; one cannot help but think that they were largely inspired by the fear that the bacillus of freedom would prove contagious both for the other Eastern European States and for Soviet citizens themselves, thereby directly threatening their basis of power. Their temporary success in achieving the maintenance of the *status quo ante* does, in the longer run, certainly not outweigh the fact that they have apparently forgotten the historical lesson that ideas have never been stopped by the use of force.

What should be the attitude on the Western side? Certainly not a renewed sabre rattling and a renewal of the crusade against communism, which has already too long dominated Western thinking. The events of recent weeks have shown clearly that the process of evolution has not left communist ideology untouched. A too stringent attitude on the Western side could easily play into the hands of the more conservative elements in the communist world and thus retard even further more liberal tendencies. It would therefore be wrong to emulate the mistake of the Soviet Union and fall back into the panic of the cold war. Of course one should not have any illusions about the direct chances of success of a continued policy of *détente*. President de Gaulle's concept of a Europe from the Atlantic

to the Urals seems now very remote indeed. Yet deafness of the Eastern partners should not lead us to stop talking. Just at this moment Western Europe has an opportunity to show that military resoluteness can be matched by an awareness that in order to achieve a peaceful world, there is no alternative to a continuing dialogue. We have time to prepare ourselves for this dialogue as long as Russian troops occupy Czechoslovakia. When the revision of NATO is discussed next year this aspect of its role should be emphasized, next to its essential function as an integrated military organization.

With respect to the European Communities the Czechoslovak crisis is not likely to have any favourable effect on the situation on the countries applying for full membership. Recent events have once more demonstrated that, with all its economic power, this organization is completely helpless when it comes to the formulation of a common foreign policy point of view. It is clear that the political organization of Europe will remain unsettled as long as the countries in Western Europe are not able or willing to come to grips with this fundamental problem. Only a further unification of Western Europe will transfigure its image from a collection of separate but powerless States into a recognizable entity, which has its own role to play in world affairs.

A Declaration of the Commission

This summer the Commission of the European Communities has demonstrated several times its appreciation that its role and function in the Communities is not merely a technical one. It might be a little premature to say that the spirit of the Hallstein Commission is moving Mr. Rey and his colleagues once again, but one may rejoice at hearing some inspiring declarations of a political character made in the name of the European Executive; too long they had confined themselves to the discussion of day-to-day problems, though even such important ones as the admission of new members and the insufficiency of agricultural market policies.

On May 15 in a speech before the European Parliament the President of the Commission made a number of general observations on industrial policy, energy policy and regional policy. These were three sectors where in his opinion the unified Executive, without waiting for the merger of the Community Treaties, can give a new impulse to the development of the economic union, the second phase in the European integration necessary for "the unification of our old and torn continent". He connected this task of unification with the commotion at the universities throughout Europe: we should not lose time speculating on the question whether some flag wavers or revolutionary fanatics might have mixed with the masses, we should rather ask ourselves whether our society is attractive enough for the youth of today and what should be done to make it more acceptable for them. "It is our task to establish a fraternally unified continent worthwhile for our youngsters to live in and to work for".

On the occasion of July 1, the Commission issued a declaration that clearly expressed the same ideas. The customs union being completed, a common economic policy must be construed and put into effect in order to transform the customs territory into a well organized economic unity where persons, goods and capital can move freely, where a common monetary system exists and where the standards of technology and research are equal to those of other economic world Powers. Moreover the political union must be realized; it is not only necessary to create, next to the existing organs, new institutions of a federal character for that purpose but also to incorporate in that union those European States which are willing to accept the same rights and obligations as the Six. Such an economically and politically reunified Europe would fulfil its duties with regard to the developing countries and contribute to the establishment of a peaceful order in Europe and in the entire world more satisfactorily than the existing Communities. Last but not least the Commission stressed the problems of present-day society for the destiny of man: his liberty, his security, his health, his life. These fundamental problems of a political, economic, social and humanitarian nature cannot be solved within the narrow structures of our old fashioned States. Although it is necessary to protect their cultures, their traditions, their languages and all other elements of their personality which should not be replaced by colourless and impersonal mechanisms, it will be impossible to solve those problems without bursting the structures of the past and creating other ones on a European scale, indispensable for a real renovation.

After having voiced such far-reaching goals the Commission admits that their achievement will take a generation's life. What it proposes to do for the next five years is far more down to earth though by no means simple to realize. It is summed up in four points that may be summarized as follows:

(a) We should take a step forward in the field of political union. That step should imply fusion of the three Treaties into one; restoration of the Council to its original function, making decisions by majority votes instead of applying the paralyzing and old-fashioned right of veto; investing the unified Commission with sufficient executive powers; granting the European Parliament greater powers in the field of legislation and budget control; better participation of the European people in Community life (general elections).

(b) The Commission will accelerate and multiply their proposals to the Council in order to promote decisive Community decisions in the field of economic, monetary, fiscal and social policies.

(c) The efforts to proceed with the extension of the Community and the unification of the European continent should be resumed.

(d) Without waiting for the moment of consultation of the European people in a constitutional context, it will be necessary to consult with the

social groupings within the Community. The Economic and Social Committee will therefore be given an opportunity to examine the Community situation as a whole. Moreover the Commission intends to organize during next winter three colloquia with qualified representations of employees and employers, of farmers and of the European youth on that situation and on well considered programmes of short and medium term action.

Only the last point might easily be realized by the Commission itself. Its initiative can be of great importance to the other ones, but in the actual situation the attitude of the Governments of the member States will be decisive for their implementation. Therefore it can hardly be a surprise that Mr. Mansholt, introducing the Commission's declaration in The Hague and referring to the recent polls in France, expressed some doubts especially as to rapid progress on points (a) and (c). Two days later, the former State Secretary Habib-Denoncle, now sitting as a Gaullist member on the EP, attacked him severely on that statement whereby Mr. Mansholt had violated, as he said, the most elementary rules of decent behaviour. Mr. Rey, however, defended his vice-president against this infringement on the right of a commissioner to voice his own appraisal of a political event that, as Mr. Mansholt himself correctly stressed, had undoubtedly an impact on European problems.

Mr. Mansholt's misgivings can very well be understood. However, the French Government, perhaps most outspoken in its opposition to the clearly federalist opinions and intentions of the Commission, may unfortunately not be its only adversary.

NAFTA and EFTA

A recent phenomenon in Britain has been the emergence of a well-planned press campaign calling for the examination of the possible structure and advantages of a North Atlantic Free Trade Area. Already wide-ranging parliamentary and business support has been enlisted, meetings have been held both in Britain and the United States, and study projects have been initiated. An organization called *The Atlantic Trade Study*, based in London, has published a number of surveys, the most recent of which, "Scope for New Trade Strategy: Dimensions of Free Trade" by David Robertson, formerly an economist with EFTA, speculates upon the composition of a free trade area consisting of Britain, the United States, Canada, some or all of the EFTA countries, and even Japan, Australia and New Zealand. An "open-ended" free trade area could, it is argued, be especially attractive to Britain in her present economic circumstances, would counter protectionist tendencies, and might eventually oblige the Community countries to join it in their turn. The coming winter will certainly see an intensification of this movement's activities in Britain and all who wish for the eventual membership of Britain in the Community will watch events with care and concern. In the meantime we may reflect upon the half-year figures for 1968 just issued by the EFTA secretariat in

Geneva, which show that Sweden has now displaced Britain as the biggest exporter to other member countries in EFTA and that the effect of last November's devaluation of the pound sterling has not been to improve British performance in this preferential market. The September Council meeting of EFTA also saw strong criticism of Britain's investment grant system as being contrary to the spirit, if not the letter, of Article 13 of the Stockholm Treaty, which prohibits State aids to industry which interfere with the benefits of free trade for other member countries. Norway, in particular, objects to the substantial investment grants given to subsidize the construction of three British aluminium smelters as inconsistent with the EFTA articles of association. The future of EFTA is obviously bound up with any enlargement of the Community; in Britain a real danger exists that that future may in the coming months be discussed largely in terms of the NAFTA campaign. If this is the case there could again be strong pressure upon the British Government, reminiscent of 1957-58, to change its declared policy objective *vis-à-vis* the Community and to turn toward another "defensive compromise".

Human Rights

On July 23, 1968, the European Court of Human Rights rendered its judgment in a case involving the acute political question of the language division existing in Belgium. In dispute were the Belgian laws on the use of languages in education. A number of French-speaking Belgians, living in the Flemish unilingual region, protested against the fact that their children were deprived by Belgian law of the right to be educated in their mother tongue. This, they complained, constituted a violation of Articles 8 and 14 of the European Human Rights Convention and of Article 2 of the attached Protocol, granting parents the right to have their children educated in accordance with their own religious and philosophical convictions. They argued that the Belgian laws established an unlawful discrimination between Dutch- and French-speaking Belgian citizens. The Court considered that neither of these provisions imposes upon the member States any obligation concerning the language in which education shall be given. The object of the non-discrimination clause of Article 14, read in conjunction with Article 2 of the Protocol, is only to ensure that each State shall secure the right to education to everyone within its jurisdiction without discrimination. Not every difference of treatment in the exercise of rights is forbidden. A certain discretion is granted in this respect to the national authorities. Only in a case where such a distinction has "no objective and reasonable justification" is an unlawful discrimination present. Against the background of this restrictive interpretation, the Court stated that the Belgian laws in general did not violate the Convention. Only in so far as French-speaking children living in the Flemish unilingual area were forbidden from going to French-speaking schools in the adjoining Flemish region where both

languages were recognized for educational purposes, whereas Dutch-speaking children living in the French unilingual area were granted the right to go to Dutch-speaking schools in that same special region, was an unjustified discrimination held to be present. The decision on this point was far from unanimous, eight judges voting for this interpretation and seven against. Indeed, one may ask, with the dissenting judges, whether the Court has given sufficient consideration to the fact that even in that special Flemish region Dutch was the common and official language and that the bilingual regime for educational purposes was only instituted for the benefit of French-speaking families living in that region and not in other areas. Be that as it may, the Belgian Government will not find it easy to execute the judgment of the Court. It should not be forgotten that the "discriminatory" educational regime was introduced into the language laws as part of a political compromise: in the Brussels region where the French language is mostly used, the Dutch-speaking part of the population had insisted on the "discriminatory" clause, precisely to immunize the region in question from becoming too strongly submerged in the French language sphere.