'Can there be a Europe without France?' from the Revue générale belge (September 1965)

Can there be a Europe without France?

by Jean-Charles Snoy

This has become an inescapable question following the crisis that occurred on 1 July 1965 in the running of the Common Market and the French Government's deliberate and systematic refusal to attend all the major EEC meetings since then. To be honest, it might be more accurate to ask, in the light of a number of recent statements, whether there can be a Europe with France, and whether it is not inconsistent to claim that we are building a Community system with a partner that is in open rebellion against the very concept of the Community.

If the conclusion is reached that Fifth Republic France is rejecting the institutional system established by the Rome Treaties, thereby tearing up a properly ratified international instrument, there would be no alternative for the remainder of Europe but to run the Community without France or else to allow the only form of European integration that has got past the veto to fall apart.

There is considerable confusion in people's minds about the discussions which led to the row on 1 July, and there is continuing uncertainty about General de Gaulle's 'European' policy. Moreover, the legal obligations that the Rome Treaties actually impose on the signatory states have been made incredibly hazy. We need to try to shed light on the whole issue and to analyse carefully the factors involved.

The Council of Ministers meeting of 28–30 June 1965

The only item that was dealt with at the EEC Council of Ministers meeting of 28–30 June was to negotiate the financial regulation for the common agricultural policy. The policy had first been defined at the memorable Council meeting of 14 January 1962, and as it was certainly going to cost more than the national policies, a European Agricultural Guidance and Guarantee Fund (EAGGF) had been set up. Its aim was gradually to take charge of the farm prices support policy, and it was funded by contributions from the Member States calculated both on the basis of a fixed scale and on each Member State's net agricultural imports from countries outside the EEC.

It had been agreed that the 1962 financing agreement would apply for three years and would be reviewed and supplemented by 30 June 1965. This became even more necessary when the French delegation persuaded its partners to agree in December 1964 to speed up agricultural integration in the Common Market and in particular to adopt single European prices for cereals and products derived from them as from 1 July 1967.

It was the EEC Commission that was responsible for preparing the new financial regulation for the agricultural policy. It had a number of factors to take into account. First, financing the agricultural policy was going to involve increasingly large sums of money, and increasingly large quantities of cereals and other basic agricultural products were going to be produced and difficult to sell. Second, developments in the various national situations were producing widening gaps, so that Germany's financial burden, for example, would become heavier and heavier and the benefits transferred to French farmers greater and greater. Finally, Community solidarity required that the agricultural problem should be tackled as a whole within the Community framework.

It was on this basis that the Commission put forward an overall financing plan based up to 1967 on Member States' contributions and from 1967 on the Community's own resources, made up of customs duties charged on all foreign imports and from levies on agricultural imports. These resources would be paid directly to the Community without going through the national budgets and thus would escape the scrutiny of the national parliaments. The Commission therefore proposed that they should be monitored by the European Parliament in Strasbourg.

The advantage of this Commission plan was that it made sense; it was true to the spirit of the Common Market Treaty, although further international instruments were needed for its application (under Article 201 of the Treaty); and it made it possible to implement the common agricultural policy as France wanted. However, it made it blindingly clear that the Community institutions were gradually taking the place of national ones.

We could spend a lot of time discussing whether it was advisable for the Commission to put forward this plan and whether it was wise to draw so much attention to the scale of commitment to the Community that was required under the Rome Treaties. On the other hand, there is no denying that the Commission is perfectly entitled to put forward bold plans and initiatives along the lines envisaged by the authors of the Treaties. It is also perfectly legitimate for the members of the Council to criticise them and to draw instead on existing options.

In any event, people knew about the Commission’s agricultural financing plan in late March 1965. It had a mixed reception. In France, it offended feelings about national prerogatives; of the other governments, some felt it too generous and others too expensive; in European circles and particularly in some parliaments it led to fanciful hopes, the very mention of which was bound to increase France’s misgivings.

It was against this background that the Council of Ministers met on 28 June. To be honest, the respective positions of the six delegations certainly did not appear to make a compromise out of the question. The Italian delegation suggested that a provisional two-year financial regulation should be adopted, based on the previous mechanism. The German delegation supported this idea. The Netherlands delegation insisted that progress should be made towards developing the Community’s own resources and that the European Parliament should be given greater powers. The French delegation demanded a financial regulation for five years (1965–1970) based on the Member States’ contributions; it agreed to introduce new scales to take account of certain countries’ difficulties, but intended to increase the burden on countries importing foreign agricultural products. The Belgian and Luxembourg delegations were very flexible and were happy to support the best compromise.

It is hard to explain how a discussion where the main differences of opinion were on the number of years the regulation should apply for (five for the French delegation, two for the others) and the extent of the burden to be placed on importing countries in financing the common agricultural policy managed to end in the row that ensued. The question of the Community’s own resources — and its political consequences — was, admittedly, on everyone’s mind because of the Commission’s plan, but only the Netherlands delegation strongly supported it, so there was no majority in favour that could have forced a hostile French delegation to accept it.

You might have thought, therefore, that as on other occasions, a few more hours of talks or a few days off would have been enough to hammer out a compromise that everyone could accept. This was usually the Commission’s job; it made every effort to do so, and it put a new financing plan to the Council of Ministers on 26 June in which the own resources problem was left to one side.

Was the date of 30 June 1965 especially significant? Mr Couve de Murville stressed this point several times, reminding everyone of the Council’s undertaking in January 1962 to complete the financial regulation for the common agricultural policy for the remainder of the transitional period by 1 July 1965. There was no doubt that this was an unconditional undertaking, but unfortunately the substance of the financial regulation had not been defined at the same time, and there had to be unanimous agreement to do so in 1965. Anyway, a few weeks’ delay would not present any practical problems, and similar situations had already occurred without noticeably harming the Common Market.

We therefore have no satisfactory explanation for the breakdown that France’s actions since 1 July have dramatically highlighted: refusing to continue negotiations, refusing to take its seat in the Council, recalling France’s Permanent Representative, refusing to sit on the main committees and refusing to take part in running the institutions.

That being so, it is not surprising that people have sought the reasons for France’s attitude outside the Council agenda for the meeting of 28–30 June 1965, and that most commentators have seen it as an expression of a particular concept of Europe that has been pursued by General de Gaulle and is incompatible with the Rome Treaties.

The European Europe of Gaullist policy

General de Gaulle has for some time now stressed that a divided Europe is a dependent Europe and that its unity and strength must be restored if it is to take charge of its own destiny. On the other hand, he has never concealed his hostility to any form of supranational or federal European system, and he constantly claims that there are no political realities in Europe outside the nation states. He cannot have it both ways. How could a Europe of states or homelands achieve unity if it never gets beyond political organisation in separate states? Experience in recent centuries of our history has shown quite the opposite: that Europe has been humiliated by the national conflicts that have torn it apart.

In any event, the Gaullist movement resolutely opposed the Schuman Plan and the 1951 Paris Treaty establishing the European Coal and Steel Community. It contributed to the failure of the Paris Treaty of 1952 establishing the European Defence Community, and for the same reasons criticised the adoption of the Rome Treaties of 1957. These treaties were adopted in France by a parliamentary majority that has nothing in common with the political forces that have come to power under the Fifth Republic.

However, the treaties have an international legal force that is binding on France and the other signatory countries, and it has never yet been said that the current French Government disputes their mandatory nature. Yet some statements by the French Head of State and his ministers could be interpreted as giving cause for concern.

Étienne Hirsch, former President of the Euratom Commission, wrote in *Le Monde* on 6 July 1965: ‘In 1950, General de Gaulle scoffed at the coal and steel “hotchpotch”. Once back in power, cunning strategist that he is, he did not try to break away from the Treaties, feeling that public opinion would not let him. Instead, he attacked their foundations, relentlessly condemning everything that went beyond national sovereignties, as if these were a divine right and, contrary to historical evolution, unalterable.’

Three days later, *Le Monde* published an article by Jacques de Montalais, editor of *La Nation*, the mouthpiece of the UNR Gaullist movement, who presented the problem as follows:

‘The whole question is whether an ancient nation can renounce its views, its calling, the task that it has set itself and for which it is recognised throughout the world, in other words its soul, on the pretext that the majority of its partners would not approve or share that calling.’ At the time when this question was raised, eight years had already passed since the French National Assembly had formally ratified a Common Market Treaty in which Article 148(1) reads as follows: ‘Save as otherwise provided in this Treaty, the Council shall act by a majority of its members.’

Calling into question the principle of majority decision-making on all issues to do with the European Economic Community would mean that the Community would lack any real substance, and the only form of economic cooperation between the nations of Europe would be through the mechanisms of the OECD.

Of course, French politicians are not bound by what Jacques de Montalais has to say, but it is worrying to read the text of an interview given to the ORTF on 27 July this year by the French Prime Minister, Mr Pompidou: ‘What is also certain is that we shall not allow the French economy to be run from outside without the government being able to exercise its responsibilities towards the French people. Common sense tells us, and experience has shown, that we cannot leave it up to a committee that has no political authority to decide what standard of living French people should enjoy, and to determine the fate of our agriculture and industry. We do not want to stop Europe from being built — I actually think that we are the country that is doing the most to achieve this — but it will only be built through resolute cooperation between the countries involved. This is, and will remain, our position!’

Ambiguity

The Rome Treaties do not provide for the Commission to determine the fundamental economic policy options; this is the job of the Council of Ministers, where the French Government has its role to play just like the governments of all the other Community countries, so we have to wonder why the Commission is criticised directly in this way. Is it because the French Government will only consider a Europe of states in 'resolute cooperation', and not a Community that substitutes one single European economy for the separate economies of six countries? If the Rome Treaties do not give fundamental powers to the Commission, they certainly give them to the Council of Ministers, whose collective decisions are, except in certain specific cases, taken by a majority vote.

It is important to stress, however, that on the most sensitive issues, the majority in the Council of Ministers is a special, weighted majority. For this category of decisions, Article 148(2) gives France, Germany and Italy four votes each, Belgium two, the Netherlands two and Luxembourg one. Decisions are taken only if a majority of at least twelve votes is secured when the decisions relate to a proposal from the Commission, or if there are at least twelve votes in favour from at least four members in all other cases. What this means is that none of the three largest countries can be in a minority position unless at least the other two largest countries join forces with Belgium and the Netherlands in voting the other way. On the other hand it is possible for a majority made up solely of the three largest countries to vote in favour of a proposal from the Commission and impose their will on the three Benelux countries, assuming that they voted against.

The fact that power is organised in this way shows how a delegation like the French delegation can influence Community policy and assume a huge responsibility, not just for defending French interests, but also for promoting Europe's interests.

So it is absolutely impossible for the Commission to impose anything on France against its government's will, but there is no denying that the whole system has a lot more than just 'resolute cooperation' in mind. The widespread hesitation and ambiguity about the operating rules under the Rome Treaties must lead observers to wonder whether the French Government really accepts them, or whether it intends to keep solely to the methods based on simple cooperation that the OECD has used since 1948.

Legal aspects of the situation

This second possibility seems to be borne out by the liberties that the French delegation has taken with its Common Market Treaty obligations. Articles 170 and 175 of the Treaty specifically state that a Member State which considers that another Member State or one of the institutions of the Community has failed to fulfil an obligation under the Treaty may bring the matter before the Court of Justice. If France felt that a commitment it had been given had not been fulfilled (Mr Couve de Murville's argument), it could have followed this procedure. On the other hand, the Treaty does not make provision for a member of the Council to refuse to take its seat there. Under Article 5 it is the duty of each Member State to facilitate the achievement of the Community's tasks and therefore to take part in the normal operation of the institutions. As Pierre Uri rightly commented in *Le Monde* on 14 July: 'What is the point of a Europe where any government could bring things to a standstill by refusing to take its seat? If that is the Europe of states, it is a contradiction in terms.'

There is nothing in the Treaty to suggest that the absence of a member of the Council would prevent it from taking decisions except where the Treaty requires unanimity and the absent member has not appointed a proxy. But in allowing matters to be referred to the Court of Justice, Articles 169 and 170 could result in the Court ordering the defaulting Member State to fulfil its institutional role.

It should also be emphasised that majority voting is the general rule under the Common Market Treaty. The exceptions are, as always, interpreted strictly, and those provided for the agricultural policy and the external trade policy only apply during the first two stages of the transitional period. On this issue, therefore, majority voting automatically applies from 1 January 1966. The Treaty had included a special procedure for the transition from the first to the second stage, which might have extended the periods involved, but since this option was never used, the move from the second to the third stage is strictly automatic. Nothing has changed in this field since 1957. As a result, for the most important economic policy issues, each Member State will be obliged, from 1 January 1966, to accept the decisions of the Council of Ministers without being able to use its veto.

Do Mr Pompidou's words of 27 July indicate a different view? Should they be seen as another expression of the doctrine voiced by Jacques de Montalais? In other words, does France reject Article 148 of the Common Market Treaty, and is it deliberately turning its back on the policy set out by the French Foreign Minister Robert Schuman on 9 May 1950? Let us remind ourselves of what he said: 'By pooling basic production and by instituting a new High Authority, whose decisions will bind France, Germany and other member countries, this proposal will lead to the realisation of the first concrete foundation of a European federation indispensable to the preservation of peace.'

The real question

This brings us back to the original question, 'a Europe without France?' — or should we instead be asking whether there can be a Europe with France?

There is probably no point in underlining the formal nature of the obligations imposed on the Member States by the Common Market Treaty and the fact that there is absolutely no possibility of withdrawing from them, or in invoking the sacrosanct nature of the instruments of international law. European history has, unfortunately, seen more than one treaty unilaterally reduced to just a 'scrap of paper'.

If we are forced to conclude, as many observers have done, that the French Government has deliberately set out to reject the institutional system of the Rome Treaties and majority rule in the Council of Ministers, the alternative open to the other European states is simply to have a Europe without France or not to have a Europe at all. After all, if any State can use its veto to block any decision, Europe will clearly never be able to speak with one voice and make that voice heard in order to shape its destiny.

But is Europe possible without France? In practical terms today, that is basically the same as asking whether it is possible to have a five-member Common Market. It would of course be a skewed Common Market, but it would not be paralysed, if we bear in mind the economic data available, the scale and variety of the trade between the five countries and the huge investment that has already been made. If France pulled out, then at the very least the single market between the Five should be safeguarded, together with the institutional mechanisms required to keep it operating.

There is an inherent political risk in a structure that would establish Germany's predominance simply because of its relative economic influence. However, the risk might be only temporary, since other European countries might soon join what remained of the Common Market and restore the balance needed. The risk is also less serious than that of a major economic recession if the hopes placed in the Common Market are shattered and there is a return to a European economic area partitioned by national barriers, something which would be completely incompatible with recent investment. The risk of handing Europe back to the demons of nationalism cannot be underestimated; the economic history of the years following the Versailles Treaty is closely interlinked with the disasters that ensued.

Perhaps some people would prefer to find a solution by reducing the Common Market institutions to an intergovernmental mechanism pure and simple, where each new phase would have to be agreed by everyone. This would be both a cruel illusion and a denial of the policy pursued so successfully over the last fifteen years. How could anyone deny that the tremendous economic and political recovery that Europe has made since 1950 was linked to its policy of integration and solidarity? This policy alone has given Europe its influence and future potential; in just one or two years of growth it has enabled it to absorb the effects of decolonisation, to undergo dramatic restructuring without any immediate social disasters, and to generate rapid social progress. Who, then, would want to plunge our countries back into the weakness and dependency of earlier years?

If there is any suggestion that a single market could be created in the form of a free-trade area, and that a simple intergovernmental association would be enough for this, it should be pointed out that the Stockholm Treaty has been in operation since 1959, and its members, having practised this method, now feel the need for a policy of harmonisation that will sooner or later result in a customs union, an economic union and, ultimately, an institutional system as restricting as the one the French Government is apparently rejecting.

Europe has no choice but to unite or become subservient. All of its member nations are faced with this choice. Isolated nations the size of those in Western Europe have no future in today's world. It is also impossible — as history has shown many times over — for any European country to succeed in imposing its power and ideas on the other countries of Europe. European unity must take the form of a community which respects pre-existing nations, and it must be based on proper laws and democratic decisions.

No country in Europe is in a better or more distinguished position than France to promote this policy. No one will take it upon themselves to keep France out of a European structure that would inevitably be incomplete and distorted without it. But if, sadly, it decided to withdraw of its own accord, to pervert the mechanisms or spirit of that structure, to renounce the ideas that have been its own since 1950, then the others must work without it to maintain and consolidate what it has done so much to create.

No one could reach such a conclusion light-heartedly or without huge misgivings. But those who lived through Europe's disaster after the last World War cannot accept the prospect of a return to the conditions that triggered it. They cannot slow the march towards unity and wait for every country to be ready to agree to go beyond its national system on certain issues. The decision to create Little Europe was based on this argument, and history has proved that it was right. It is vital that we should continue to draw inspiration from the same argument now. If we cannot go on with Six, then we must continue down the road with those who accept the Community system of the Rome Treaties, and allow all the other states of Europe to join them as soon as they are in a position to adopt that system.