

Positions of the Benelux Political Consultation Committee (COCOPO) on the empty chair crisis (Luxembourg, 5 November 1965)

Caption: On 5 November 1966, Pierre Pescatore, Secretary-General of the Luxembourg Ministry of Foreign Affairs, sends a note to the Luxembourg diplomatic missions in Europe and to some international organisations in which he gives an account of the discussions held on 27 October in Luxembourg between the Secretaries-General of the Foreign Ministries of Belgium, Luxembourg and the Netherlands on the political implications of the empty chair crisis.

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Political aspects of the European crisis

Mr Pescatore introduced the subject by setting out the reasons why the Luxembourg Government had not joined the recent Belgian Government initiative (the 'Spaak Plan'). As this went against the grain somewhat, the Luxembourg Government wanted to explain that it had not taken this stance for no good reason. One such reason was concerned with the circumstances and form: the Luxembourg Government had been asked to join the initiative when the substance of that initiative was already in the public domain. It was difficult to be won over to an approach when the terms thereof were no longer able to be usefully discussed. There was also a substantive reason behind the decision. The Luxembourg Government took the view that the substance of the issues raised had to be considered before an appropriate decision on the method to be adopted could usefully be taken. Indeed, if the French were offered discussions before we knew what our own line was on the substance of the issues raised, we ran a high risk of acceptance of the substance of their claims being a precondition to such discussions. On those grounds, the Luxembourg Government did not wish to join in with an approach which dealt essentially with procedure before it knew exactly what the attitudes of the other governments were as to the substance.

In so far as those substantive issues were concerned, Mr Pescatore submitted the following considerations to the Belgian and Netherlands Delegations, it being understood that detailed work had been done by the Permanent Representatives in Brussels on the more technical issues (financing of the agricultural policy, tariff issues, budget, etc.).

Question 1: What attitude should be adopted with regard to the methods used by the French Government?

The French Government had, to date, refrained from taking a diplomatic initiative. We were faced with public statements (a press conference, a statement to the National Assembly) and a *fait accompli* (withdrawal of French representatives from the common institutions); that method was clearly intended to 'influence' the other partners. The statements made obviously enabled us to identify the substance of the aims pursued by France, but the method used left the French Government a free hand, and when the time was ripe, it might demand more, or less, as it saw fit. What should the reaction to such methods be? The Luxembourg Government considered that there was no reason to be over-zealous. After all, France was the plaintiff in terms of the political aspects of the issue. Therefore, at the moment, riding the situation out was enough, with the reservation that we had to do what was necessary to prevent the general public from criticising us for a lack of drive.

Question 2: What attitude should be adopted with regard to the institutional issues raised by the French Government?

On this point, the Luxembourg Government was concerned to identify the genuine issues and prevent discussion of 'false issues'. Two questions had been raised by France, namely the role of the Commission and majority voting. What were the French criticising in the role of the Commission? Was it the policy and style of the Hallstein Commission, or was it something more profound, for example, the institutional position and the role of the Commission as such? Reaching an understanding would be easier in the former case, since the merger of the executive bodies would clearly mark the end of one era and allow the Commission to make a new start. According to the information available to it, the Luxembourg Government had the impression that French criticisms focused primarily on the Hallstein Commission's policy and its way of doing things. On the other hand, the situation would be much more serious if the objections were to the powers and the role of the institution rather than to the people. Nonetheless, a distinction had to be drawn on that issue as well. They were apparently attacking the Commission's right to propose legislation. If they wanted to abolish that right altogether and thereby reduce the Commission to the level of just another international secretariat, then that would obviously be unacceptable; by contrast, if they wanted merely to extend the opportunities for a parallel right to propose legislation to the Member States, we would have to consider whether such a measure would, in fact, drastically disrupt the institutional balance. As to majority voting, the attacks made by General de Gaulle had an unreal quality, given that the framers of the European Treaties were fully aware of the checks and balances inherent in the very structure of the system. Governments inevitably used their right to vote extremely carefully because of the interdependence of

economic interests; moreover, the political sovereignty retained by the Member States also had the effect of balancing the Community mechanisms. Bringing those issues to light would not change the system, it would merely highlight something which had been self-evident since the establishment of the Communities. Mr Pescatore believed that the five Ministers who were involved in a very select discussion in Brussels on 25 and 26 October discussed the powers and responsibilities of the European executive bodies and the majority principle in that light.

Question 3: What was the relationship between the current crisis and plans for political cooperation?

If, in the past, we had been able to establish, under acceptable conditions, the political Union proposed at that time by France, the current crisis would not have been so acute. We would also have had a framework within which we would have been able to try to retrieve the situation, whereas, at present, we were trying to establish some kind of equivalence by holding meetings of Ministers which exclude the Commission. The Luxembourg Government had wondered whether the time had perhaps come to dust off the plans for political cooperation and whether such an initiative could offer a way out of the current deadlock. In that regard, Mr Pescatore drew attention to one of the conclusions drawn by Mr Werner in a speech he had given recently in New York.

Question 4: Is it possible to find a way out of the current crisis by connecting it with the merger of the executive bodies or the merger of the Communities?

There was no doubt that the merger of the executive bodies would represent a new start for relations between the partners; that much was clear from the fact that meetings would have to take the form of intergovernmental conferences and agreement would have to be reached on the formation of the new European Commission. In the event that the plans came to fruition, the emergent Community executive body would enjoy a new confidence, and we would again have a Community body which was acknowledged as a negotiating partner by all six governments. If we could anticipate such an event occurring in the near future, that could spare us the questionable procedure of a Council meeting being held with the Commission waiting outside. For that reason, it was important to find out the attitude of the other governments and the national parliaments as to ratification of the Treaty merging the executive bodies. Going beyond that, one could also wonder whether the merger of the Communities which was agreed a good while ago, although perhaps unconsciously, might make it easier to find a resolution to the issues currently facing the Five. At the moment all that we could do was to raise a fairly firm judgment of inadmissibility against the French demands. If we were able to incorporate the issues raised by the French Government into the work on the merger of the Communities, those issues could, at a later date, be made part of wider negotiations, and the French proposals could then be countered by proposals going in a different direction.

Question 5: Is the European crisis related to the looming crisis in the Atlantic Alliance?

According to the information received, it appeared that, at present, the French leaders did not wish to link the problems of the Common Market with the issues they had raised in connection with the Atlantic Alliance. But the question had to be asked whether that situation could continue. Indeed, if France pushed the objections that it had raised against the current form of NATO to the limit, it was quite likely that its five Common Market partners would prefer to align themselves with the United States of America. If such a situation were to arise one day, it was difficult to see how it could fail to have very serious repercussions on the operation of the Common Market.

Question 6: Is it possible for the European Communities to continue with just Five?

It was vital to know, in view of the negotiations which may be entered into with France, whether the option of the Five managing the Common Market could be regarded as a genuine alternative. It raised issues which were simultaneously political (Benelux and Italy against Germany), legal, economic (restoration of customs duties), financial, etc. in nature. In the decision taken on 26 October in Brussels, the five Ministers had stated their willingness to continue to implement the Treaties even in the absence of the French representatives. But had serious thought already been given to the issues which would arise if that state of

affairs were to continue and if either side really had to suffer the consequences?

Mr Vaes thought that the origin of the misunderstanding which had arisen between the three governments consisted in a difference of approach on the two sides. On the Belgian side the view was that 'sufficient unto the day is the evil thereof', that problems had to be dealt with as they arose and that one should wait and see how things developed. For the moment there was one crucial problem, namely the absence of France, and one objective, namely to bring France back to the negotiating table. After outlining the origins of the Belgian memorandum, Mr Vaes added that the time to consult on the substance would come after we had found out what the intentions of the French were. Mr Vaes then made a fairly spirited criticism of the action taken by the Commission in this matter. With regard to the management of Common Market matters, the Five should undertake the task, where necessary. What is more, a number of urgent decisions had to be taken within a short time: the Five must not, by doing nothing, present General de Gaulle with further arguments. The other issues had not yet been studied by the Belgian side. As regards the merger of the executive bodies, nothing had, to date, been done vis-à-vis the Belgian Parliament. It was necessary to see how the crisis developed and, above all, not to get into a situation where we put ourselves at France's mercy; it was, therefore, necessary to act with extreme caution. It would be necessary to ascertain the appointment of new members of the Commission in advance before beginning the ratification process. With regard to the merger of the Communities, if it occurred now, it would mean the disintegration of the Communities, given what we knew of France's intentions. There was, therefore, no point in pushing in that direction. The French did not appear to intend to link the discussion on the Common Market to the Atlantic Alliance issues. Mr Vaes did not think that it would be possible to resolve the crisis by reopening discussions on political cooperation. There was, in fact, no hope of obtaining any satisfaction on the demands which the three countries had always viewed as essential in that connection. In conclusion, Mr Vaes again said that it was not the right time to raise issues which were not current problems: we had to hold back and deal with them when the time was right.

At the beginning of his speech Mr de Ranitz endorsed Mr Vaes' final comments. If we were to seek a way out by resurrecting the idea of political cooperation, we would risk plunging the Communities into a prolongation of some new political 'Fouchet Plan'. As regards tactics, Mr de Ranitz took the view that the problems were so serious that there ought to be no hasty moves; that was all the more important because, in this instance, tactics were mixed in with a great deal of substantive issues. Mr Luns was, however, fairly pessimistic on the likely success of efforts to bring the French back to the negotiating table. Perhaps they would return in response to the invitation recently issued to them, but there was no guarantee as to what they would say, and it was distinctly possible that we might find ourselves facing an even more fundamental crisis. The aim of the French Government was to take its own decisions on its major international political activities; its sympathies were incompatible in many spheres with the policy line taken by the others. In the Netherlands the procedure for ratification of the Treaty merging the executive bodies had been initiated, but it was a long process and the Netherlands Parliament was not in any hurry. There was not yet any definite opinion as to the merger of the Communities; generally speaking, there would be a risk in putting everything together in one 'big package'. As to institutional issues, the attitude of the Netherlands Government was to stand firm. General de Gaulle's line of argument on such matters was specious, and this showed that his thoughts were elsewhere. As long as the crisis lasted, management of the Common Market would have to be undertaken by the Five in accordance with the Treaties; an effort would also have to be made to move things on, for there was no *status quo* in matters of this kind. However, The Hague was not confident that such a state of affairs could not continue indefinitely. There was no hope of agreement on European political cooperation. In short, Mr de Ranitz took the view that the future was very worrying. General de Gaulle's opinions on the European Communities and Germany, etc. were sufficiently well known, and there was nothing reassuring in any of them.

Mr Pescatore concluded by saying that, in the light of everything that had been said, it seemed that a confrontation with France on the substantive issues was inevitable in the relatively near future, that preparations should be made for it and that it should be faced when the time was right.

The three Delegations agreed that it would be useful for the Ministers of Foreign Affairs of the three countries to hold more detailed consultations on these matters.

