

Interview with Jacques Santer: the Treaty on European Union (Sanem, 6 April 2006)

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[Étienne Deschamps] In the first half of 1991, Luxembourg was again chairing the Council at the time when intergovernmental negotiations were taking place for the Treaty on European Union, later to be known as the Maastricht Treaty. At that time, in April 1991 to be precise, the Luxembourg Presidency distinguished itself once more by submitting a draft treaty on European Union that was based on an original three-pillar structure. In what ways was this structure original?

[Jacques Santer] It was again the result of another compromise. It should be remembered that at the time we had two intergovernmental conferences on the go: one on Political Union and one on Economic and Monetary Union. The latter was quite different, being based on the results of a working party chaired by Jacques Delors that had been set up under the German Presidency in Hanover. This came about, against all expectations, with the agreement of Mrs Thatcher at the time, because she was present in Hanover. So Economic and Monetary Union went ahead, based on the work that had been done before. That was not easy, either. But there was the other one, the wider union, Political Union itself.

This meant embarking on a new phase in which positions were really clear-cut, particularly in the field of the common foreign and security policy, because it was the first time that the point was driven home that the will existed to carry economic union forwards towards political union. It was also the first opportunity to affirm the common foreign and security policy. At that point certain Member States were truly hostile ... that the Commission ... to this being part of the Community spirit itself.

So something else needed to be found if it were to be implemented. That is why we devised the structure of the three pillars: Community Union, then Political Union, or the common foreign and security policy, and internal security — the three pillars. After that, bridges were added in order to allow, institutionally speaking, passage from one pillar to another. It was a pediment; that is why it was called a Greek temple. Then the others ... and this is where there was a disagreement with Jacques Delors, because he wanted foreign policy and common security to become the responsibility of the Community at the first go. That was referred to as the tree: the oak tree that sends down its roots so vigorously. The oak tree versus the Greek temple. These were the images that came up in the discussions. However, the idea of giving responsibility to the Community was quite defensible; we were in favour of it in principle, but it was just not feasible. It had no success, which is why we planned the three-pillar structure, where nearly everybody agreed with the bridges. I must say, after the event, that I regret that the bridges never worked. But it was the idea of developing, of moving forwards from the interinstitutional stage towards Community responsibility, involving one or other of these pillars, or certain features of these pillars. It did not work. That is why we returned to it later on, when minds were more ready to implement it. However, to my mind, it was the only way to save the Greek temple, the only way to save the common foreign and security policy and internal security policy. That is why we did it. It was a step forward compared with what had been there before; it did not go as far as we would have liked, but nonetheless we knew that later it would perhaps be necessary to add another feature. Which is, of course, what happened in the Treaty of Amsterdam. But there, it was the very furthest that one could go, and besides, the Germans, Mr Genscher — I can remember this most clearly — completely agreed with the idea. He was very pleased that this had been devised. And the formulation that had been devised dates back to Mr Eyskens, to Marc Eyskens, Foreign Minister at the time, when the common foreign and security policy was added, which went as far as common defence. It was this addition by Marc Eyskens — I remember this very well — that we put in, and as a result the principle leading to common defence was maintained; that is not to say that we achieved our goal of common defence, but we were moving towards common defence, making a step towards it. In this way, we were able to reconcile most of the things, and this attitude was shared by everybody: by the larger states, by the British and by the others.

Later, there was what was known at the time as a ‘non-paper’ which was welcomed by the others, but — and I can recall this clearly — at the European Council in Luxembourg, in June of the same year, they wanted to pass it. But a new phenomenon had cropped up that I discussed with President Mitterrand and Chancellor Kohl: it was the handover of power from Margaret Thatcher to John Major. So the leaders said: ‘We must give John Major time, because he cannot go in this direction straight away, just after taking over from

Margaret Thatcher, otherwise it will be suicide for him vis-à-vis his Conservative Party, so he needs time.’ At the Luxembourg European Council, Mitterrand stated: ‘It cannot be admitted now for reasons of the internal politics of an important state, namely England — the United Kingdom — but I would be willing to sign today the treaty submitted by the Luxembourg Presidency.’ It was Mitterrand who announced that here. However, it was not done for the reason that I have just mentioned: to allow John Major more time. But they came back to it subsequently and under the Dutch Presidency — it was on a Friday or a Tuesday — the Dutch Presidency brought out a new treaty, a more federal version, but one which was buried in 20 minutes. This was referred to as the ‘black Tuesday’ or ‘black Monday’ of Dutch diplomacy — we went back to the Luxembourg text, that of the Luxembourg Presidency, and that was the one which was passed in the end.

Later on, in 1991 or 1992, it was signed. But we succeeded within a period of time that was relatively short and in really difficult circumstances, given the arrival of the new Member States, the Yugoslav crisis, the problem of Slovenia, and so forth. We had a lot on our plates at that time, yet, nonetheless, we succeeded in completing the two conferences: the one on Economic and Monetary Union and the other on the common foreign and security policy.

[Étienne Deschamps] And the Luxembourg ‘non-paper’, how was that drawn up? Internally, by senior officials, experts from within the Foreign Ministry?

[Jacques Santer] It was drawn up internally, but in close cooperation with the other authorities within Coreper ... But it was an internal document of ours — that is why it was called a ‘non-paper’, because we did not want to make it official at that time. It was drawn up by senior officials, based, of course, on preparatory work — one should not forget the preparatory work. The drafting of the Maastricht Treaty has quite an important history.