Durham E-Theses

European foreign policy co-operation: Interpreting the institutional debates from Fouchet to the single European act

Miller, Kevin

ABSTRACT

European Foreign Policy Co-operation : Interpreting The Institutional Debates From Fouchet To The Single European Act

KEVIN MILLER

This thesis focuses upon three distinct episodes in the development of European foreign policy co-operation : 1. The Fouchet Negotiations of 1961-62; 2. The Luxembourg Report of 1970; 3. The Single European Act of 1986.

In the context of these episodes a number of consistent themes are apparent. Firstly, the inclusion and participation of the UK is seen to be of crucial importance to the legitimacy and credibility of foreign policy co-operation. Secondly, the gradual but perceptible decline of French influence among its European partners. Thirdly, the importance of the role of the Western European Union in the development of foreign policy co-operation.

This thesis develops the view that evolution of European foreign policy co-operation should not be viewed in the context of a struggle between Supranational and Intergovernmental visions of European integration. It concludes that there is among member states a broad underlying consensus with respect to the fundamental character of a European foreign and defence identity.

EUROPEAN FOREIGN POLICY CO-OPERATION :
INTERPRETING THE INSTITUTIONAL DEBATES
FROM FOUCHET TO THE SINGLE EUROPEAN ACT

KEVIN MILLER

Thesis submitted for the degree of PhD, 1995

Department of Politics

University of Durham

CONTENTS

INTRODUCTION

The creation of a 'European' foreign and defence identity has been and remains a constant underlying theme of post-war European integration. The realisation of this identity is generally regarded as the final and most difficult hurdle in construction of a fully fledged European Union. As a consequence all attempts to place foreign policy co-operation among the Member States of the EU on a formal footing have been scrutinised within the context of the 'European Union' debate. All projects, regardless of their intent or the particular context of their initiation are thus examined and judged, not upon their individual merits and the specific issues they seek to address, but upon the degree to which they approach a particular end model of that notoriously ambiguous goal of an 'ever closer union'.

Whilst this study is no exception to this general rule, the evidence that has been examined tends to suggest that, since the implementation of the Treaty of Rome, this debate leads us unnecessarily down a blind alley. There exists among the governments and policy elites of the Member States a surprising underlying consensus with respect to the fundamental character of a 'European' foreign and defence identity. It has become clear in the course of this research that the debates and disputes exercising the participants in the development of foreign policy co-operation have revolved around questions of detail, necessity and relative power, rather than antithetical visions of 'European Union'.

In tracing the evolution of foreign policy co-operation among the Member States this thesis can be divided into three distinct, but ultimately linked episodes which may be characterised as the conception, birth and the coming of age of foreign policy co-operation. In the context of these episodes: the Fouchet negotiations of 1960-62; the Luxembourg Report of 1970 and the Single

European Act of 1986, a number of consistent themes have emerged. Firstly, the inclusion and participation of the UK is seen to be of crucial importance in offering legitimacy and credibility to the success of any project in the sphere of foreign policy/security co-operation. Secondly, throughout the period researched one can observe a gradual, but nonetheless perceptible decline in the political pre-eminence of French influence among the Member States. Thirdly, a further factor to emerge is the importance of the role played by the hitherto largely ignored WEU as a vehicle in integration process.

The approach adopted in this study has been one of detailed textual analysis of the various draft treaties, and the issues aroused in the negotiation of the various drafts. In addition concentration on textual sources has been supplemented by personal interviews with two prominent participants in the negotiations leading to the institutionalisation of EPC in the Single European Act. The chronological parameters of the thesis are essentially 1960 to 1986, thus the implications of the negotiation and implementation of the Common Foreign and Security Policy found in the 1992 Treaty of Political Union have not been considered. However, whilst post-1989 geo-political conditions have led to a reassesment of the role of Europe in the post cold-war world, the decisions taken in the Maastricht Treaty vis-a-vis foreign and security policy are essentially consistent with the patterns identified in this thesis.

CHAPTER ONE

THE FOUCHET NEGOTIATIONS : 1961-63

The establishment of the Fouchet Committee had its origins in attempts by President de Gaulle to institutionalise political co-operation between the Member States of the EEC at the highest level. The desirability of organised political co-operation was initially expressed by de Gaulle during an official visit to Rome on 2 June 1959 [1], at which time he proposed the establishment of a system of regular meetings between Foreign Affairs Ministers, who would be supported by a small permanent Secretariat. This proposal was made on a bilateral basis to the Italian Government, who accepted the principle of regular consultation at the level of Foreign Ministers, on condition that all six Member States of the Community be invited to participate.

Concrete expression was given to the proposal following a meeting of the E.E.C Council of Ministers in Strasbourg on 23 November 1959. The Ministers announced their intention to meet every three months for the purposes of 'consultation on matters of international policy'[2]. It should be noted that although the principle of regular consultation was accepted, the Foreign Ministers decided to reject the idea of a permanent Secretariat, and also made it a clear stipulation of their terms of reference that the deliberations of the Ministers should not prejudice consultations in NATO or WEU .

Encouraged by this initial success de Gaulle determined to take the idea of regular consultation further, to the level of the Heads of Government. In pursuit of this aim he initiated a series of bilateral meetings with the Heads of State or Government of the six (paying particular attention to his developing relationship with Chancellor Adenauer of the FRG) in an effort to convince his

counterparts of the value of 'organised co-operation'. In addition to these personal contacts with his constitutional equals, the General embarked upon a series of staged press conferences, and television and radio broadcasts in which he expounded his ideas on the political future of Western Europe.

> "To ensure regular co-operation between the States of Western Europe is what France considers desirable, possible and practical in the political, economic and cultural domains, and in that of defence. This requires organised regular consultation between responsible governments, and then the work of specialised organs in each of the common domains which are subordinated to government." [3]

As a consequence of this persistent and frenetic period of activity de Gaulle was able to muster support for a summit meeting between the Heads of State or Government of the Member States, to take place in Paris on 10-11 February 1961.

Unable to reach agreement on the agenda set by de Gaulle, the Summit resolved its difficulties in time-honoured fashion by establishing a committee to study the issues raised by the Summit meeting. The 'study committee' established by the Heads of State or Government was composed of personally chosen national diplomats and was placed under the Chairmanship of the then French Ambassador to Denmark, Christian Fouchet. Thus the Fouchet Committee was born. Its remit: to submit proposals for the establishment of regularised meetings of the Heads of State or Government and of the Foreign Ministers. Internally the Committee established two sub-committees; one to study the problems of 'cultural co-operation', the other to study the problems of 'political co-operation'.

After some delay due to difficulties encountered in the Committee, allegedly over the inclusion of defence in the Committee's agenda, the Fouchet Committee's first Draft Report was presented to the Heads of State or Government at the re-arranged Bonn Summit of July 1961. Its content formed

the basis of discussion at the Summit and the subsequent decision to instruct the Fouchet Committee to ...

> "... submit proposals on the means by which a statutory form can be given as soon as possible to the union of their peoples."[4]

In the months that followed, four draft Treaty texts were submitted to the Fouchet Committee. Of these two were of French origin, the third a text produced and submitted by the other five Member States, and lastly, a final 'Joint Text' adopted by the Committee as a whole. Negotiations on the draft Treaties effectively broke down in failure in mid-April 1962. Subsequently there were a number of unsuccessful attempts by the Committee's new Chairman, Ambassador Cattani, to bring the Member States back to the negotiating table.

In examining the Fouchet negotiations, the first and most obvious question that arises is, why did the Fouchet negotiations fail to reach a successful conclusion ? According to Emilio Battista, the answer to this question was to be found outside the deliberations and documents of the Fouchet Committee.

> "These papers show how close the opposing arguments were brought together and how easy it would have been to reach agreement. It must therefore be concluded that the obstacles lay not in the texts analysed but in the political climate created by other negotiations."[5]

The 'other negotiations' identified by Battista as the source of the Fouchet Committee's failure, were those concerning the first British application for E.E.C membership; negotiations which were later ended by the veto of de Gaulle in January 1963. Whilst the issue of British entry to the Community did indeed intrude upon the judgements and decisions of the participants in the Fouchet Committee, it would be both inaccurate and misleading to suggest that the sole source of the Fouchet Committee's failure to reach agreement can be attributed to the soured atmosphere of the U.K's entry negotiations.

Equally it would be misleading to imply that little or nothing of the difficulties leading to the breakdown of negotiations can be gleaned from a detailed study of the various Fouchet texts and negotiations. While agreeing

with Battista's conclusions to the extent that there were a great many areas of agreement and compatibility with respect to the overall institutional form of the projected Political Union, close observation of the draft Treaty texts and the accompanying negotiations do reveal a small number of very significant divergences between the Member States. In my view these contributed to the ultimate failure of the Fouchet negotiations, and continued to be a source of contention up to and beyond the signing of the Single European Act. Thus in order to explain the failure of the Fouchet negotiations it is necessary to examine both the content of the draft Treaty texts, and political climate and environment in which the negotiations took place.

Most standard texts dealing with the history and development of post-war European integration [6] tend to present the Fouchet episode as part of an on-going struggle between the supranationalist/federalist and the intergovernmental/Gaullist visions of a United Europe. Explanations for the failure of Fouchet invariably centre on the refusal of the French, and in particular de Gaulle, to give ground on the insistence that a Political Europe could only be realised on the basis of a 'Europe des Patries'. Whilst on the other side of the negotiating table, one is presented with the scene of the smaller States, with the Netherlands in the lead, successfully defending the supranationalist vision of Europe against the French juggernaut.

Superficially this picture of the negotiations has an appealing simplicity and fits very neatly into the stereotypical caricatures of Member States attitudes and behaviour, with some foundation in fact, that have emerged in the course of post-war European integration.

To take de Gaulle as an example. It is a matter of record that de Gaulle held particularly strong views on such issues as the institutions of the European Communities, the question of British entry to the Communities, and on the French position in NATO . It is also a matter of record that on each of these issues, the strength of de Gaulle's views were matched by his actions. The 1965

Luxembourg Crisis, two vetoes on British entry to the Community, and the withdrawal of French forces and bases from the integrated command structure of NATO are testament to this. These support the view that de Gaulle was asserting French leadership of Western Europe. Thus the failure of Fouchet can apparently be explained in terms of Gaullist intransigence, consistent with the pattern of behaviour exhibited by de Gaulle throughout his relations with the Communities and the Atlantic Alliance.

This thesis is by no means an attempt to vindicate, or to present a revisionist view of de Gaulle. One can accept the view that de Gaulle in his European/NATO policy was seeking a leadership role for France among the Western European States. But to explain the failure of the Fouchet negotiations on the basis of some titanic struggle between two distinct and opposing views of the future of European integration amounts to an oversimplification which tends to blur and distort the motivations, actions and objectives of the major participants.

Although this will be discussed in greater detail below, it can be suggested that this oversimplification is an understandable consequence of the period in which the negotiations took place. One can observe an overwhelming tendency to describe and explain all 'European' projects in the language and terminology of the contending theories of European integration, a tendency which escaped the confines of academic debate and found its way into the mainstream of the political debate. This adds to the difficulty of analysing the Fouchet texts and negotiations. While it is in some measure possible to describe and explain aspects of the Fouchet episode with reference to the 'supranationalist-intergovernmentalist' debate, a detailed examination will reveal that the issues at stake were more complex, and arguably of a different nature.

The two major protagonists throughout the negotiations emerged at an early stage. Indeed the establishment of the Fouchet Committee was a consequence of early disagreements between France, as the sponsor of the

original proposals, and the Netherlands, which from the outset of this episode was less than enthusiastic about de Gaulle's proposals to institutionalise political co-operation among the Six at the level of Heads of Government. At the Paris Summit of February 1961 and in the face of apparently heavy pressure, from among others, de Gaulle's new found ally, the German Chancellor Konrad Adenauer, the Dutch Foreign Minister, Joseph Luns, refused to accept the text of a previously formulated 'final communique' outlining the scope of de Gaulle's proposals. [7] As a consequence of this refusal on the part of Luns, the eventual 'final communique' of the Paris Summit was significantly altered, and the issue of political co-operation among the Six, turned over to a 'study committee', the Fouchet Committee.

> "It was decided to instruct a committee of representatives to submit to the next session concrete proposals for the meetings of Heads of State or Government and of Foreign Ministers as well as for any other meeting that might appear desirable. This committee will also study other problems of European co-operation, particularly relating to the development of the Communities. It was decided to hold the second meeting in Bonn on 19 May 1961." [8]

Given subsequent events it might be reasonable to suggest that in having the issues of the Paris Summit turned over to a 'study committee', the Dutch delegation were hopeful that they had consigned the proposals to oblivion. However, the fact that these particular proposals had the earnest backing of de Gaulle meant that the project was not about to die a quiet and undistinguished death.

Thus in an attempt to dilute any proposals to the point of ineffectiveness the Dutch embarked upon a strategy of obstruction and delay, the immediate and direct consequence of which was the re-scheduling of the Bonn Summit from May to July. According to Bodenheimer [9] the postponement was due to Dutch insistence that any communique or report from the committee should avoid mentioning the possibility of setting up new institutions. While Silj [10] suggests that the Dutch proved to be obstructive over a wide range of issues, most notably

the inclusion of defence in the deliberations of the Heads of Government of the Six.

In spite of the obstacles placed in their way by the Dutch delegation, the Committee was able to submit, albeit slightly late, a draft report to the Bonn Summit. The draft report was a fourteen point document making recommendations on such issues as the frequency of summit meetings between the Heads of State or Government, and the range and scope of their discussions. Overall the report appears to suggest a willingness among the committee members to find common ground for future discussion; a spirit of compromise suggesting a belief that deeper political commitments were a realistic possibility. It would however be incorrect to suggest that this spirit of compromise was unanimously shared on all issues. Indeed even at this early stage in the Fouchet episode it is possible to detect the undercurrents which would eventually lead to the breakdown of negotiations.

The Dutch delegation, not being entirely successful in their strategy of delay and dilution insisted that their reservations to certain aspects of the report's recommendations be clearly stated. These reservations, which amount to an opposition to Seven of the report's Fourteen points (one of which is the Dutch reservation clause) are effectively a crystallization of what may be identified as the 'official', that is to say, the public face of the Dutch Government's policy throughout the negotiations.

> "The Dutch delegation...fears that the system of European institutions might be compromised by the creation of a political superstructure of an intergovernmental character. The Dutch delegation was also of the opinion that all questions of world policy which in principle come under the jurisdiction of NATO should be excluded from the consultations of the Heads of State or Government. Moreover, the Dutch delegation felt that the United Kingdom's participation was desirable as it would ensure not only that the various shades of European opinion were reflected but also that Europe was represented in a more balanced manner that corresponded more closely to political realities."[11]

Thus, briefly stated, the three themes of Dutch policy throughout the negotiations can be identified as supranationalism, British participation, and the

primacy of NATO . It should be noted with respect to the Dutch advocacy of British participation that the U.K Government had not at this point made its formal application to join the Communities.

Notwithstanding the Dutch reservations, the draft report formed the basis of discussion at the Bonn Summit and of the subsequent Bonn Declaration of 18 July 1961 containing the instruction to the Fouchet Committee, to '... submit to them proposals on the means by which a statutory form can be given as soon as possible to the union of their peoples.'[12]

In many respects the Bonn Declaration is a remarkable document, a triumph of ambiguity and compromise. Indeed reflecting the previously noted tendency to describe and explain all European projects in terms of a supranationalist-intergovernmentalist debate the Bonn Declaration is regarded by Silj as ...

> "... the most skilful and acrobatic compromise ever reached in all these years between the Gaullist views on Europe and the 'European' approach."[13]

The issues of defence, the constitutional character of any future Political Union, the position of the existing European institutions, and the widening of membership are enveloped in a smoke-screen of language open to vastly differing interpretations. The overall impression conveyed is of an enormous effort to find a form of words acceptable to all Member States. This was remarkable feat in view of the Dutch opposition to seven of the draft report's fourteen points, and the equally strident views of de Gaulle. As the The Times, noted the declaration was 'sufficiently (not to say obscurely worded) to overcome the reservation which any of the member countries notably the Netherlands might entertain'. Indeed reflecting the tendency to assess all developments in the language of the intergovernmentalist-supranationalist debate, The Times went on to characterise the Bonn Declaration as a 'middle way ... a compromise between the Gaullist Europe des patries and the Supranational concept of the Coal and Steel Community and the stillborn EDC'.[14]

Indeed as a consequence of the search for a middle way the Bonn Declaration is little more than a statement of aspiration rather than of action and intent. Its only concrete decisions were the instruction to the Fouchet Committee, and confirmation of an agreement for the Heads of Government and Foreign Ministers to continue to meet at regular intervals. This said, the Bonn declaration does strike a very positive and optimistic tone reflecting, with the exception of the strongly stated Dutch opposition, the spirit of compromise evident in the committee's draft report. The prospects of a successful outcome to the deliberations of the Fouchet Committee were thus seen to be reasonably high.

Drafting the Fouchet Plan

In total there were four 'draft Treaty' texts submitted to the Fouchet Committee. The first draft was submitted by the French delegation on 2-11- 61. This first draft will be examined in close detail and in the order in which the various articles appear rather than in a ranking order of relative importance, so as to give an appreciation of the overall structure envisaged by its formulators. It will thus serve as the reference point with which to observe changes and similarities in the most important aspects of subsequent texts. The first draft consists of a Preamble, five Titles and eighteen Articles.

Continuing the linguistic acrobatics of the Bonn Declaration the Preamble is a wide-ranging and ambiguous passage open to a variety of interpretations. Perhaps the most interesting aspect is found in a reference to the proposed Union as a 'Union of their Peoples' a phrase which is carried through to Title One under the heading 'Union of the European Peoples'. Initially it would appear to be a major concession in favour of the supranationalist lobby. However, the wind is swiftly taken out of supranationalist sails in Article 1 of the Treaty proper, which establishes the Union as a 'Union of States'. "By the present Treaty, a union of States, hereafter called 'the Union' is established."[15] This is followed by further interplay between the 'peoples' and the 'States'. "The Union

is based on respect for the individuality of the peoples and of the Member States."[16]

In sum the formulation of this Article is a clever linguistic compromise which, while recognising the absolute nature of de Gaulle's views on the primacy of the nation state, holds out a hand to those with claims to supranationalist aspirations, whose support at this stage was vital. It is a creative piece of concept juggling between the Europe of the States and the Europe without frontiers. A 'peoples Europe' yes, but a Europe in which the supremacy of the State is firmly established and unchallenged.

Article Two deals with the Aims of the Union. Of the four objectives outlined, the most relevant to this thesis are those of a 'common foreign policy' and a 'common defence policy'.

> "It shall be the aim of the Union: - to bring about the adoption of
> a common foreign policy in matters that are of common interest to
> the Member States; ... - to strengthen in co-operation with other
> free nations, the security of Member States against any aggression
> by adopting a common defence policy."[17]

The most notable aspect of these aims is their qualified and ambiguous nature. The aspiration of a common foreign policy is qualified by the clause 'in matters that are of common interest to the Member States', thus implying that there are foreign policy interests which would lie outside the jurisdiction of the Union. Whilst the objective of a common defence policy is even more vague, referring as it does to defence, 'in co-operation with other free nations'. This lack of clarity reflects French unwillingness to make clear and specific commitments of subordination to the Atlantic Alliance, an unwillingness evident throughout the negotiations. Alongside the equally insistent demand by the Dutch to subordinate any defence policy to the Alliance this issue was to become arguably the most crucial of the negotiations. Article Four lists the institutions of the Union in order of precedence. They are, The Council, The European Parliament and The European Political Commission. The significance of this order will become apparent via an examination of their tasks and jurisdictions.

The formation of the Council dealt with in Articles 5 and 6 represents the institutionalisation and upgrading of the process set in motion by the Foreign Ministers of the Six in the November 1959 'Strasbourg Communique', later it provided the model for the establishment of the European Council and of course the inspiration for the development of EPC. The Council was to be made up of the Heads of State or Government of the Member States and their respective Foreign Ministers. The Council was to meet every four months at the level of Heads of State or Government, whilst the Foreign Ministers were to meet at least once in the intervening periods between meetings of the Heads of State or Government.

Where the Strasbourg Communique had placed clear limits on the sphere of their discussions, "... consultations will be conducted without prejudice to consultations in NATO and WEU,"[18] the French text follows the recommendations of the draft report submitted to the Bonn Summit and places no boundaries on the range of subjects to be included in the discussions of the Council.

> "... no limit should be placed on the subjects discussed at meetings of Heads of State or Government. Consultations will embrace not only international policy in general but also political problems connected with the existence of and development of the communities and questions relating to new spheres of co-operation, for example cultural affairs."[19]

This all-embracing remit coupled with the ambiguity of intention and scope observed in the projected aims of common policies in defence and foreign affairs does tend to suggest a certain unwillingness to address difficult issues head-on, leaving them to be fought out behind closed doors of Council meetings. This impression is further compounded by the voting procedure of the Council which appears to have contained within it an elaborate escape clause. Article 6 states that the Council 'shall adopt decisions for achieving the aims of the Union unanimously', but also goes on to allow that decisions can be made in the absence or abstention of 'one or two' members. Decisions taken in which one or

two members are either absent or who have abstained would be binding only on those members who have taken part in the vote; with the proviso that such decisions may later be endorsed and implemented by the absent or abstaining member at any time, and from this point of endorsement the decisions made will be binding on that Member State.

Taking into account the ambiguity on the issues of foreign and defence policy this voting procedure brings with it the possibility of an inconsistent foreign and defence policy. This 'escape clause' may just as easily be viewed as a device to facilitate movement and prevent the deadlock of negotiations so often a negative feature of voting systems based on the principle of unanimity. Consideration of these possibilities does not appear to have played much of a role in the negotiations. Of much greater concern was the possibility contained within the Articles dealing with the Council, and previously endorsed in the draft report, of the Council involving itself with issues falling within the jurisdiction of the Community institutions, and thereby threatening the legitimacy and authority of these institutions.

With regard to the role of the European Parliament in a future Political Union, the Bonn Declaration expressed the wish to 'associate public opinion more closely with the efforts already undertaken' by inviting the European Parliament to extend the range of its debates to include issues on the agenda of the Fouchet Committee. This invitation had in fact been pre-empted by the European Parliament's Political Committee which, in response to the Paris Summit of February 1961 had prepared a report outlining the European Parliament's views on the issues raised by the Paris Summit. The findings of this report [20] were embodied in a resolution adopted by the Parliament on 28 June 1961 [21].

Although the Bonn Declaration did decide to make a study of the Parliament's resolution [22] the degree to which the Parliament's resolution and subsequent reports made an impact on the text of the Fouchet plans is open to

question.   While not directly addressing the concerns and ambitions of the European Parliament in terms of providing for direct elections or of providing specific guarantees of respect for the institutions of the Communities, it does provide for the extension of the European Parliament's debating mandate to include 'matters concerning the aims of the Union.'[23] which given the stated aims of the Union, would by implication include the discussion of defence and security issues. In addition the draft provides that the Parliament would have the right to address written and oral questions to the Council and to submit its recommendations to the Council, combined with commitment of the Council to inform the Parliament of its actions within six months. The draft also commits the Council to the submission of an annual report to the Parliament.

Clearly it is easy to suggest that the European Parliament gained nothing of substance in this first draft. However if one considers the highly restricted nature of the European Assembly at this time, one could take the view that its very inclusion in the institutional structure of the Union was a significant breakthrough for the Parliament.   Indeed its inclusion represents the acknowledgement of a link between membership of the European Communities and the Political Union. Thus in a common institution the first draft Treaty ensures that the first Fouchet draft, symbolically at least, remains within the established tradition of the post-war integration movement.

In the creation of the European Political Commission, which was to be staffed by 'senior officials of the Foreign Affairs departments of each Member State', one can identify the political secretariat proposed by de Gaulle in 1959. Article 9 deals with the basic staffing and structure of the Political Commission, the most significant aspect of which was its permanent location, Paris. Whilst the location of the Political Commission was to become a highly contentious issue, the question of location was in many respects a symptom of a wider and more fundamental dispute rather than its cause. The underlying cause was to be found in the role rather than the location of the Political Commission.

> "The European Political Commission shall assist the Council. It
> shall prepare its deliberations and carry out its functions. It shall
> perform the duties that the Council decides to entrust to it."[24]

The provision that the European Political Commission carry out whatever duties the Council decides to entrust to it, combined with the absence of limitations on the range of issues within the purview of the Council, was to raise fears and accusations that what was being created in the Political Commission was the means by which the rights and jurisdictions of the as yet unmerged Commissions of the European Communities would be undermined and eventually replaced by an institution possessing no Supranational characteristics. This view was further compounded in Article 14, which entrusts to the Political Commission the task of implementing the budget of the Union.[25]

Article 16 provides for a review of the Treaty after a period of three years in order to examine progress made and to consider measures for strengthening the Union.

> "The main objectives of such a review shall be the introduction of
> a unified foreign policy and the gradual establishment of an
> organisation centralising within the Union, the European
> Communities referred to in the Preamble to the present Treaty."[26]

Bringing the existing Community Treaties under the umbrella of the Union would appear to be a significant step towards the creation of an all-embracing 'European Union'. However when the review Article's commitment to establish a centralising organisation with which to bring this about is considered alongside the aspects of Articles 6, 10 and 14, there would appear to be cause for concern among those anxious to protect the rights and privileges of the Community institutions.

It is however, notable that despite the heated rhetoric expended over this issue, couched in terms of the intergovernmentalist-supranationalist debate, the subsequent draft Treaties endorsed by the 'Five' made no attempt to limit the range of the Council's jurisdiction other than to acknowledge that the objectives of the Union would not 'derogate from the competences of the European

Communities.' This acknowledgement had previously been endorsed by the French in their acceptance of the findings of the 'draft report' presented to the Bonn Summit. [27] In so far as the remainder 'review' article is concerned the only notable aspect is that while reference is made to the objective of the 'introduction of a unified foreign policy' there is no mention whatsoever of further development in the sphere of defence policy.

'Article 17' sets out the conditions under which new members were to be granted entry to the Union. States must be members of the Council of Europe who accept the aims and obligations of the Union, and who have previously acceded to the European Communities. Acceptance of new members was to based on a formula similar to that outlined for Treaty amendments.[28] Membership of the existing Communities in this version of the draft Treaties considered by the Fouchet Committee, takes on the role of a threshold, a test-bed of the applicant State's commitment to 'Europe'.

The Second French draft (Fouchet Two)

On 18 January 1962 the French delegation submitted to the Committee a second draft Treaty. The other five delegations took the view that this second French draft constituted a backward step in relation to the first draft and immediately rejected it as a basis for negotiation.

In relation to the first draft the aims of the Union in this draft appear in a much reduced and less ambitious form. Gone are the aims of common policy in foreign affairs and defence or even an oblique reference to the Atlantic Alliance. There is in fact no reference to the aim of a common policy in any area, rather the draft refers to 'reconciling and co-ordinating' the 'common interest'.

> "It shall be the aim of the Union to reconcile, co-ordinate and unify the policy of Member States in spheres of common interest : foreign policy, economics, cultural affairs and defence." [29]

Although expressing the aim of unifying the policy of Member States, the formula adopted by the second draft is clearly qualitatively different from that

found in the first draft. To 'reconcile and co-ordinate' policy does not carry the weight of an explicit commitment to the aim of a common policy with its attendant implications of a legally binding commitment to pursue a single and agreed policy in a uniform and consistent fashion. Rather the aim of 'reconciling and co-ordinating' policy is suggestive of an agreement to pursue a number of non-binding general principles, which would of course be open to differences in both interpretation and implementation.

Whilst the absence of a clear-cut commitment to 'common policy' in the aims of the Union may be regarded as a dilution in comparison to the objectives outlined in the first draft, this dilution is countered by something of a bombshell in the inclusion of 'economics' among the aims of the Union. The inclusion of economics among the aims of the Union even in the absence of a clearly defined commitment to common policy adds further fuel to the suggestion that the French had among their objectives the undermining and eventual take-over of the powers and functions of the Community institutions by a body under the complete control of the Member States, that is to say an institution possessing no supranational powers.

The second French draft adds to the institutional framework a further tier, the 'Committees of Ministers'. The inclusion of this tier represents both a separation and a development

> "A Committee of Foreign Ministers and a Committee of Ministers
> of Education shall be set up. These Committees shall meet not
> less than four times a year and shall report to the Council." [30]

In creating a Committee of Foreign Ministers the draft also confines membership of the Council to the Heads of State or Government, unlike the first draft which included the Foreign Ministers in the composition of the Council. While, in creating the Committee of Education Ministers begins the process of creating specialised agencies to cover every aspect within the jurisdiction of the Union, a development which is catered for in Article 8, 'The Council may decide to set up other Committee's of Ministers.' [31]

Given the inclusion of economics among the aims of the Union, the implications of this Article for the European Commission did not go unnoticed.

The 'review' article in this second draft is shorter and more equivocal than its counterpart in the first draft. No mention is made of the issues of foreign policy nor of bringing the existing Communities within the Union structure, both of which are specifically referred to in the corresponding article of the first draft.

> "Three years after the Treaty comes into force it shall be subjected to a review in order to consider suitable measures either for strengthening the Union in general in the light of progress made or, in particular for simplifying, rationalising and co-ordinating the ways in which Member States co-operate."[32]

Whilst there is little substantive evidence with regard to the precise motivations surrounding the submission of the second French draft, there would appear to be a consensus among commentators that its submission was the consequence of the direct intervention of President de Gaulle.[33] It is speculated that de Gaulle had become concerned that in the process of discussions on the first French draft, too many concessions were being made to the views of the other participants in the Fouchet Committee. In short de Gaulle was thought to be of the view that control of the Committee's agenda was slipping from the grip of the French. The consequences of this were regarded as incompatible with French interests, particularly in respect of the relationship with the Atlantic Alliance.

Thus the second French draft can be regarded as an attempt to adjust the Committee's terms of reference. The aim of which was to produce an outcome more in line with French interests. That is to say, either the withdrawal by the other Member States of their more ambitious proposals and acceptance of what was now the hardened French position, or, the failure of the negotiations. Indeed it has been suggested that the breakdown of the negotiations was regarded by de Gaulle as a more palatable solution than acceptance of the proposals then being floated in the Committee. [34]

Regardless of the actual trigger for the submission of the second draft, from this point onwards one can observe a clear and definite shift in the French attitude towards the negotiations. Where previously one could characterise the French position as one of great enthusiasm and dynamism, this very quickly changed to a position of obstruction, delay and negativity.

Draft Treaty of the 'Five' (Fouchet Three)

Following the submission and immediate rejection of the second French draft Treaty by the other five Member States, the 'Five' prepared and submitted to the Committee a further draft Treaty. This draft is significantly longer and more detailed than the second French draft. A further general point to note is the prolific use of square brackets as a means of identifying areas in which the 'Five' had failed to reach full agreement. This is significant in view of the generally held view that the Fouchet negotiations foundered on and were characterised by disputes between the French delegation and the other five Member States.

The most notable aspect of Article 1 is what appears to be an attempt to intertwine the idea of a 'Union of States' and a 'Union of Peoples'. Perhaps taking note of the European Parliament's insistence that the spirit of Bonn Declaration be maintained, the draft of the 'Five' attempts to bind the two concepts that formed the linguistic acrobatic team of the Bonn Declaration. "By the present Treaty, a Union of States and of European Peoples, hereafter called the European Union is established."[35] It is notable however that the 'Union of States' precedes the 'Union of European Peoples'. The key as ever lies in interpretation, ambiguity reigns supreme

With Article 2 comes the first of the differences of view among the formulators of this particular draft. The objective of a common foreign policy attracts no dissenting square brackets, whereas the objective of a common defence policy results in a rash of square brackets indicating that this was an area

of major disagreement among the 'Five'. The point of contention in the 'adoption of a common defence policy' being the persistent difficulty of the role and status of the Atlantic Alliance in relation to the emergence of a 'European' defence identity. In this respect there are two bracketed references to the position of the Atlantic Alliance vis-a-vis the Political Union..

> "the adoption of a common defence policy - [within the framework of the Atlantic Alliance] - [as a contribution towards strengthening the Atlantic Alliance]" [36]

It is notable that this particular difficulty over the relationship with the Atlantic Alliance emerged within the context of the draft of the 'Five' and did not directly involve the well documented French objections to the NATO command structure. Though it maybe speculated that the second, more ambiguous, form of words was aimed specifically at resolving the French difficulty and was therefore a means of allowing the French to accept the mention of the Atlantic Alliance within the confines of a Treaty document, thereby removing a major obstacle to further movement.

Articles 4 to 10b dealing with the 'Institutions of the Union', make a number of changes in relation to the institutional structure proposed in the first draft. The most notable change is the relegation of the Political Commission, proposed by both the first and second French drafts, from the formal institutional structure of the Union to the role of supporting body. Indeed its continued existence would appear to hang in the balance. The reference to the Political Commission in Article 4 is enclosed in the ubiquitous square brackets indicating this as a further area of disagreement between the 'Five'. 'The Council and Committee's of Ministers shall be assisted [by a Political Commission] by a Secretary-General.'[37]

Further doubt is cast on the creation of a Political Commission in 'Article 8' which outlines the staffing and duties of a Political Commission sees fit to enclose the greater part of this Article, including the title of the proposed body, in square brackets.

> "The [Political Commission] shall consist of senior officials appointed by each Member State. [It shall prepare the deliberations of the Council and ensure that its decisions are carried out]. It shall perform the duties which the Council decides to entrust to it."[38]

While the creation of a Political Commission appears to be in some doubt, the setting up of the position of Secretary-General of the Union would appear to have gained general acceptance among the 'Five',[39] the detail of which is covered in Article 9. Article 9 also provides the Secretary- General with the assistance of a 'secretariat', and stresses the independent status of the Secretary-General in the manner of European Commissioners.

> "The Council shall appoint for a period of _ _ a Secretary-General who shall be independent of the Governments of the Member States of the European Union, His term of office shall be renewable. He shall be assisted in the performance of his duties by a staff appointed by him in accordance with a procedure to be laid down, on his proposal, by the Council._ _ _ "[40]

It would therefore appear that the apparent difference of view in Article 4 concerns whether or not the Political Commission should have an existence independent of the Secretary-General or be subsumed within the general functions of the Secretary-General. However what does seem clear is that a much reduced status and role was envisaged for the Political Commission by the formulators of this particular draft in comparison to that proposed in both drafts submitted by the French delegation.

In reducing the role and status of the Political Commission and recommending the creation of an 'independent' Secretary-General, the 'Five' would appear to have taken note of the recommendations found in the report of the European Parliament. This report, produced in response to the submission of the first French draft, expressed the view that a 'college of permanent representatives' ie. a Political Commission, should not be set up as a separate institution of the Union, but rather it should be the creature of the Council.[41] In addition the Parliament expressed the view that the Council should have at its disposal a Secretary-General, who, with the assistance of a Secretariat would

carry out the instructions of the Council. The Parliament stressed however that although independent of the Member States the jurisdiction and functions of the Secretary-General should be strictly defined. The intention must be to ring-fence the powers and jurisdictions of the Community institutions. However in spite of taking on-board a number of the Parliament's recommendations with respect to the Political Commission and a Secretary-General, the draft of the 'Five' makes no attempt to define the role and functions of the Secretary- General other than to state that the functions of the office were to be deemed 'incompatible with the exercise of any other office'.[42]

Of further note in respect of the institutional structure is the inclusion within the Union's institutional framework of the 'Committees of Ministers'. In the inclusion of the Committees of Ministers the 'Five' adopted and extended the institutional innovation proposed in the rejected second French draft. Whereas the French draft proposed the setting up of a Committee of Foreign Ministers and of Education Ministers the draft of the 'Five' adds to this a 'Committee of Ministers for Defence and for the Armed Forces'.

A further tentative addition to the institutional structure is proposed in the bracketed addition of the 'Court of Justice'. No further details of this proposal were given other than the inclusion of an Article 10b which noted that this issue remained the subject of a pending study by Ambassador Ophüls the German delegate to the Fouchet Committee.

Article 10 deals with the role of the European Parliament within the framework of the Union. Its role in this Treaty draft differs only in minor detail from that proposed by the two previous French drafts. In terms of increased power the aspirations of the European Parliament have again been ignored.

Article 16 is an extensive and detailed article dealing with the issue of Treaty review. Indicating the existence of differences between the 'Five' this article is split into two alternative versions, divided by the presence of square brackets.

The main difference between the two versions of the review article is found in the clarity with which the objectives of the review are expressed. The bracketed version is the clearer and less ambiguous of the two. The bracketed version also differs to the extent that it expressly states among its objectives, the creation of an 'Independent Executive' and the extension of the jurisdiction of the Court of Justice of the European Communities to cover the institutions of the Union. It can be assumed that the bracketed status of this version expresses the minority position.

In contrast the unbracketed version of the review article while referring to the same issues is rather ambiguous and non-committal preferring not to make definite commitments to particular aims, rather to 'review' and 'gradually introduce' measures. However, when compared to the single non-committal paragraph of the second French draft, both versions of the review article in the draft of the 'Five' are extensive and far reaching, though it is notable that no mention is made of furthering the objectives of a common foreign policy or of a common defence policy, while the objective of a common foreign policy is explicit in the review article of the first French draft.

In sum the draft submitted by the 'Five' differs from the second French draft primarily in the force and clarity of its projected objectives, retaining the aim of 'Common Policies' as opposed to the more tentative and limiting 'Common Positions' outlined in the second French draft. This however is undermined by the presence of square brackets in a number of the most crucial areas, thus indicating substantial disagreement among the 'Five'. In terms of the institutional structure envisaged, there is, in spite of the downgrading of the Political Commission, little substantive difference or dispute between this draft and those submitted by the French on the basic institutional form of the Political Union. All project a fundamentally intergovernmental structure, with no supranational characteristics.

<u>Joint Draft Treaty and Report</u>

Following the submission of the draft Treaty of the 'Five', negotiations took place in pursuit of a Treaty text acceptable to all six Member States. Almost inevitably the draft of the 'Five' was as unacceptable to the French as the second French draft had been to the 'Five'. As a consequence the Committee were unable to reach full agreement and decided to adopt a Treaty draft in which there were a number of alternative versions of some of the more sensitive and intractable issues. Use was also made of the square bracket.

The reality of the 'joint draft' is that it can be divided into two quite distinct versions, a French version which differs little from their second submission, and a version endorsed by the 'Five' which again differs little from that submitted in January 1962. As a consequence of the difficulties encountered in the negotiations and the unusual situation of a significant number of alternative versions of the draft Treaty's articles and the use of bracketed text within the same document, the Committee decided to compile and adopt an 'introductory and explanatory report' outlining the reasons offered by the Member States for variations in the text.

The first use of square brackets in this final draft are found in the Preamble. In this instance within a passage of joint text, that is to say, text agreed by all six Member States. The bracketing concerns the opening of the Union to new members.

> "[desirous of welcoming] [ready to welcome] to their ranks other
> countries of Europe that are prepared to accept in every sphere the
> same responsibilities and the same obligations [and conscious of
> thus forming the nucleus of a union, membership of which will be
> open to other peoples of Europe that are as yet unable to take such
> a decision]; ..." [43]

The initial response to the bracketing in this text would be to assume that it was a reflection of one of the core disputes of the negotiations; the question of British participation, the so-called 'Prealable Anglais.'[44] However, it would appear that the use of the bracketing in this instance rests on the style of language

employed rather than the sentiment. The Six had previously agreed during the December 1961 negotiations to establish a clear mechanism linking membership of the Communities with membership of the Union. In effect, accession to the Communities was to be both a pre-condition and an obligation to join the Union. This agreement is confirmed in the joint text, which though appearing as joint text is regarded as 'Article 17' of the French text and 'Article 21' of the text agreed by the 'Five'. 'The Union shall be open for membership to States that have acceded to the European Communities referred to in the Preamble to this Treaty.'[45]

Bracketing of a similar nature appears in Article 1 of the joint draft which establishes the Union as a 'Union of States', while a bracketed addition extends this to a 'union of States [and of European peoples].'[46] The accompanying explanatory report identifies the objection to the inclusion of the reference to the 'European peoples' as a French objection. According to the report, the French took the view that it was premature to talk about a 'Union of Peoples' at such an early stage. It would in the French view be more appropriate to employ such language when progress towards such a reality had been made. This position is consistent with de Gaulle's oft quoted views on the primacy of the nation-state and was voiced clearly throughout this period, and should therefore have come as no surprise. In objecting to the phrase 'union of European peoples' in both the Preamble and in Article 1 the French text can be seen to have avoided the ambiguity and linguistic acrobatics of the first draft. The 'Five' on the other hand took the view, according to the report, that the review clause in the Treaty takes such a 'reality' into account, particularly in its provision for direct elections to the European Parliament. It should however be noted that close observation of the text demonstrates quite clearly that the 'Five' in reality retain a strong attachment to the primacy of the State, tending to suggest that the various allusions of a commitment to a supranational Europe have a strong rhetorical edge.

Article 2 outlining the objectives of the Union has alternative versions of text. The French version remains that of their second submission. It is brief, non-committal in respect of the aim of common policy and retains the contentious reference to economics.

In so far as the reference to economics among the objectives of the Union is concerned, the French justification in the explanatory report for its inclusion amounts to little more than an anodyne re-statement of the French view of the primacy of the Heads of State or Government which ignores the issue of respect for the powers and jurisdictions of the institutions of the existing Communities.

> "The French delegation feels that in view of the fact that the Council, as supreme organ of the Union, is composed of persons who bear the highest degree of responsibility in their respective countries, it must be able to deal with all problems affecting their countries interests in any sphere." [47]

Again one must accept that the French position on this issue is consistent with their position throughout the negotiations. Though it can be suggested that this is a prime example of the lack of flexibility and intransigence exhibited by the French delegation following the submission of their second draft. Given that the French delegation had previously endorsed the conclusions of the Committee's Draft Report,[48] to the effect that the jurisdictions of the Community institutions would be respected except in exceptional circumstances, it would have taken little for the French to have made a similar commitment had they wished to adopt a more conciliatory approach to the negotiations. In this light the French position on this issue can be regarded as an attempt to block further progress as the agenda slipped from their grasp.

The 'Five's' version of Article 2 again remains for the most part that submitted in their previous draft, including the use of the ubiquitous square brackets indicating areas of dispute among the 'Five'. The French version of the institutional framework of the Union remains that which was proposed by their second draft. The 'Five' on the other hand favour offer a slightly altered institutional framework from that proposed in their previous draft. Where

previously they had proposed the setting up of a Council and Committees of Ministers as separate institutions, this draft combines the Council and Committees of Ministers as a single institution. The European Parliament retains its position and also included as a fully fledged institution of the Union is the previously bracketed Court of Justice.

With regard to the Political Commission, the 'Five' appear to have resolved the difficulties encountered in their previous draft. The text agreed by the 'Five' makes provision in paragraph 2 of 'Article 5' for both a Political Commission and a Secretary-General, both of which are charged with the same basic task: 'The Council and the Committees of Ministers shall be assisted by a Political Commission and a Secretary-General.' [49]

In so far as the composition of both bodies and their specific roles are concerned, the text remains that of the January draft, but removes the bracketing which accompanied the January draft. Thus the possibility of the functions of the Political Commission being subsumed into those of the Secretary-General was removed. In addition the assumed threat to the use of the title of 'Political Commission' is removed, though the report does note continuing Dutch concern over use of this title in a reservation which also reflects the tendency to conduct all debates in the terminology of the supranationalist-intergovernmentalist debate.

> "... the Dutch delegation fears that the term 'Commission' may be confused with the name of the Community bodies in the existing Communities, whereas the institution envisaged for the Union is intergovernmental." [50]

Superficially the creation of the office of Secretary-General would appear to be a straightforward case of the French, who make no provision for the office of Secretary-General, at odds with the 'Five'. This however was not the case. Whilst the text of the five in the final Joint draft appears in an 'unbracketed' form, the explanatory report reveals three differing strands of opinion. The justification offered by the French for their opposition was to argue that the creation of the office of Secretary- General would at this stage limit the capacity

and flexibility of the Member States to act in pursuit of a stronger Union; the Political Commission it was argued would be sufficient to carry out the tasks envisaged by the Treaty draft.

The report goes on to identify FRG, Italy and Belgium as the strongest advocates of the office of Secretary-General, offering the distinct impression that these three States saw the role of Secretary-General to be that of a Federator. 'A carefully chosen Secretary-General could provide a powerful impetus to the unification of Europe.'[51] In contrast the Dutch and the Luxembourg delegations felt unable to commit themselves to support the creation of this office, though no justification for their lack of support is offered by the explanatory report.

Articles 10 & 11 of the French text and Articles 12 & 13 of the 'Five's' text (which despite their different numbering appear as joint text) deal with the position of the European Parliament. The main point to note here is the weakening of the Parliament's position relative to that in all previous drafts, including the much derided second French draft. This weakening tends to further support the view that the despite the rhetorical utterances acknowledging the importance of the Parliament, its presence within the institutional structure was regarded as primarily symbolic, a ritual genuflection to the principle of democracy. The explanatory report adds weight to this view by virtue of its silence on the question of the future role and powers of the Parliament.

The inclusion of the 'Court of Justice' of the European Communities within the Institutional framework favoured by the 'Five' is significant in a number of respects. Firstly, its inclusion alongside the European Parliament in the first stage of the Union leaves only the as yet unmerged Commissions of the European Communities outside the formal institutional structure of the Union. Secondly, unlike the European Parliament whose inclusion in the institutional framework of the Union cannot be said to have carried with it the granting of significant legislative powers, the Court of Justice via its inclusion in the text of the 'Five' gains a significant increase in its jurisdiction.

> "The Courts of Justice of the European Communities shall be competent to decide on any dispute between Member States connected with the interpretation or application of this Treaty. Member States undertake not to subject such disputes to any other form of settlement." [52]

Connected to the inclusion of two Community institutions within the framework and activities of the Union, the explanatory report notes the German delegation's view that it would be desirable to invite the Commissions of the European Communities to attend meetings of the Council on issues which fell within the competences of the Commissions. However while noting the German suggestion, the report goes on to reject this proposal as a potentially dangerous development. To invite the Commissions to meetings of the Council it was argued would run the risk of undermining the oft-stated commitment to respect the competences of the existing Community institutions. The French for their part adopted the usual line that no limits should be placed on the competence of the Council, and added that it was unnecessary to lay down the procedure to be followed by the Council. [53]

The articles dealing with the general review of the Treaty, are the subject of separate texts (Article 16 in the French text, Article 20 in the text of the 'Five'). The French version is that submitted in their second draft. The version endorsed by 'Five' amounts to a compromise position made up of the alternative versions found in their January draft.

The main differences among the 'Five' on this issue had largely been differences of clarity and the provision of an 'Independent Executive'. The version adopted by the 'Five' in this final draft adopts the clear form and style of the bracketed version but omits the more contentious elements of the review, in particular the provision to create an Independent Executive, thus indicating a withdrawal from the federalist brink that such an institution suggested. The removal of this clause can perhaps be regarded as a recognition that the original inclusion of this provision was a case of enthusiasm overcoming the political

reality that such a proposal had no chance of obtaining the support of the French, not to mention the more reluctant among the 'Five'

In connection with the review article, the explanatory report notes the reservation of the Benelux delegations. This reservation has the appearance of a threat, to the effect that if the Treaty review does not take place within the time period and terms stated ie. at the time of the thirds stage of implementation of the Treaty of Rome, they reserve the right to denounce the Treaty. The reasoning behind this 'threat' centres, according to the report, on the absence of an agreed formula and the provision of compulsory stages for the further advancement of the Union. In short they were advocating an implementation plan based on the model adopted by the E.E.C.

The final provisions of the draft are in the main joint text and deal with such issues as voting procedure for the admission of new members, language of the Treaty and ratification procedure etc. The differences that do exist are of a minor and technical nature.

End of Negotiations

During March and early April 1962, negotiations took place aimed at resolving the very evident differences between the Member States with respect to the detail of any Treaty of Political Union. During this period the Committee's chairman was chosen by de Gaulle to oversee the French withdrawal from Algeria, a role for which he was disparagingly dubbed, 'de Gaulle's Gauleiter' by the O.A.S. [54] Chairmanship of the Committee was taken on by the Italian Ambassador, Cattani. Thus for a period the Committee adopted the title of the Cattani Committee. Cattani, it would appear made, strenuous efforts to reconcile the various areas of disagreement. In the main his efforts were directed towards textual acrobatics in the main areas of disagreement; the status of the Atlantic Alliance and the competences of the existing Community institutions.

To this end Cattani presented a number of amended draft articles to be inserted in the March 15 joint draft.

Overall the Italian amendments can be viewed as an attempt to bring the French into the fold. The tactic employed by Cattani appears to be one of giving the French what they required in terms of phrasing combined with the removal or re-positioning of contentious issues.

In the case of the Atlantic Alliance, the Cattani amendments remove all references to the Alliance in the Treaty proper, but adds a new paragraph to the Preamble which refers to the Atlantic Alliance in a form of words which echoes the Bonn Declaration.

> "Conscious that security must be preserved by common action in the field of defence, helping to strengthen the Atlantic Alliance."[55]

The removal of the reference to the Atlantic Alliance from the main body of the Treaty and specifically the objectives of the Treaty, goes some way to resolving the French difficulty in this area. It takes no account of the dispute between the 'Five' over the nature of the Union's commitment to the Atlantic Alliance, a particular problem when one takes into account the Dutch position on this issue which was equally as strident as that held by the French.

The revised Article 2 outlining the aims of the Union, represents an almost complete acceptance of the French viewpoint, as expressed in the second French draft. Gone are the objectives of 'common policy' to be replaced by the French formula of 'common interest'. In fact the revised Article 2 submitted by Cattani uses the exact wording of the French text, with the exception of the contentious reference to economics found in the French version. [56]

Although avoiding an explicit reference to economics among its specific objectives, the second paragraph of this amended article manages to bring economic issues within the sphere of the Union's competences, by virtue of a torturously convoluted form of words which seeks to qualify and justify a tacit acceptance of the Union's involvement.

"To further the work accomplished in the economic field in pursuance of the Treaties of Paris and Rome, Member States of the Union may from time to time arrange for an exchange of views."[57]

This again appears to be an acceptance of the French view that there could be no issue beyond the competence of the Council. Though reference back to the study committee's 'draft report' to the Bonn Summit, would confirm that in proposing this amendment, Cattani remains consistent with the findings of the Committee in this area. The Committee recommended that intervention by the Heads of State would be desirable in cases where deadlock threatened progress. [58] It should be recalled however that this particular provision in the Committee's draft report was one of the seven points objected to by the Dutch in their lengthy reservation clause. [59]

Even when one takes into account the revised Article 3 submitted by Cattani which seeks to further qualify the Union's involvement in Community activities, [60] the Cattani amendments clearly bring the Treaty closer to the French viewpoint at the expense of the Dutch position on the issues of the Atlantic Alliance and respect for the functions and powers of the existing Community institutions.

The Cattani amendments were presented to a meeting of Foreign Ministers in Paris on 17 April 1962. The meeting broke up having failed to reach agreement. It also failed to offer the Cattani Committee a fresh mandate or to issue a communique confirming the breakdown of negotiations. In the following days however, by means of press conferences and newspaper articles the various participants offered their reasons, excuses and apportioned blame in varying degrees for the failure of the negotiations.

Cattani apparently did not accept that the negotiations were beyond retrieval and continued his attempts to bring about a reconciliation and a revival of talks throughout the summer of 1962. As a consequence of Cattani's continuing efforts the Italian Government submitted a further series of

amendments to the draft Treaty. There is little to be gained by ploughing through these amendments other than to comment that the overall impression is one of further movement towards the French version of the draft Treaty, and consequently a dilution of the text supported by the 'Five'. These proposals were rejected, and despite a number of attempts, Cattani finally had to admit defeat.

Perhaps one reason for the failure of Cattani's efforts can be identified in the opening of bilateral talks between France and FRG during the autumn of 1962. The result of which was the signing on 29 January 1963 of the Franco-German Treaty. This was a bilateral treaty of co-operation echoing the original offer made to the Italian Government by de Gaulle in 1959, [61] and in content not unlike the second French submission to the Fouchet Committee, stressing 'co-operation and co-ordination' rather than 'common policy'.

Earlier in the same month (14-1 63) de Gaulle effectively vetoed the British application to the Communities, thus signing the death warrant of the Prealable Anglais and any hope of the revival of negotiations for a Political Union in the near future.

The Netherlands, Britain and the Atlantic Alliance

Having noted the early reluctance of the Netherlands to support the proposals initiated by de Gaulle [62] the negotiating position of the Netherlands retained its obstructive and negative edge throughout the Fouchet negotiations. The negotiating stance of the Dutch delegation rested upon three themes, supranationalism, British involvement, and the status of the Atlantic Alliance. Within the context of these three themes, supranationalism and British involvement, can be said to have been employed by the Dutch as their principle negotiating weapons, while the issue of the Atlantic Alliance can be regarded as the non-negotiable element of their position. Indeed it will be argued that the whole thrust of Dutch negotiating strategy was designed to ensure that their

position on the role and status of the Atlantic Alliance remained untouched. In short, the Dutch position throughout the Fouchet negotiations was motivated by the desire to at best prevent the negotiations from reaching a successful conclusion, or at worst to mitigate as far as possible the effects of an agreement on their position vis-a-vis the status of the Atlantic Alliance.

The eventual failure of the Fouchet negotiations would suggest that the Dutch were entirely successful in their strategy. However, although an undoubtedly crucial element in the breakdown of the negotiations, it would be incorrect to attribute the failure of Fouchet to the success of the Dutch negotiating strategy alone. To suggest this would be to ignore the role of the French in the breakdown, [63] and to attribute to the Dutch an artificially inflated influence among the 'Six'. Indeed in spite of sometimes superficial appearances to the contrary, the Dutch position on a number of issues left them isolated and at odds with their traditional allies within the Community.

The prominence given to the issues of supranationality and of British participation as elements of the Dutch negotiating strategy rests on the decision to combine these two issues as an 'either-or' choice as the price for Dutch co-operation. Attention in this respect focuses on the clear contradiction found in the vigorous and vocal attachment to the principle of supranationality, expressed in support for the protection of the powers and functions of the existing Community institutions, combined with an equally vigorous support for British entry to the Communities and/or participation in the Fouchet negotiations. The contradiction here was the oft-stated British aversion to the principle of supranationalism.

This combination of objectives developed by the end of the Fouchet negotiations in April 1962 to form the 'Prealable Anglais', the Dutch pre-condition for the acceptance of any Treaty of Political Union, in effect an encapsulation of the 'official' Dutch negotiating position.

> "The Netherlands is in favour of a united Europe that is as
> extensive as possible and therefore bigger than the six countries of
> the European Economic Community. This Europe should be
> based on supranational and integrationist principles identical with
> those of the ECSC Treaty. The French plan on the other hand, is
> founded on the old concept of a treaty between States, the alliance
> of an 'Europe des Patries'. We think that this should be rejected
> but are ready to make concessions if the United Kingdom is
> brought in on the subject." [64]

In this form the Prealable Anglais may be summed up as a preference for a Union based on supranational principles, combined with a reluctant willingness to accept some form of intergovernmental arrangement on the condition of a guarantee of British participation and entry. Thus the negotiating position of the Dutch is distilled to the formula, 'Supranationality or British entry', thereby creating the clear impression of an element of flexibility in the Dutch approach. Closer examination of the negotiations suggests that this flexibility in the Dutch position was illusory, the Prealable Anglais is not what it at first appears to be. This is perhaps most clearly illustrated in the explanatory report which accompanied the final 'joint' Fouchet draft. In this report the Dutch delegation entered a reservation which fundamentally altered the character of the Prealable Anglais.

> "The Dutch delegation has made it clear that, so far as it is
> concerned the signing of this Treaty is closely linked with the
> accession of the United Kingdom." [65]

Gone is the conciliatory tone which intimated a willingness to drop the insistence on British entry if ground was given to the principle of supranationality on one hand, or on the other hand if supranationality was out of the question, a willingness to settle for U.K entry as a consolation. Rather the Dutch negotiation formula of 'supranationalism or British entry' is transformed to a Hobson's choice of 'British entry or no institutions' be they intergovernmental or supranational. As Bodenheimer [66] has indicated, the Dutch gave the impression that they wanted both supranational institutions and U.K entry, but would in the spirit of compromise and flexibility accept one or the other, while in fact insisting on only one: British entry.

This apparent willingness to jettison a supranational solution for the sake of British entry to the Community raises serious questions about the depth of Dutch commitment to the principle of supranationality, a principle often presented by the Dutch as a fundamental doctrine of faith. Indeed it was in this vein, as a point of principle, that Foreign Minister Luns justified his opposition to the first French draft in the Tweede Kamer, a draft which was generally regarded by the other delegations as providing a reasonable basis for negotiation.

> "Objections of principle have been laid by the Dutch ..._ stress has been laid on the absence of those supranational aspects which provide guarantees for the interests of small countries."[67]

In making this statement Luns publicly endorses the widely held view that supranationality provides a buffer which protects smaller Member States against the weight of the larger Members. The presence of a supranational institution possessing clear and well defined jurisdictions, charged with promoting the interests of the whole Community, in principle places constraints on the actions of all Member States. Thus the smaller Member States are able to deal on a more equal footing with their larger partners. The intermediary common supranational agency liberates negotiations and decisions from the 'power-play' that is said to be characteristic of purely 'intergovernmental' organisations.

Thus the question to be addressed here is: was the public adherence of the Dutch to the principle of supranationalism matched by their practice ? Dealing first with the Fouchet negotiations. It is not unreasonable to suppose that given their ever-so-public declaration of attachment to the principle of supranationalism, the Dutch would use the opportunity presented by the negotiations to submit proposals of a supranational character. This opportunity was spurned by the Dutch who throughout the whole period of the negotiations failed to submit any substantive proposals to the Committee, let alone proposals of a supranational nature. Rather, the Dutch pursued a strategy of negation and delay, which contrary to the impression promoted by the Dutch, was not exclusively directed against the French proposals. Indeed the great majority of

the 'square brackets' punctuating the draft Treaties submitted by the 'Five' were evidence of Dutch opposition to the views of the other four Member States. An example is found the context of the aims and objectives of the Union.

The 'Four' (FRG, Italy, Belgium and Luxembourg) took the view that the aims of the Union should not be restrictive. The Union it was envisaged should possess a 'negative competence', filling the gaps of the existing Treaties. Thus any area of activity not already under the jurisdiction of the existing Treaties could legitimately become the object of the Union's attention. This being the case it was reasoned that the aims to be outlined in the Treaty were to have the status of examples or preliminary goals to which the Union could direct its initial attention. Thus the stated aims were to be viewed purely as a platform for wider unspecified, perhaps supranational aims.

The Dutch objected strongly to this approach arguing that the aims of the Union should be strictly enumerated, identifying the areas in which the objective was to be either 'common policy', 'harmonisation' or 'close co- operation'. Whilst it may be suggested that in the insistence that the objectives of the Union should be strictly enumerated, the Dutch were hoping to confer on the Union a positive competence which would establish the Union with a clear identity. It would seem however, that far from seeking to promote a strong identity for the Union the Dutch were rather more anxious to preserve and protect the rights and jurisdictions of the Member States vis-a-vis the Union.

> "The Dutch delegation, ... , feels that the enumeration of objectives should be restrictive in order to establish beyond any doubt that the Member States retain any powers that have not been specifically conferred on the Union."[68]

Further evidence of Dutch reluctance to give concrete expression to the public advocacy of supranationalism is found in their refusal to support the proposal to establish the position of Secretary-General of the Union. This proposal backed by FRG, Italy and Belgium is arguably the only proposal within

the Treaty drafts possessing any supranational characteristics to be included in the first stage of the Union.

> "The Council shall appoint ... a Secretary-General who shall be independent of the Governments of the Member States of the European Union."[69]

In establishing the office of Secretary-General whose powers would, superficially at least, resemble those of the President of the European Commission, it would appear that the three advocates of its creation, (FRG, Italy and Belgium) were seeking to create a catalyst for future integration, a 'federator'.

> "The three other delegations ... attach great importance to the appointment of a Secretary-General, who would be independent of the Governments and whose office would be independent of the Governments and whose office would constitute a community feature that could develop at later stages of the Union. A carefully chosen Secretary-General could provide a powerful impetus to the unification of Europe."[70]

The Dutch it seems, were reluctant to commit themselves to the support of this proposal, a decision which would appear to be at odds with their public position on the principle of supranationality. Though it should be noted that while refusing to endorse the proposal to create the office of Secretary-General the Dutch also refused to support the alternative French proposal to entrust the functions of a secretariat to the Political Commission of the Political Union. Indeed the issue of a secretariat, its uses, and its potential threat to the rights and jurisdictions of the existing Community institutions, in particular the Commission of the European Communities, was one of the main areas of dispute throughout the negotiations and was to remain a contentious issue for years to come. Thus in considering the issue of the Dutch commitment to the principle of supranationality, one could reasonably suggest that the very obvious contradictions apparent in their negotiating position throughout the Fouchet negotiations were primarily rooted in a particular constellation of circumstances which required in the judgement of the Dutch, the abandonment of deeply held convictions in favour of a more pragmatic approach.

However, consideration of the development of post-war European integration demonstrates a remarkable degree of consistency in the Dutch approach to the principle of supranationality. The first attempt to create a 'supranational' community, the European Coal and Steel Community (ECSC) had at its heart the High Authority. Of all post-war 'European' institutions the High Authority was the most clearly supranational. Possessing, within its sphere, wide-ranging powers to control the production and distribution of coal and steel in the six Member States; including the power to levy its own taxation, thereby establishing a degree of financial autonomy unknown to all previous, and as it has turned out, all subsequent 'European' ventures.

In the original Schuman Plan there were no provisions for a Council of Ministers as it was hoped to avoid the deadlock that had caused many 'Europeans' to abandon the Council of Europe as the vehicle to bring about a united Europe. However the institutional structure of the ECSC finally agreed by the six original Member States did include a Council of Ministers, thus institutionalising the power of Member Governments and providing a means of checking the High Authority's capacity to act.

Contrary to the commonly held view, a view publicly endorsed by the Dutch, that supranational institutions provide small members with protection from the weight of their larger partners, the creation of the ECSC's Council of Ministers owes its existence to the fears of the Benelux States, led by the Dutch. The Netherlands was concerned about the accountability of the High Authority and fearful that the supranational powers of the High Authority would in time lead to the economic absorption of Benelux by France and Germany in the name of efficiency, and economies of scale. As a consequence of these fears, which may arguably be regarded as groundless were nontheless deeply felt, the Benelux States demanded the setting up of a Council of Ministers in order to ensure that ultimate control of the Community lay in the hands of the Member Governments.
71

This same aversion to the principle of supranationality can be observed in Dutch reactions to the EDC proposals for a European army put forward by Rene Pleven in the October of 1950. Pleven called for 'The immediate creation of a unified European army under the authority of a European Minister of Defence.'[72]

The Pleven Plan was effectively an attempt to resolve the problem of German re-armament by supranational means. Military manpower in this European army was to be controlled by a supranational commission modelled on the ECSC High Authority. In addition the plan made provision for the setting up of a European Political Community.

The bare fact that the Dutch were the first to ratify the EDC Treaty tends to obscure a fundamental opposition to virtually every aspect of the proposals. This opposition was manifest in their refusal to even participate in the initial stages of the negotiations, preferring observer status alongside the British and Scandinavians. Their eventual full participation and ratification was a consequence of intense U.S pressure [73].

It seems clear that the fears of absorption expressed in relation to the ECSC were a prominent factor in their opposition to the EDC. As Van der Harst indicates, in the Foreign Ministry of The Netherlands it was feared that ...

> "... integration of armies implicitly means integration of foreign policies. Such a process would eliminate the possibility of independent policy-making in the Netherlands, because it was unavoidable that within a supranational State the big powers would dominate the small powers."[74]

The brief examples of Dutch aversion to the 'practice' of supranationality, would appear to represent an opposition based upon fear and vulnerability, a stand-point which tends to fly in the face of their public adherence to the convention that supranationality protects the weak. In direct contrast to this opposition based on vulnerability, the Dutch have also fought strenuous battles against the extension of supranationality in an area where the Dutch have occupied a position of considerable strength, that of transport policy.

In spite of considerable efforts on the part of the European Commission, the Dutch, throughout the 1960's, steadfastly refused to surrender their national veto, thus preventing any movement towards the creation of a Common Transport Policy.

In this particular case the Dutch position would appear to concur with the prevailing view that supranationality places limits on the capacity of the more powerful actors to exercise their influence, thereby allowing the weaker actors to deal with these actors on a more equal basis. They do not however appear to accept the desirability of such limitations in an area in which they themselves were able to exercise great influence and control [75].

Although this brief overview of the practical Dutch response to issues of supranationality, as opposed to their rhetoric, by no means represents a complete picture, it does tend to suggest that their commitment to the principle of supranationality is somewhat lacking in credibility. The examples cited here cover a variety of issues and stretch over a relatively long period, both prior and subsequent to the Fouchet period, thus suggesting a strong degree of consistency in the Dutch approach, rather than dramatic and temporary reversals of policy in the light of a change of Government or Cabinet personnel. Indeed the reverse would be true. The Netherlands in the period from the end of World War Two up to the early 1970's may be regarded as the model of continuity and stability. Nowhere was this stability and continuity more evident than in the Ministry of Foreign Affairs. Joseph Luns held the office of Minister of Foreign Affairs without break between 1952 and 1971, [76] a nineteen year period during which Foreign Minister Luns enjoyed a virtually unassailable position and was thus able to pursue, without interference, a consistent line in the major areas of foreign policy.

Given the underlying stability and continuity of government in the Netherlands, particularly in the Foreign Ministry, the question remains: why the discrepancy between the rhetoric of unqualified support for the principle of

supranationality and a demonstrable reluctance to match this support in practice ? On one level it can be said to be a tactical response rooted in a well-developed Dutch survival instinct.

The Netherlands as a small State [77] with little capacity to coerce other States to accept the Dutch view of things, have tended in their relations with other States to place great emphasis on high moral principles rather than on the naked exercise of power [78].

Hence the Dutch, have played a significant role in the development of international law, the work of Hugo Grotius being the most notable example. Dutch support and attachment to the development of international law has its origins in necessity. As a small nation with a massive maritime trading empire it was essential that their capacity to trade remained unhindered. Thus in the absence of significant war-waging capacity the promotion of international law, stressing the sovereign equality of States and respect for the laws of the sea were regarded as vital to the continued prosperity of The Netherlands.

In time these attachments of necessity have taken on the status of 'guiding principles' resulting in a tendency for the Dutch to adopt a highly moralistic, holier-than-thou attitude in their relations with other States. Thus it has become almost second nature for Dutch politicians to justify their actions on grounds of principle. It is in this light that Luns statement to the Tweed Kamer [79] must be judged. Luns made his statement of 'principle' in relation to the first French draft, a draft generally regarded as a reasonable basis for negotiation, and upon which, according to a variety of sources [80] considerable progress had been made in bridging the issues dividing the delegations since the draft's submission in November 1961.

Thus given the progress made and the optimistic noises emanating from the various delegations, the negativity and opposition that had characterised the Dutch position even prior to the start of the negotiations proper was beginning to look rather isolated and increasingly untenable. The extent of Dutch isolation at

this point in the negotiations has however been obscured by virtue of the submission of the second French draft in the week following Foreign Minister Luns statement to the Tweede Kamer.

To many observers, this second French draft confirmed lingering fears of a Gaullist-dominated Europe, which would undermine both the powers and functions of the existing Community institutions and also the unity of the Atlantic Alliance. Dutch opposition viewed from the perspective of the revised second French draft, which was submitted just five days after Luns speech was thus seen to be fully justified, thereby retrieving, for a short period at least, Dutch standing among the 'Four', uniting them in opposition to Gaullist ambitions. It would therefore appear that in his alleged intervention de Gaulle became the unwitting ally of the Dutch, strengthening immeasurably the 'objections of principle' which five days prior had been based on little more than a reflex aversion to any proposals backed by de Gaulle.

The overriding impression thus far tends to suggest very strongly that Dutch attachment to the principle of supranational integration was lacking in credibility. Indeed Luns in his speech to the Tweede Kamer actually admitted that supranationalism was not an option in the sphere of political integration.

> "Admittedly the Netherlands did not suggest implementing political integration in the field of common foreign policy or education and culture on a supranational basis. Nor was there any illusion about the possibility of such a solution or whether the time was ripe for that."[81]

It would however be a mistake to dismiss the Dutch support for supranationalism as nothing more than rhetoric. The Dutch have been and are supporters of supranational integration of sorts. At its most genuine Dutch advocacy and support for supranational integration was support for strictly defined 'functional agencies' performing largely technical functions within strictly limited spheres of economic and social policy. The Dutch did not accept the logic of, or indeed the desirability of the neo-functionalist argument that

integration in the area of 'low politics' would lead automatically to integration in the area of 'high politics'.

In the light of the foregoing analysis, the apparent willingness of The Netherlands to sacrifice the extension of supranationality in favour of British entry would appear to be less of a sacrifice than the rhetoric of Dutch politicians would tend to suggest. The 'Prealable Anglais' in this respect amounted not to a negotiating flexibility containing reasonable alternatives, but rather to an inflexible insistence that British entry to the European Communities was the price for a Dutch signature on any Treaty of European Union.

However, in examining this aspect of the Dutch position, it will be suggested that what would appear to be a negotiating tactic, designed as a means of facilitating British entry to the Communities, was actually established and based on the assumption that the British application to the Communities would result in failure. In making this assertion this is in no sense an attempt to suggest that the Dutch were not in favour of the principle of British entry to the Communities, there is simply far too much evidence to the contrary to sustain such an argument. The Dutch for example were by far the most ardent supporters within the 'Six' for the British 'Free Trade Area' proposals of 1956; proposals viewed in some quarters as a cynical attempt to 'empty' the as yet unratified Treaty of Rome of its content. [82] Indeed Dutch support for the British proposals is consistent with the 'Anglophile' orientation of the Dutch identified by Spinelli.

> "If politics and dominating interests have pushed the Dutch into the Community, their more spontaneous sympathies remain not toward their southern neighbours but towards those of the north, above all the British."[83]

Dutch support for the British proposals was also consistent with their free trade sympathies and initial worries that the Treaty of Rome would establish a 'closed continental club'.[84] Indeed the fear of being locked into a potentially autarchic structure and the formation by the British of EFTA, the Europe of the

'Seven', prompted the Luns Plan of 1959. Luns proposed that the 'Six' and the 'Seven' should extend their internal tariff cuts to each other and to all GATT signatories. Luns also proposed that the 'common external tariff' of the 'Six' should be reduced by 20%. These proposals were rejected by the other Treaty of Rome signatories on the grounds that they went too far in weakening the central discipline of the Community.

As an attempt to extend low tariff barriers over as wide an area as possible the 'Luns Plan' was consistent with Dutch free trade principles. But of more relevance to this discussion is the apparently close relationship between the U.K and the Netherlands in the formulation of this plan revealed in a footnote to Miriam Camps account of the episode.

> "It is worth noting that Mr Luns visited London for discussions with British Ministers on 20th November 1959, a few days before he put forward his plan." [85]

The Dutch of all the Member States were clearly among those well disposed to the principle of British entry to the Community. Thus had the U.K application to the Community been successful, such an outcome would have met with broad Dutch approval. However, the argument proposed here is that although the Dutch may well have favoured the principle of British entry to the Community, they were also fully aware of the difficulties facing the British application, and had therefore made the judgement that the entry negotiations were likely to end in failure.

The broad sweep of Community history would point to the actions of de Gaulle in vetoing the British application as sufficient explanation for the failure of this application. Unquestioning acceptance of this view tends to obscure genuine and arguably intractable obstacles to the successful conclusion of the British application. Notwithstanding de Gaulle's well documented lack of enthusiasm for British entry, many of the obstacles to British entry were created by the British themselves. Quite simply the British entered the negotiations with their hands firmly tied, having made a number of very public prior

commitments, which both limited their capacity to negotiate and fuelled doubts about the sincerity of their application. These prior commitments were made to three major groups: EFTA; the Commonwealth, and to British agriculture.

Prior to the formal application to the Community Britain met with its EFTA partners to gain formal approval for its decision to seek membership of the Community and also to quell rumours that the Britain was prepared to renege on its commitments to EFTA in pursuit of EEC membership. The result of these meetings was the London Agreement.

Without delving into the fine detail of this agreement it would appear that it committed the U.K Government to seeking the approval of its EFTA partners before signing any agreement with the Communities. It also came very close, as Camps points out to '_ _stating that the United Kingdom would not join the Six unless and until the Six agreed on a single market of the thirteen.'[86]

As the British application did not reach the stage of seriously discussing the commitments to EFTA, it is difficult to judge with any degree of accuracy just how binding the London Agreement was regarded by the British, though one can suggest that such commitments to six close allies were not undertaken lightly. Regardless of such speculation, it is hard to escape to impression that the British application has the appearance of a bloc application, an attempt to resurrect the 1956 Free Trade Area proposals. Thus irrespective of intentions, the 'London Agreement' undoubtedly fuelled lingering suspicions among Member States about the sincerity of the U.K's decision to seek Community membership, given that the Free Trade Area proposals were regarded in many quarters as an attempt to prevent the birth of the E.E.C.

In announcing their decision to open formal negotiations with the Community it was clearly stressed by the British Government that no agreement would be signed unless 'satisfactory arrangements' could be made to safeguard Commonwealth interests, found in the system of trade arrangements known as Commonwealth Preference.

Although not committing itself to a precise definition of the phrase 'satisfactory arrangements', it seems clear from the record of the negotiations that the commitment to the satisfaction of Commonwealth concerns was genuine and regarded as an essential pre-condition to a successful outcome. This commitment was expressed by Britain's chief negotiator, Edward Heath in his opening speech to the negotiations.

> "I am sure that you will understand that Britain could not join the E.E.C under conditions in which this trade connection was cut with grave loss and even ruin for some of the Commonwealth Countries."[87]

The understanding hoped for by Heath was in short supply. Both sides entered the negotiations adopting largely inflexible positions. The problem in this respect was two-sided. The 'Six'(and the Commission) failed to recognise, or did not wish to recognise the depth of Britain's Commonwealth connection, while the British for their part were hamstrung both by their prior commitment and by the constant and occasionally very public misgivings of partners, whom one may assume were not displeased at the negative effect they were having on the negotiations.

Whilst it should be recognised that some progress was made on Commonwealth issues before de Gaulle's veto of January 1963, many of the most contentious issues relating to the Commonwealth had yet to be addressed. But given the less than euphoric tone and atmosphere of the early stages, the prospects for the successful resolution of these outstanding issues were not good.

Although the observations thus far do seem to indicate that the prospects of a successful outcome to the U.K's entry negotiations were bleak, they are observations which do not in themselves provide concrete confirmation of the view that the Dutch insistence on the Prealable Anglais was based upon the assumption that the U.K application would end in failure. However if the issue of British agriculture is examined a little closer, there is firmer evidence to support this view.

The 'problem' of agriculture related to systems of agricultural price support. The Community's Common Agricultural Policy and the British system of deficiency payments differed fundamentally in structure, operation and outcome. In addition the highly influential representatives of the British agricultural industry the NFU unanimously opposed British entry to the Communities at this time. This opposition was based upon their interpretation of the consequences of the CAP for British farmers. [88]

Conscious of both the opposition of the NFU and the fundamental differences in the system of agricultural support, Heath adopted a dual approach to the problem. Firstly Heath proposed that given the fundamental differences in the systems it was reasonable to allow the British an extended period of between 10 and 12 years in which to adjust to the CAP. Secondly, although the Member States had agreed upon the general principles by which the CAP would operate they had at the time of the British application yet to reach agreement of the detail of the policy. This being so the British took the opportunity to suggest that in the light of the fundamental differences between the two systems of farming support, and the unpalatable consequences of immediate implementation of the CAP on the British economy in the form envisaged, they should be allowed to play a full role in the formulation of the fine detail of the CAP. [89]

The British were to be sorely disappointed in both of these requests. On the question of full and immediate implementation they met with an absolute rejection from the Member States, a rejection repeated on a number of occasions throughout the negotiations.

> "The Six backed by the Commission insisted that the British should make the changeover from their system of guaranteed prices and deficiency payments to the common agricultural policy on the day of entry into the Common Market. ... at the 10-11 December meeting, the Six insisted again that the British accept the principle of an immediate change-over to the Community agricultural support system."[90]

The projected economic and political consequences of accepting this condition were regarded as unsustainable and unacceptable and included an

immediate and significant rise in food costs leading, it was argued to rapid inflation, thus eroding the competitive position of British industry and bringing hardship to low-income consumers. [91] In addition as the largest importer of food from non-community countries the U.K's balance of payments would be adversely affected. It was also indicated that some agricultural products protected by the British support system would lose this protection under the terms of the CAP. In the face of these consequences it would surely have been impossible for the British to proceed with their application for Community membership.

Crucially, in the context of the argument advanced here, the absolute refusal of the Member States to consider an extended adjustment period or British participation in the formulation of CAP, was held together by an untypically strong Franco-Dutch alliance.

> "... the Six were not prepared to discuss any aspect of the negotiation (with the U.K) which was affected by the Common Agricultural Policy until they had reached fairly detailed agreements among themselves on the main features of the agricultural policy ... the French, with considerable support from the Dutch had made it clear that they would not agree to the passage to the second transition period on 1 January 1962 unless substantial agreement had been reached on the details of the agricultural policy."[92]

It would thus appear that while the Dutch may well have favoured the principle of British entry to the Communities they were not prepared to pay any price for such an outcome. One can speculate that if the Dutch were as enthusiastic about the prospect of British entry to the Community as Bodenheimer has suggested [93] they would have sought at the very least to demonstrate an accommodating attitude to the very obvious British difficulties on this issue.

However, on this and on virtually every other aspect of the U.K entry negotiations, the Dutch stood shoulder-to-shoulder with their Community partners in presenting to the British a united front; the Community spoke with a single voice. The Dutch, as were other Member States, may have been

supportive of the principle of U.K entry but not at the cost of compromising the central policy aims of the Community.

Thus although the Dutch were happy to make British entry the 'sine qua non' of their negotiating strategy in the Fouchet negotiations, they were singularly reluctant to constructively assist the British in their efforts to negotiate acceptable conditions of entry.

Further evidence for the view that the Dutch were less than sure about the U.K's willingness and capacity to accept the central disciplines of the Community at this time, is offered by former Dutch Foreign Minister J.W Beyen in a 1965 article, which, although a retrospective review of the episode, reflected the broadly held views of the Dutch Foreign Ministry .

> "The dramatic way in which General de Gaulle slammed the door in the face of Great Britain has distorted historical perspective. ... Economic Nationalism with its overtones of insular social conception in all classes was - and still is - very strong in Great Britain. Apart from its traditional bond with the Commonwealth and next to the historical reluctance against joining the Continent, this Nationalism renders the thought of having to accept the subordination of national economic and social policy decisions taken by a foreign country (even if Great Britain be a powerful member of that body) a very unpalatable one. The chances that Great Britain in a few years will desire to join the Communities are real. But one should not be too keen on welcoming the British before they are actually and wholeheartedly willing to accept the 'bondage'."[94]

However, one thing seems clear, the odds were firmly stacked against the prospect of British entry. There is little doubt that the Dutch would have been fully aware of the difficulties facing the British application, indeed the evidence presented above would suggest that they played a significant role, alongside the French, in compounding the difficulties faced by the British. Thus given that it has been clearly established that the Prealable Anglais was not the a flexible negotiating strategy which included the options of supranationalism or British entry, but rather was the more limited British entry or no institutions, the question to be addressed is very simply: why the Prealable Anglais ?

If the logic of this argument is accepted and followed through, the only conclusion that can reasonably be drawn is that the aim of the Dutch in pressing

the Prealable Anglais so strongly was to destroy any possibility of a successful outcome to the Fouchet negotiations; an aim in which they were completely successful . Though as previously noted the failure of Fouchet cannot be attributed to the reluctance and resistance of the Dutch alone.

The question that follows from an acceptance of this objective on the part of the Dutch is : why destroy the Fouchet negotiations? The answer to this is found in the third element in the Dutch negotiation strategy, the Atlantic Alliance.

The resistance of the Netherlands to aspects of the institutional structure proposed in the various Fouchet drafts, in particular the proposal for a Paris-based Political Secretariat, was prompted by a general concern that this would result in the emergence of a Franco-German 'Directoire' which would undermine not only the powers and functions of the existing Community institutions but also those of the smaller Member States, in particular the Netherlands. In this respect the argument for U.K entry as a counterbalance to this prospect does have a degree of force. However, while it can be accepted these were real and genuine fears on the part of the Dutch, the underlying cause, and guiding principle of Dutch resistance to Fouchet is to be found in their attachment to the Atlantic Alliance and in particular to the primacy of the U.S.A within the Alliance.

Historically the Dutch as a maritime trading nation with little coercive capacity have tended to pursue a neutralist line in their international relations, promoting the development of international law as a means of resolving disputes between States. Dutch neutrality was pursued and maintained until invasion by Germany in 1940. Having capitulated within five days, the Government-in-exile in London abandoned its long-standing tradition of neutrality, a stance that had survived even the severe pressure of the First World War. In recognising the failure of neutrality the Dutch Foreign Minister Van Kleffens, in 1942, voiced the acceptance of the need to develop some form of regional grouping in order to guarantee the future security of the Netherlands.

"If we can establish such an institution on a lasting basis, then as far as I can see, Holland will have to participate. In that case our security would be better served by collaboration than by non-participation."[95]

Thus in the aftermath of the second world war the Dutch duly became signatories of the Brussels Treaty of 1948 and in 1949 the North Atlantic Treaty. Whilst this wholehearted embrace of binding military alliances would appear to be a radical departure from a long-standing position of neutrality, it can be suggested that this decision was by no means as radical as appearances would suggest. Indeed as Voorhoeve [96] has argued the Dutch tradition of neutrality could perhaps better be described as 'neutralist-abstentionism', a combination of non-alignment in peace and neutrality in war. Further it is argued that the Dutch were able to maintain this convenient position, not by virtue of the strict observation of the tenets of international law by other States, but rather as a consequence of the close Dutch relationship with Great Britain. This amounted to a de facto alliance guaranteeing the security of the Netherlands, both in Dutch colonies and on the European Continent where Britain held a vital balancing role. Thus it can be suggested that the Dutch were able to pursue 'neutralist-abstentionism' under the wing of Pax Britannica. The absence of formal Treaties with Britain can largely be accounted for by the dictates of the European Balance of Power. The great strategic importance of the Netherlands at the mouth of the Rhine meant that the formalising of ties of alliance with the Netherlands risked the opposition and intervention of the other major powers in the European system, an unnecessary risk to stability when it was clear to all that any threat to the security of the Netherlands would result in British intervention in support of the Netherlands.

The failure in 1940 of the policy which had served so well in its primary function of ensuring the territorial and political integrity of the Netherlands, thus led to an abandonment of a formal position of neutrality and non-alignment in favour of clearly defined Treaty commitments. In entering into these

commitments, in particular to the North Atlantic Alliance, it can be argued that the Dutch in this decision had not so much abandoned a long-standing moral principle, as simply re-directed the strategy by which to achieve the unchanged policy goal of the maintenance of Dutch security. Thus in their quest for security the Dutch had simply replaced the de facto protection of the Pax Britannica with that of the de jure protection of the Pax Americana. [97]

Reflecting the views of Lord Ismay, NATO's first Secretary-General that the raison d etre of NATO was 'to keep the Russians out, the Americans in and the Germans down' [99], the Dutch strongly believed that achieving the first and last of these objectives depended crucially upon an unambiguous U.S commitment to the defence of Western Europe, a commitment made credible via the deterrent capacity of the U.S strategic nuclear arsenal. Thus 'keeping the Americans in' can be said to have been the guiding principle of Dutch security policy. The maintenance of this commitment required that the U.S.A held and retained a clear and unchallenged position of leadership within the Alliance, thus necessitating the complete subordination of all Alliance signatories to the U.S.A in defence and security matters. Indeed the zealous promotion of U.S primacy within the Alliance led the Dutch to actively oppose the development of independent nuclear deterrents by the U.K and French Governments. Such developments they argued would create a heightened and mistaken sense of security leading to the disintegration of the Alliance which would no longer be regarded as necessary for security. Thus, Dutch promotion of American leadership within the Alliance was based not on 'sentimentality' but rather upon a hard-headed assessment of the needs of Dutch security.

It is in this context that the Dutch resistance to Fouchet must be viewed. The Dutch regarded the Fouchet proposals, in particular those advocating the creation of a common foreign and defence policy as a threat to the Alliance and more specifically the primacy of the U.S.A within the Alliance. In the Dutch view the development of a cohesive 'European' defence grouping, particularly

one in which de Gaulle would undoubtedly play the leading role, would undermine the Alliance and present a threat to the U.S position of leadership, which could ultimately lead to the disengagement of the U.S.A from Western Europe. In the Dutch interpretation such a development was regarded as disastrous. Europe without the presence of the U.S guarantee would be unable to provide a credible deterrent to the threat of the Soviet Union. Indeed notwithstanding the lack of credibility found in creation of a purely European defence identity, the Dutch much preferred the relatively benign hegemony of the U.S.A to the inherently de-stabilising prospect of a three-way struggle for leadership in Western Europe, between France, UK and FRG, that would ensue in the event of an American disengagement.

Whilst it can in hindsight be argued that the USA did not seriously consider the withdrawal of its commitment to Western Europe, one must be aware of the wider political context from which the Dutch drew their conclusions about the possibility and consequences of such a development. This period of the early 1960s was arguably the most difficult and tense period of the Cold War. The downing of the U2 spy plane, the failure of the Four Power Summits, the erection of the Berlin Wall, and following very closely on the heels of the breakdown of Fouchet, the Cuban Missile crisis, are convincing testament to the intensity of the Cold War in this period. Indeed not only were the tensions between East and West a source of grave concern, this was also a period of great uncertainty within the Alliance. This uncertainty was largely the consequence of the arrival of the Kennedy Administration in 1961. The change of style and global emphasis in foreign policy issues apparent at the outset of the Kennedy Administration led to fears that the U.S was less inclined towards the European theatre than previous U.S Administrations.99 In some quarters this change of style was interpreted as a change of substance, thus giving growing currency to the view that if pushed the Americans were fully prepared to disengage from the European Continent.

Further fuelling this view of growing U.S ambivalence to the European dimension was the somewhat mixed American reaction to the erection of the Berlin Wall in August 1961. [100] It was a reaction which appeared to suggest a willingness to reach some form of compromise with the Soviet Union, and was thus interpreted as an indication of the lack of U.S commitment to European security.

From the perspective of the Dutch the possibility of U.S disengagement, however remote in reality, was exacerbated by the parallel emergence of a strong Franco-German relationship. In contrast to the less than forceful condemnation observed in the U.S and British reactions to the erection of the Berlin Wall, de Gaulle offered, to the somewhat vulnerable and isolated Chancellor Adenauer his strongest support, thus cementing the relationship which had been established as a consequence of their meetings at Colombey-les-deux-Eglises in 1958. Uncertainty over U.S policy, compounded by what Hanrieder describes as 'personality conflicts' resulting from a 'generational gap, differing life experiences and style' [101] between Adenauer and Kennedy, drew the West Germans closer to the French orbit.

Given this particular constellation of circumstances the Fouchet proposals so far as Dutch policy-makers were concerned represented a particularly unwelcome risk to the essential interests of the Netherlands. Fouchet was fatally flawed by virtue of its association with de Gaulle.

Irrespective of any formula of spoken or written guarantees regarding the primacy of the Atlantic Alliance, the Dutch were of the view that the long-term aims of French defence policy ran contrary to the requirements of Dutch security, that is to say the subordination of all Alliance signatories to the U.S.A. De Gaulle had spoken on many occasions of his intention to carve out a leadership role for France both in Western Europe and on the global stage. Having suffered the rejection of his 1958 proposals to Eisenhower and Macmillan to create within NATO a tripartite 'Directorate' of the USA, UK and

France [102], de Gaulle had served notice of French dissatisfaction with the 'Anglo-Saxon' domination of the Alliance and of the French intention to withdraw from the integrated command structure of NATO. Thus the underlying motive of de Gaulle's initiative was seen to be a means by which the French could undermine the U.S position in NATO as a precursor to the emergence of a purely 'European' defence identity under the direction of France. Indeed in addressing the Tweede Kamer in January 1962 on the issue of the Dutch position in the Fouchet negotiations, Luns was at pains to stress that any French guarantees regarding the position of the Atlantic Alliance should be treated with the maximum degree of scepticism.

> "The Dutch objections are based on our conceptions of the position of NATO and on the belief that a common doctrine is necessary for pursuing a common defence policy. There is no need for me to tell you how different France's view of defence policy is from ours and also that of several other European governments. I cannot understand therefore why Mr.van der Goes van Naters and Mr.Schuijt were so pleased to find in the new French statement that this joint defence policy should lead to a strengthening of NATO . Do these representatives really believe that the addition of these words implies that France has adopted a position in favour of a military policy which will tend to strengthen military integration in NATO ?...,I believe you will not, I hope, ... cherish such an illusion." [103]

Given this interpretation of de Gaulle's ambitions, the Fouchet proposals had to be resisted by the Netherlands. However whilst the Dutch Government had attempted to strangle de Gaulle's initiative at conception, as a relatively small power, and at this stage rather isolated in their blanket opposition, they simply did not possess the political muscle to achieve this, nor indeed to resist the pressure placed upon them to participate in the negotiations. As a consequence the Dutch had to mitigate their relative weakness via the use of obstructionist tactics within the confines of the Fouchet Committee's deliberations. Indeed as noted above the creation of the Committee itself can be attributed to the intransigence of the Dutch.

Accepting that the Dutch did not possess the political weight to kill-off the Fouchet proposals at a stroke nor to resist the pressure to participate in the

negotiations tends to raise questions with respect to central role attributed here to the Dutch in the breakdown of the negotiations. Even given the last minute support of the Belgians one could argue quite forcibly that had the other Member States wished to reach a successful conclusion to the Fouchet negotiations it is doubtful that the Netherlands would have been able to do little more than modify the content of the proposals. In this context the Dutch attempted to mitigate the possibility of a successful outcome by insisting on the inclusion of bracketed reference to the effect that any common defence policy agreed by the Political Union would be subordinated to the Atlantic Alliance. 'The objectives of the Union shall be ... the adoption of a common defence policy [within the framework of the Atlantic Alliance]'[104] In contrast the other four delegations preferred a less binding formula of support for the Alliance.' [as a contribution towards strengthening the Atlantic Alliance]. [105]

Thus, notwithstanding the judgement that the U.K application would end in failure, the Dutch efforts to bring the British into the negotiations can in some respects be regarded as an acknowledgement on the part of the Dutch that in the final analysis they may have been forced to accept some form of Treaty arrangement. In the event of this worst-case scenario, it would be preferable to dilute the Franco-German axis with the equally Atlanticist presence of the British. The Dutch it would appear were seeking to cover all possible outcomes.

However, while the Dutch must be regarded as absolutely crucial to the failure of the Fouchet negotiations, it should be also be recognised that they were not in a position to destroy the proposals in isolation. In bringing about this 'satisfactory' conclusion they were in unwitting alliance with the initiators of the proposals, France.

Fouchet : Theory and interpretation

As previously noted there was, and indeed is, a propensity among politicians, commentators and academics alike to characterise and explain all European projects and developments as part of an on-going struggle between two competing and conflicting visions of a 'United Europe' [106], a tendency encapsulated by Tugendhat_ _

> "Federalism and intergovernmentalism, supranationalism and co-operation between different nationalities : two concepts of Europe ... have been vying with each other since the earlier days of the Community."[107]

At a general level, whether characterised as a conflict between supranationalism and intergovernmentalism, federalism versus confederalism or as a choice between an 'integrationist' Europe or a Gaullist 'Europe des Patries', it is a legitimate and continuing debate rooted in the origins of post-war European integration. In the context of the institutional and policy framework established by the Treaties of Paris and Rome, the ambiguous mix of supranational and intergovernmental elements contained within the Community Treaties ensure that these provide a forum for this bipolar dialogue. Thus as a consequence of both general and specific factors the language of the competing and contested visions of Europe is established as the common currency of European debate.

In this respect the rhetoric and peripheral declarations surrounding the Fouchet negotiations are firmly located within the established tradition of the intergovernmental-supranational struggle. However if one wishes to examine and explain the motivations for the promotion of the Fouchet proposals and account for their eventual failure in the context of a theoretical framework, recourse to the paradigms underpinning the supranational-intergovernmental dialogue requires examination. This is particularly so in the case of those theories most closely associated with the development of the Communities, functionalism and neo-functionalism.

Based upon assumptions of economic and technical determinism, and the nature and scope of political activity, functionalism was often regarded as the theoretical model for the creation of the ECSC . Developed largely during the inter-war years as a response to the carnage of the first world war, functionalism sits broadly within the sphere of what E.H. Carr [108] described as the 'Utopian' or idealist approach to international relations. In the functionalist view the persistence of inter-state conflict was a systemic problem brought about by the very existence of Nation States. Recourse to the balance of power as a means of preventing future conflict between States did not prevent war but actually made it inevitable. In response the functionalist prescription was to propose the creation of a system based upon those things which, according to Mitrany, bring people together, a system based upon common interest and co-operation rather than those things that divide; a 'working peace system'.

> "The task that is facing us now is how to build up the reality of common interest ... not a peace that would keep the nations apart, but a peace that would bring them actively together; not the old static strategic view of peace but a social view of it ..._ we must put our faith not in a protected peace but in a working peace; it would be nothing more nor less than the idea and aspiration of social security taken at its widest range." [109]

The 'working peace system' was to be achieved via cross border co-operative ventures in areas identified as belonging to the 'functional' level of state activity. These included economics, science, technology, communications and in particular, reflecting the influence of Fabian socialism on Mitrany, the provision of welfare. These 'technical' areas of state activity were in the functionalist analysis, non-political and uncontroversial, whereas those areas of state activity such as foreign policy, defence, diplomacy etc belonged to the realm of politics, and, as the symbols of national power and independence were jealously guarded. In contrast those areas identified as 'non-political' were prime candidates for the functionalist approach. States on the basis of economies of scale, would recognise the benefits of cross-border co-operative ventures and would thus willingly surrender their jurisdiction in these areas. Based not upon

traditional 'security' alliances but on what Mitrany identified as the 'cardinal virtue of technical self- determination' [110], the organisational and administrative structure of the 'functional' bodies would be determined by the function to be performed.

At the level of the individual, it was argued that functional co-operation would, in time, overcome traditional enmities and distrust via the practice of 'living and working together'. [111] While at the level of the State, the network of overlapping 'functional' organisations would gradually undermine the bases of the strength of Nation States, both in terms of the changing loyalties of citizens and also as a consequence of increasing reliance upon the functional organisations for the effective operation of the State. The gradual assumption of technical and economic functions on the part of transnational 'functional' organisations would render impotent the capacity of States to act as independent entities on the world stage.

> "Man can be weaned away from his loyalty to the Nation State by the experience of fruitful co-operation; ... international organisation arranged according to the requirements of the task could increase welfare rewards to individuals beyond the level obtainable within the state. ... From small beginnings ... the functional approach could eventually enmesh national governments in a dense network of interlocking co-operative ventures."[112]

Functionalism for a variety of reasons was closely associated with early developments in the process of post-war European integration [113] and was widely regarded as the theoretical model and inspiration for the first post-war experiment in 'sectoral' integration', the ECSC. Although Mitrany's functionalist credo may well have, in part, provided Monnet with the inspiration for the creation of the ECSC, empirical studies of the ECSC's structure and operation showed functionalism to be of extremely limited value as a descriptive and explanatory tool. Very simply the reality of the ECSC in practice bore little relationship to functionalist paradigm. Perhaps the most glaring inconsistency between the functionalist schema and the reality of the ECSC was the assumption of an economic and technical determinism operating within a political void. In

its aims and its operation the ECSC existed within an intensely political environment. As Puchala points out 'there are simply no non-political issues in relations between nations'. [114] Thus a more appropriate, empirically grounded, model was sought.

It arrived in the form of neo-functionalism, a theory largely developed as a direct consequence of research into the operation of the nascent Communities. Deriving from the pluralist school of U.S political science, neo-functionalism was to become the dominant and influential theory of integration. It came to be regarded as the unofficial ideology of the Brussels elite who adopted its language and its prescriptions with great enthusiasm in their efforts to promote and further the integration process. [115] However, while neo-functionalism was seen to be a response to the inadequacies of functionalism, by the latter half of the 1960s neo-functionalism was itself seen to be of limited value as an explanatory tool. Indeed the pioneer and leading theorist of the neo-functionalist school, E.Haas, with an admirable degree of intellectual honesty concluded that neo-functionalism was obsolete. 116

While sharing a number of functionalist assumptions, in particular that of economic and technological determinants as the underlying motor of progress and change, the neo-functionalist thesis differs markedly in its view of the role and function of politics in the integration process. Whereas functionalism regards and identifies certain areas of State activity as immune from political controversy, neo-functionalism proceeds from the assumption that all areas of State activity, without exception, have the potential to take on a politically sensitive status. Thus the neo-functionalist argues that sectoral integration is shaped not by function but rather as a consequence of political bargaining and conflict in which the self interest of the relevant actors is the decisive factor 117.

Central to the neo-functionalist thesis is the concept of 'spill-over' or 'forward linkage'. Accepting the basic notion of economic and technologically

driven change, neo-functionalism takes the position that it is the pressure from the relevant societal elites in their efforts to secure the fruits of economic and technical progress that provides the impetus for integration. As economic and technical pressures increase, the various elites, recognising the success of the initial experiments in sectoral integration, will press for the expansion of the supranational principle to encompass related areas, thus increasing the powers and competences of the supranational entity. This is the process of spillover. It is therefore argued that if societal elites could be persuaded that their interests would be best served in the context of an institutional framework which overarches and takes precedence over pre-existing national units, they would willingly shift their loyalties to this supranational body. The institutional structures thus created are thereby seen to be the consequence of self interest rather than the 'cardinal virtue of technical self-determination'.

Of crucial importance to the neo-functionalist debate is the question of where spillover ends. Although never wholly explicit in the writings of the various theorists of neo-functionalism,[118] it was widely assumed that the terminal point of the spillover process would be the emergence of a supranational State, which in form closely corresponded to a federal model. Indeed during the first years of the Treaty of Rome's operation neo-functionalism appeared to be unerringly accurate in its analysis of the integrative process. The 'logic' of spillover thus provided an attractive and persuasive account of the integration process. As a consequence the neo-functionalist thesis was adopted wholesale by many federalists who saw in neo-functionalism the ideal vehicle with which to promote their ambitions for the Communities. The association of neo-functionalism with the federalist cause in the early 1960s became almost inextricable; the success or failure of European integration came to be judged by the degree to which the European Communities approached a federal outcome.

However the point to be made here is that while neo-functionalism was at the zenith of its influence in the early 1960s, it is of little value as an explanatory

tool with which to explain the Fouchet episode. Indeed there were no serious attempts to examine the Fouchet negotiations from a neo-functionlist perspective, though as noted, the language of the neo-functionalist debate was pervasive throughout this period. At one level, as an attempt to comprehend the integration process neo-functionalism was fundamentally devalued and tainted by its close association with the normative goals of the federalist movement. While at another level reflecting its roots in theories of economic and technical determinism the untested assumption that integration at the level of low politics would automatically spillover into the sphere of high politics was later struck a mortal blow by de Gaulle in one of the most well documented incidents of post-war European integration, the 1965 Luxembourg Crisis and its resolution in the Luxembourg Compromise of 1966.[119] Deterministic assumptions about integration at the economic and technical level leading inevitably to integration in the sphere of high politics were shown with graphic clarity to be fatally flawed. As Haas in his reappraisal of neo-functionalism noted 'The history of the European unity movement suggests that the relationship between politics and economics remains somewhat elusive'.[120] Thus subjecting Fouchet to neo-functionalist analysis will not lead us far down the path of understanding. Indeed the same can be said of the use of Federal and Confederal models as explanatory tools.

Whilst the Dutch negotiators attempted to present their opposition to the proposals in the context of this struggle, and while de Gaulle presented his case in the language of the Europe des patries, casting aspersions on federalist dreamers, an examination of the various Fouchet drafts and the accompanying reports demonstrates quite clearly that the fundamental constitutional nature of the proposed Political Union was not the source of dispute. The issues which divided the Member States in the context of the proposals were issues of detail, not disputes over the basic constitutional form of the structure to be created. In short the participants in the Fouchet negotiations, including the Netherlands,

were under no illusions that this was a federalist project. Nor, other than in peripheral rhetoric, was there any suggestion that a federal outcome was desirable.

If anything it would be reasonably accurate to suggest that in terms of constitutional models, the Fouchet plans most closely accord with a State-centered confederal model 121. However while this may provide a satisfactory picture of the constitutional model sought by the Fouchet Committee's participants it does not explain their motivations nor does it account for the breakdown of the negotiations. Thus there is little to be gained in employing normatively charged federalist and confederalist paradigms. A far more appropriate model with which to understand and interpret the Fouchet episode can be found in recourse to aspects of the traditional Realist school of international relations. [12]2

Viewed from the realist perspective, international organisations and regional groupings are seen primarily as instruments of State policy. In the creation of a regional political and/or defence grouping the status and power of the larger participants vis-a-vis their smaller partners are increased while the combined strength of the grouping leads to an increased leverage at a global level. The corollary is that the State or States which are able to exert a leadership role within the regional grouping are more able to shape the external policy direction of the grouping. Thus in effect the leverage of the leading State or States is doubly increased. The smaller less powerful partners, although clearly subordinate, are also seen to benefit in terms of the increased security guarantees realised through their association with the larger more powerful member States. In addition, just as the stronger States experience an increase in the global leverage the smaller States by virtue of their membership of the grouping are (to use a boxing metaphor) able to punch well above their weight in their relations with other States.

In the initiation of the Fouchet proposals it would stretch the imagination to its limits to suggest that de Gaulle was seeking to further the cause of the European federalists. Few, if any, would cast serious doubt on the view that the Fouchet proposals were seen by de Gaulle as a means of promoting French national interest and power; a bid for the political leadership of Western Europe. Indeed it is in the perceived consequences of this bid for a leadership role that we find a partial explanation for the failure of the Fouchet negotiations. For the Dutch the Fouchet proposals presented the Netherlands with the potential re-emergence of a security dilemma.

In the realist perspective the search to achieve and maintain national security holds a central position. Based upon Hobbesian assumptions of anarchy, the ultimate and primary aim of the Nation State in international relations is seen to be the preservation of its territorial and political integrity. In its starkest form it is argued that the very pursuit of security on the part of the State creates the perception of insecurity in neighbouring States, which, observing the efforts of one State to guarantee its security, interprets such developments - increased weapons production and troop manoeuvrers etc - as a direct threat to their own security, which in turn requires similar counter-measures. This aggressive pursuit of security, issuing in arms-racing and so very often inter-state conflict has been characterised by Jervis as the 'spiral of international insecurity'. [123] Each sovereign state is thus faced with a security dilemma. Resolution of this dilemma in absolute terms can only be achieved when a State is able to achieve a position of hegemony. However, the realities of global politics intrude at this point. Although legally equal sovereign entities, the differences in the potential and actual power of States vary greatly, thus the capacity of States to achieve a position of security must vary accordingly. Very simply, few States are capable of resolving their security dilemma in isolation. In most cases they must pursue a strategy of alliance other with States sharing similar security problems. Thus the anarchy of international relations is tempered by the emergence of balances

of power in which alliances of States off-set the perceived strengths and ambitions of the other.

Historically the Dutch had pursued a superficially different track in their efforts to resolve their security dilemma, that of neutrality. However as noted above, this strategy of neutrality was pursued under the de facto protection of a British security guarantee. In the aftermath of the Second World War, shedding the failed policy of neutrality the Netherlands sought to resolve their security dilemma via membership of regional defence pacts, most importantly the Atlantic Alliance. [124] In committing the Netherlands to the Atlantic Alliance the Dutch resolved their security dilemma in the virtual abdication of their national defence function to the will of the unchallenged leader of the Atlantic Alliance, the U.S.A and the nuclear guarantee thus provided. In its total acceptance and support of U.S hegemony in the Alliance, the Netherlands represent a prime example of the role of smaller powers within regional groupings. Acceptance of the leadership role reinforces the power of the dominant partner while allowing, within limits, the smaller members to pursue their other non-security goals in the safe knowledge that security, as far as it can be, is guaranteed.

To the Dutch the Fouchet proposals represented a threat to the primacy of the U.S.A within the Alliance while failing to provide an adequate and credible replacement. French leadership aspirations in Western Europe coupled with the well documented antipathy of de Gaulle to the 'Anglo-Saxon', in particular U.S. domination of the Alliance, rang alarm bells in The Hague. A successful conclusion to the Fouchet negotiations would create a cohesive and potentially disruptive bloc within the Atlantic Alliance at a time when U.S attitudes to Western Europe were seemingly in a period of re-examination, and the threat of the Soviet Union appeared to be at its height. American withdrawal from Europe thus emerged as a possibility.

France as the potential leader of an emergent 'European' security bloc did not and could not offer the Netherlands the guarantees of security against the

Soviet threat provided by the USA and its nuclear umbrella. In addition the prospect of a US-free Western Europe with an increasingly strong FRG held out the unpleasant prospect of a tripartite struggle for leadership between France, the UK and FRG. Thus for the Dutch their strenuous resistance to virtually every aspect of the Fouchet proposals, though wrapped in the rhetoric of the integration debate was fundamentally based upon ensuring the primacy of the U.S. in defence and security matters remained intact and unchallenged. The maintenance of Dutch security depended on it.

Explanations for the shift in the French negotiating position from one of positive and active participation to that of negativity and obstruction have largely been addressed above. Accounting for this attitudinal shift within the context of the realist perspective we are returned to the realist view of international organisations and regional groupings as instruments of State policy. It is widely accepted that the primary purpose of de Gaulle in initiating the Fouchet proposals was to create a vehicle with which carve out a leadership role for France in Western Europe. The realisation that their potential partners saw in the Fouchet proposals a means of enhancing and promoting their own interests meant that France would not go unchallenged in its aims, elicited from the French a rapid retreat into untenable and un-negotiable positions, a strategy aimed at either bringing the other participants into line or ending the negotiations.

Thus in conclusion, the initiation of the Fouchet proposals by de Gaulle can be attributed to an attempt by the French to place France at the head of a potentially powerful West European political and defence grouping, thereby circumventing the influence of the U.S.A and to a lesser extent the U.K. The primary causes of the failure are to be found in the combination of two factors :1) Dutch security fears; 2) the loss of French control over the direction of the Fouchet Committee's deliberations with the realisation that French influence over their Community partners was less strong than had been anticipated.

<u>Notes</u>

1.   <u>Keesings Contemporary Archives</u>   vol.12 p.16972.

2.   Council of Ministers of E.E.C : Communique of 23-11-59, in <u>Towards Political Union</u> 'General Directorate of Parliamentary Documentation and Information.'(1964) p.5.   This is an invaluable collection of documents relating to the Fouchet negotiations. Many of these documents have also appeared in a number of other collections including the annual series published by the WEU: <u>A Retrospective View of the Political Year in Europe</u> and the Document series produced by <u>Agence Europe</u>, <u>Keesings Contemporary Archives</u> and also in appendices 1-5 of Silj, A. <u>Europe's Political Puzzle</u> . Full details are given in the bibliography. All have been consulted by the author, and it has been established that the documents are the same although the format and pagination are different. In order to avoid confusion, the convention used for citing from treaties and legislation has been followed in which items, articles and clauses are identified without reference to variant page numbers. So text from the treaties and official reports on the negotiations from these collected sources will be cited as <u>Documents</u>. And the various treaty drafts considered by the Committee will be identified in order as 'Fouchet One' to 'Fouchet Four' and cited as for example: Article 1 'Fouchet Two' <u>Documents</u>.

3. De Gaulle, C. Press Conference 5-9-60 <u>Memoirs of Hope</u> (London 1971) p.195.

4. Bonn Declaration 18-7-61 : <u>Documents</u>

5. <u>Towards Political Union (T.P.U)</u> p.5

6. Perhaps the clearest contemporaneous depiction of the history of European integration as a 'struggle' between two opposing views of Europe is found in Spinelli, A <u>The Eurocrats</u> (Baltimore 1966), re Fouchet see pp.142-44.   See also Pryce, R. <u>The Political</u>

Future of the European Community (London 1962).
Taylor, P When Europe Speaks With One Voice: The
External Relations of the European Community (London
1971) p.88. Weil, G, L. A Foreign policy for Europe ?
(Bruges 1970) p.28. Holland, M European Community
Integration (New York 1992) p.34. Vanhoonacker, S 'A
Critical Issue: From European Political Co-operation to
a Common Foreign and Security Policy' in Laursen, F. &
Vanhoonacker, S.(eds) The IGC on Political Union:
Institutional Reforms, New Policies and the
International Identity of the EC (Maastricht 1992)
pp.27-8.

7. Vooerhoeve J,J,C : Peace,Profits and Principles : A
Study of Dutch Foreign Policy (The Hague 1979) pp.166-7

8. Paris Communique' 11-2-61 : Documents

9. Bodenheimer S,J : Political Union : A Microcosm of
European Politics,1960-66 (Leiden 1967) p.154

10. Silj, A : Europe's Political Puzzle p.9

11. Draft Report to the Bonn Summit : Documents

12. Bonn Declaration : Documents

13. Silj, A : Europe's Political Puzzle p.11

14.The Times (London) 19-7-61. See also The Economist
(London) 22-7-61

15. Article 1 'Fouchet One' : Documents

16. Article 1 'Fouchet One' : Documents

17. Article 2 'Fouchet One' : Documents

18. T.P.U p.5

19. Draft Report to the Bonn Summit : Documents

20. European Parliament (Political Committee) Doc 47 :1961

21. European Parliament : Resolution 28-6-61 T.P.U p.9.

22. Bonn Declaration : Documents

23. Article 7 'Fouchet One' : Documents

24. Article 9   'Fouchet One' : Documents

25. Article 14 'Fouchet One' Documents

26. Article 16 'Fouchet One' Documents

27. Draft Report to the Bonn Summit : Documents

28. Article 15 'Fouchet One' : Documents

29. Article 2 'Fouchet Two' : Documents

30. Article 7 'Fouchet Two' : Documents

31. Article 8 'Fouchet Two' : Documents

32. Article 16 'Fouchet Two' : <u>Documents</u>

33. See for example : Jansen,M <u>History of European Integration 1945-1975</u> 'Occasional Papers of the Europa Institute (no.1) (Amsterdam 1975) p.85 ; Nuttall.S <u>European Political Co-operation</u> (Oxford 1992) p44 ; Bodenheimer.S.J <u>Political Union</u> (1967) p.155 ; Silj.A <u>Europe's Political Puzzle</u> (1967) p.14 ; Spaak.P.H <u>The Continuing Battle</u> (Weidenfield and Nicholson 1971) p.440.

34. Silj,A <u>Europe's Political Puzzle</u> pp.14-16

35. Article 1 'Fouchet Three' : <u>Documents</u>

36. Article 2 'Fouchet Three' : <u>Documents</u>

37. Article 4 'Fouchet Three' : <u>Documents</u>

38. Article 8 'Fouchet Three' : <u>Documents</u>

39. The appearance of unanimity among the 'Five' on this point is somewhat misleading.The report accompanying the final draft treaty (see below) notes the reservations of both the Dutch and Luxembourg delegations to this proposal.

40. Article 9 'Fouchet Three' : <u>Documents</u>

41. European Parliament (Political Committee) <u>Doc 110/1961</u>

42. Article 9 'Fouchet Three' : <u>Documents</u>

43. Preamble 'Fouchet Four' : <u>Documents</u>

44. See pp.44-81.

45. Articles 17 & 21 'Fouchet Four' : <u>Documents</u>

46. Article 1 'Fouchet Four' : <u>Documents</u>

47. Introductory and Explanatory Report of the Fouchet Committee. Hereafter cited as 'Explanatory Report' <u>Documents</u>.

48. Draft Report to the Bonn Summit : <u>Documents</u>

49. Article 5 'Fouchet Four' : <u>Documents</u>

50. 'Explanatory Report' : <u>Documents</u>

51. 'Explanatory Report' : <u>Documents</u>

52. Article 14 'Fouchet Four' : <u>Documents</u>

53. 'Explanatory Report' : <u>Documents</u>

54. Lacouture.J <u>De Gaulle The Ruler</u> (Harvill 1992) p.310.

55. 'Cattani Amendments' : <u>Documents</u>

56. Article 2 'Fouchet Two' : <u>Documents</u>

57. 'Cattani Amendments' : <u>Documents</u>

58. Draft Report to the Bonn Summit : <u>Documents</u>

59. Draft Report to the Bonn Summit : <u>Documents</u>

60. 'Cattani Amendments' : <u>Documents</u>

61. See pp.3

62. See pp.8-10.

63. The role and motivations of France in the breakdown of the negotiations are discussed throughout this chapter. Given the proliferation of texts dealing with the foreign and European policy of France there is little need to re-state the principle and conditions underlying French actions in this period. Among texts worthy of attention are: Koledziij,E <u>French International Policy Under De Gaulle and Pompidou</u> (Cornell 1974); Harrison,M <u>The Reluctant Ally: France and Atlantic Security</u> (Baltimore 1981); Tint,H <u>French Foreign Policy since the Second World War</u> (London 1972) Serfaty, S <u>France, De Gaulle and Europe</u> (Baltimore 1968) De Menil, P <u>Who Speaks for Europe ?</u> (London 1977).

64. Luns, J 'Statement to the Second Chamber of the States General' (11-1-62) <u>WEU Political Year 1962</u> pp.19-22

65. 'Explanatory Report' : <u>Documents</u>

66. Bodenheimer S,J <u>Political Union</u> pp.157-8

67. Luns,J 'Statement to the Second Chamber of the States General' (11-1-62) in <u>WEU Political Year (1962)</u> pp.19-22

68. 'Explanatory Report' : <u>Documents</u>

69. 'Fouchet Four' : <u>Documents</u>

70. 'Explanatory Report' : <u>Documents</u>

71. Schmitt H,A. <u>The Path to European Union : From Marshall Plan to the Common Market</u> (Louisiana State University Press 1962) p.107

72. Pleven Plan (24-10-50) Various documentary sources including : Vaughan,R (ed) <u>Post-War Integration in Europe</u> (London 1976) pp.56-58 ; Weigall,D and Stirk,P (eds) <u>The Origins and Development of the European Community</u> (Leicester 1992) pp.75-77

73. The nature of the U.S-Dutch relationship is addressed below.

74. Van Der Harst,J 'The Netherlands and the European Defence Community' : <u>E.U.I Working Paper No 86/252</u> (Florence 1986) p.11.

75. The Netherlands controlled 40% of all international road transport in the Community during this period . Maintainance of this position was regarded as of vital national interest. See Lindberg,L,N & Scheingold,S : <u>Europe's would-be Polity</u> (Englewood-Cliffs 1970) pp.163-181 for an account of Dutch resistance to the implementation of a Common Transport Policy.

76. Reference is made below to J,W Beyen who held the office of Minister for Foreign Affairs in the Dutch Foreign Ministry between 1952-56,a period which overlaps with that cited for Joseph Luns . This is not a chronological error,rather a peculiarity of the Dutch cabinet system. There have on occasions been two Ministers for Foreign Affairs,enjoying equal cabinet status; one of which would be a Minister without portfolio. The situation was usually the result of the requirement to distribute cabinet positions on a strict proportional basis.

77. Identifying what precisely is to be conveyed in the use of the phrase 'small state' is a difficult area . Depending on the criteria of measurement to be employed a state can on some counts be regarded as small,yet using other measures the same state may be regarded as a major actor.In relation to its partners in the Community the Netherlands is on most counts regarded as one of the smaller states . Further discussion of the role of small states in the international system can be found in : Barston,R (ed). <u>The Other Powers : Studies in the Foreign Policies of Small States</u> (London 1973) ; Vital,D<u> The Inequality of States : A study of the Small Power in International Relations</u> (London 1967).

78. For a discussion of the Dutch emphasis on Moralism and Legalism in their approach to International relations see Vooerhoeve J,J,C <u>Peace Profits and Principles</u> pp.42-49.

79. Luns,J <u>WEU Political Year 1962</u> pp.19-22

80. See Silj,A <u>Europe's Political Puzzle</u> p.13

81. Luns,J <u>WEU Political Year 1962</u> p.19-22

82. Camps,M <u>Britain and the European Community</u> (Oxford 1964) pp.93-129. There are a number of studies of British attempts to gain entry to the Community. However the work of Camps on this period is generally recognised as the most authoritative. Indeed most subsequent studies rely heavily on the work of Camps. In this respect this study's attention to British entry negotiations is no exception. See also : Kitzinger, U. <u>Diplomacy and Persuasion : How Britain joined the E.E.C</u> (London 1973). Davidson, I. <u>Britain and the making of Europe</u> (London 1972). Moon, J. <u>European Integration 1950-1963 : A Study of Issue Change</u> (Gower 1985) Mowat, R, C. <u>Creating the European Community</u> (London 1973)

83. Spinelli, A. <u>The Eurocrats</u> (Baltimore 1966) pp.81-2.

84. Bodenheimer, S, J. <u>Political Union</u> p.159

85. Camps, M. <u>Britain and the European Community</u> p.205

86. Camps, M. <u>Britain and the European Community</u> p.356

87. <u>White Paper : CMND 1565</u> (HMSO : Nov 1961)

88. Moon,J <u>European Integration 1950-1963</u> (Gower 1985)

89. <u>White Paper : CMND 1565</u> (HMSO 1961)

90. Camps, M. <u>Britain and the European Community</u> pp.459-466.

91. Warley,T.K <u>Agriculture : The Cost of Joining the Common Market</u> (P.E.P Chatham House : European Series No 3 1967.

92. Camps, M. <u>Britain and the European Community</u> p.387

93. Bodenheimer, S, J. <u>Political Union</u> pp.154-162

94. Beyen, J, W. 'United Europe : Federal or Supranational' <u>Internationale Spectator</u> (April 1965)

95 Voorhoeve, J, J, C. <u>Peace, Profits and Principles</u>
p.102

96. Voorhoeve, J, J, C. <u>Peace, Profits and Principles</u>
p.48

97. Voorhoeve, J, J, C. <u>Peace,Profits and Principles</u>
PP.108-9

98. Heller, F H & Gillingham, J R (eds) <u>NATO: The
Founding of the Atlantic Alliance and the Integration
of Europe</u> (New York 1992) p.2.   See also Park, W.
<u>Defending the West: The History of NATO</u> (Wheatsheaf
1986).   Smith, J <u>The Origins of NATO</u> (Exeter 1990).
Sherwen, N (ed) <u>NATO's Anxious Birth</u> (London 1985).

99. Morgan, R <u>The United States and West Germany 1945-
1973 : A Study in Alliance Politics</u> (Oxford 1974)
pp.97-115.

100. See Morgan,R <u>The United States and West Germany
1945-1973</u> pp.110-115.   See also Hanrieder,W,F <u>West
German Foreign Policy 1945-1963</u> pp.186-189 . Though in
this matter Wallace has suggested that the reaction of
Macmillan was even more placatory than that of the
U.S.A . See Wallace,W 'Foreign Policy the Management of
Distinctive Interests' in Morgan, R. & Bray, C. (eds)
<u>Partners and Rival in Western Europe</u> (London 1986)
pp.205-224.

101. Hanrieder,W.F <u>Germany,America and Europe : Forty
Years of German Foreign Policy</u> (Yale 1989) p.171.

102. De Gaulle's 1958 Memorandum is reproduced by a
number of sources . See for instance Grosser,A <u>The
Western Alliance : European-American Relations Since
1945</u> (Macmillan 1980) pp.186-187. For discussion of the
issues surrounding the submission of the document see
also Harrison,M <u>The Reluctant Ally</u> pp.17, 60, 88, 96.
Koledziej, E <u>French International Policy</u> pp.69-75.

103. Luns,J <u>WEU Political Year 1962</u> pp.19-22

104. Article Two : 'Fouchet Three' : <u>Documents</u>.

105. Article Two : 'Fouchet Three' : <u>Documents</u>

106. See pp.7-8

107. Tugendhat,C <u>Making sense of Europe</u>   (London 1986) p.7.

108. Carr, E, H. <u>The Twenty Years Crisis: 1919-1939</u> (London 1939).

109. Mitrany, D. 'A War-Time Submission (1941) : Territorial, Ideological, or Functional International Organisation ?' in Mitrany, D <u>The Functional Theory of Politics</u> (London 1975) p.121. See also Mitrany, D <u>A Working Peace System</u> (London 1943) p.51. Haas, E <u>Beyond the Nation-State: Functionalism and International Organisation</u> (Stanford 1964) p.10.

110. Mitrany,D (London 1975) p.118.

111. Mitrany,D (London 1975) p.121.

112. Taylor, P. Introduction to Mitrany, D <u>The Functional Theory of Politics</u> (London 1975) p.X

113. The term 'functionalism' was, in the immediate post-war period, used as a means of differentiating between approaches to European integration. It was however, a term appropriated by all sides of the debate, and was particularly evident in the debates leading to the creation of the Council of Europe. See Zurcher,A,J <u>The Struggle to Unite Europe : 1940-58</u> (New York 1958) pp.48-66

114. Puchala, D, J "Of Blind Men, Elephants and International Integration" in <u>Journal of Common Market Studies</u> Vol 10 no.3 1972 p.274.

115. Schmitter, P, C quoted in Pentland, C. <u>International Integration Theory and European Integration</u> (London 1973) p.132.

116. Haas, E. <u>The Obsolescence of Regional Integration Theory</u> (Berkley 1975). An in-depth critique of this text may be found in Nau, H. "Integration to Interdependence" <u>International Organization</u> Vol.33 1979 pp.119-147.

117. It should be stressed that poitical conflict and bargaining was seen to take place against a backdrop of broad ideological consensus. This reflects the

influence of the `end of ideology` theories prevalent at this time in US political science. See Pentland, C. <u>International Integration Theory and European Integration</u>. (London 1973) pp.110-111.

118.   The most prominent neo-functionalist theorists include : Haas, E, B <u>The Uniting of Europe</u> (London 1958); <u>Beyond the Nation State : Functionalism and International Organisation</u> (Stanford 1964); "The Uniting of Europe and The Uniting of Latin America" in <u>Journal of Common Market Studies</u> Vol.5 no.4 (1967); Lindberg, L, N <u>The Political Dynamics of European Integration</u> (Stanford 1963); Lindberg, L, N & Scheingold, S, A <u>Europe's Would-be Polity</u> (Englewood-Cliffs 1970); Schmitter, P "A Revised Theory of Integration" in Lindberg & Scheingold (eds) <u>Regional Integration : Theory and Research</u> (Harvard 1971). The best overviews of integration theory can be found in Pentland, C <u>International Theory and European Integration</u> (London 1973) and Harrison, R, J <u>Europe in Question</u> (London 1974)

119. For a full account of this episode see : Newhouse, J <u>Collision in Brussels : The Common Market Crisis of 30 June 1965</u> (London 1967); Camps, M <u>European Unification in the Sixties : From Veto to Crisis</u> (New York 1966); Holt, S "Policy-Making in Practice - The 1965 Crisis" in Barber & Reed (eds) <u>European Community : Vision and Reality</u> (London 1973) pp.66-74

120.   Haas, E, B "The Uniting of Europe and the Uniting of Latin America" <u>JCMS</u> (1967) p.315

121.   For an interesting study of Confederalism as a distinct constitutional form see Forsyth, M. <u>Unions of States: The Theory and Practice of Confederalism</u> (Leicester 1981).

122.   For a review of the Realist perspective on international relations see : Aron, R <u>Peace and War</u> (London 1966). Morgenthau, H <u>Politics among Nations</u> (New York). Buzan, B <u>People, States and Fear</u> (Brighton 1983). Reynolds, C <u>The World of States</u> (Brighton 1992).

123. Jervis,R <u>Perception and Misperception in International Politics</u> (Princeton 1976).

124. The Netherlands was also a founding member of the Brussels Treaty Organisation of 1948,which in 1954 was modified to become the Western European Union.

CHAPTER TWO

THE BIRTH OF EUROPEAN POLITICAL CO-OPERATION : 1969-71

Central to this thesis is the contention that the act of conception which in time brought the European Co-operation mechanism into the organic structure of the Community Treaties can be traced to the Fouchet Plans of 1961-62. Whilst one may legitimately question the strength of this claim of a parental link with Fouchet, there can be no dispute with respect to the place and time of the mechanisms birth. The 1970 Luxembourg Report, quietly and without ceremony ushered into life what many federalists would regard as the illegitimate child of European integration.

In outlining the origins, motivations and influences leading to the formulation of the 1970 Luxembourg Report there is, even among those commentators acknowledging the legacy of Fouchet, an overwhelming tendency to identify French initiative and influence as the major factor in bringing about the co-operation mechanism established by the Luxembourg Report.

> "... EPC, established undeniably due to French initiative, appears to be an important representation of French ideas on the ends and means of the construction of Europe, as reflected in traditional Gaullist thinking, Pompidou's mind and the political realities of France in the late 1960's."
> [1]

While one cannot reject the absolute necessity of French agreement and support in the creation of the Political Co-operation mechanism, there is a strong case to suggest that the influence of the French Government in the setting up of EPC has been somewhat overstated, thus necessitating a degree of re-assessment. In making such a claim one must first look beyond the actual content of the Luxembourg Report, to the political context and circumstances which gave rise to the establishment of the Davignon Committee. In this respect most commentaries [2] identify the decision of the 1969 Hague Summit to instruct the

Foreign Ministers to 'study the best way of achieving progress in the matter of political unification',[3] as the appropriate point of reference. This instruction to the Foreign Ministers did indeed lead to the formulation of the Luxembourg Report. However it will be suggested here that in identifying the pressures, influences and motivations leading to the formulation of the Report, a more appropriate starting point is found in what became known as the 'WEU crisis' of 1969.

The WEU Crisis

The 'WEU crisis' of 1969 took place against the familiar background music of British involvement in Europe. Its origins lie in de Gaulle's 1967 Veto to Britain's second application for membership of the European Communities.

Whilst the first British application in 1961 faced an uphill-struggle and would, regardless of de Gaulle's presence, have been unlikely to have reached a successful conclusion, the same cannot be said for the 1967 British application under the Wilson Government. This application was largely free of the constraints which had so encumbered that of the Macmillan Government. The commitments undertaken by Macmillan, to E.F.T.A, the Commonwealth and to British Agriculture, and which incidently had been endorsed by Wilson's predecessor Hugh Gaitskill, had been largely abandoned. Although there were a number of questions to be resolved, the binding character assumed by the same issues in the first application was absent. Perhaps of greatest significance was the British acceptance of the Common Agricultural Policy, for France the central pillar of the Community, and upon which the negotiations in 1961-62 had foundered.

In addition to this sea-change in British policy, Wilson, re-elected in 1966, enjoyed the luxury of a 97 seat Parliamentary majority and was therefore in a position to undertake risky ventures. Given these conditions and, with the exception of France, the overwhelming support for the British application among Member States , a support reinforced by Wilson's diplomatic efforts around the Capitals of the Community States, the prospects of a successful outcome appeared good. The only significant hurdle to be negotiated was the reaction of de Gaulle

In this respect, despite de Gaulle's initial, almost ritual incantation on the unsuitability of Britain as a Community member following the formal submission of the British application (11-5-67), the French President, at the Summit marking the 10th anniversary of the Treaty of Rome (29-30 May 1967), accepted that the British application should be studied in detail. This apparently conciliatory step was however to prove something of a false dawn.

The next few months saw from French government circles a series of negative pronouncements on the British application casting doubts on the depth of Britain's 'European' conversion, culminating in a press conference by de Gaulle on 27-11-67.

> "What France cannot do is to enter now, with the British and their associates, into negotiations that would lead to destroying the European construction to which she belongs."[4]

The following month at the meeting of the Council of Ministers, the French delegation refused to discuss the British application further.

> "...no agreement had been reached on the procedure to be pursued, but the applications for membership ... remain on the agenda of the Council."[5]

Thus, although remaining on the agenda of the Council, the British application was effectively a dead-letter, de Gaulle had for the second time exercised his

veto on British entry. In the face of de Gaulle's unilateral decision, a decision which ran directly contrary to the wishes of the Governments of the 'Five', their reaction was understandably hostile, and resulted in a crisis of relations between the five and France in which the future of the Community was called into question.

The 'Five' embarked on a campaign of pressure to force France into opening negotiations with Britain and the other applicant States. This pressure, while difficult to describe as concerted, took various forms, from the refusal to co-operate with French initiatives in the context of the Communities, to the conclusion of a number of bi-lateral and multilateral co-operation projects with Britain, in areas which could, arguably, have been undertaken in a Community context. Examples include the collaboration between the Federal Republic of Germany, the Netherlands and Great Britain on the 'Gas centrifuge method of uranium enrichment', and the joint development of a 'multi-role combat aircraft' (later known as the Tornado) between, Great Britain, F.R.G, Italy and the Netherlands.

As a consequence relations between France and its Community partners were increasingly strained. This was further exacerbated by the other pressing difficulty facing the Community, the completion of the Treaty of Rome, and in particular the full implementation of the Common Agricultural Policy.

In the context of this thesis, the most significant response to de Gaulle's veto were the proposals of the Belgian Foreign Minister Pierre Harmel. At a meeting of the WEU Council of Ministers in October 1968, Harmel put forward a number of 'ideas for reviving political co-operation between the Member States'.

> "We ... propose(d) that the seven WEU States try an experiment in
> political consultation, which would be renewable and open to
> improvement each year. ... The States would be required to undertake

politically, in few fields selected each year, not to adopt national positions without compulsorily seeking the views of their partners. We do not mean the reciprocal exchange of information, but an undertaking by each State to fix its political position on certain predetermined subjects, not in the light of national interests alone but after hearing the views of its partners. ...without any compulsory consultations there will never be any harmonisation of foreign policies, which ... is essential if Europe is ultimately to express itself with a single strong and unwavering voice."[6]

The forum for these compulsory consultations was to be the WEU framework. In justifying the use of the WEU as a vehicle for his initiative, Harmel, outlining his proposals to the Belgian Senate, identified 'two fundamental reasons'.

"The first is that for the time being the only Treaty we have which lays down our commitments in the political field and for which a Council of Ministers has been set up in the modified Brussels Treaty,... The second reason for our action must be clearly explained to the Senate, for we believe that if this cautious and experimental seven-power revival is successful, it would dispel doubts felt in some quarters. It would in fact show whether Britain, which has applied for membership of the Common Market, has also carried out the political conversion expected of it and also whether together we can define the conditions for a truly European policy."[7]

Harmel's proposals were welcomed by the WEU's Member States with the notable exception of France, which again employing the tactics of the 1967 veto, did not explicitly reject the proposals, but rather opposed their immediate implementation, while accepting their presence on the agenda for future discussion. Thus, unable to reach agreement in the October WEU Council, the baton was taken up by the Italian Government which agreed to 'prepare adequately' proposals for the next Council meeting in Luxembourg in February 1969. These proposals were duly presented to the WEU Council on 6th February 1969.

The Italian proposals are presented in the familiar form and style of the various draft treaties and reports examined throughout this thesis. The Italian proposals are composed of an explanatory preamble, seven specific proposals and an appendix. The preamble contains nothing of note and need not be examined

here. However, the actual proposals and the attached appendix are worthy of closer examination, in particular proposals 'A', 'C' and 'D'.

> "The Italian Government proposes that,..., the Council should decide to step up co-operation provided for by the modified Treaty of Brussels.
>
> A. Consultation on foreign policy questions between seven countries, which at present take place during the quarterly Council sessions, will be obligatory for certain issues. By way of example, the Italian Delegation suggests the appended list (Appendix 1). This list could be revised annually. This consultation will take place before the adoption of national positions so as to enable, if possible, joint positions to be adopted or harmonised stands taken by mutual agreement."[8]

Appendix 1 contains seven specific 'foreign policy' issues, which according to the Italian proposal should be the subject of obligatory consultation. These issues are : "1. Political organisation of Western Europe for the purpose of integration. 2. Europe's relations with the United States. 3. Europe's links with the Soviet Union and European Communist States. 4. Europe's responsibility with regard to extra-European crises. 5. European aspects of security and defence matters. 6. Role of the European nuclear States in defence and security in Europe. 7. Examination of defence and security issues, taking into account the various positions with regard to the Atlantic Alliance."[9]

Proposal 'A' goes on to suggest that ...

> "According to the importance of the problems, the consultation will take place at the level of the Council of Ministers or of the Council of Permanent Representatives. In the event of international crisis, provision will be made for the meeting to be convened within forty-eight hours."[10]

While Appendix III provides that ...

> "In sessions at ministerial level, provision should be made for the possibility of restricted meetings, ie. limited to the delegation leaders and two collaborators. No minutes would be taken at these meetings, which would allow for more informal discussion of certain aspects of the problems."[11]

Proposal 'C' suggests that ...

> "The Council, at a later date, will consider the political aspects of defence matters in order to subject them to preliminary examination, taking N.A.T.O jurisdiction into account; this is necessary because of their close connection with foreign policy issues.

> In the same framework, the Council will at the same time try to find the appropriate methods for achieving the principles concerning standardisation and joint production contained in the revised Treaty of Brussels."[12]

Proposal 'D' provides that ...

> "The WEU Council will regularly examine the short-term economic situation. It will undertake to discover an increasing number of forms of collaboration, above all in the spheres of technology and currency, by providing for the necessary links with the European Communities."[13]

It is perhaps worth noting, in relation to proposal D, that, following the breakdown of U.K entry negotiations in 1963, it was agreed that the quarterly meetings of the WEU Council would include a day devoted to the discussion of 'economic issues', thus providing an opportunity for the British to remain in touch with developments in the Community. These meetings were brought to a close on the opening of U.K entry negotiations in 1970.

The Italian proposals were enthusiastically welcomed by the Member States of the WEU, again with the exception of the French delegation which continued to employ the tactic of withholding support for the proposals while not going as far as exercising the power of veto. According to Gaston Thorn, the then Luxembourg Foreign Minister, the French delegation was in agreement with all the Member States in expressing their willingness to 'improve foreign policy consultations in the WEU framework' and on the 'principle of holding emergency meetings to make discussions more effective'. [14] But they drew the line at the Benelux decision to put the proposals into immediate effect, a decision endorsed by the British, German and Italian delegations.

Faced by such overwhelming support for the Benelux decision the French delegation '...reserved its position on all the fundamental and procedural aspects of the Benelux proposal and would make known its position at the latest during the next ministerial meeting.'[15]

Taking advantage of the Benelux decision British Foreign Secretary, Michael Stewart, called an emergency meeting of the WEU Permanent Council for the 14th February 1969 on the pretext of discussing the situation in the Middle East. This meeting, as an 'emergency', invoked Article VIII of the modified Brussels Treaty. The French Government reacted angrily to this manoeuvre, arguing that the situation in the Middle East had been fully addressed on the 7th February at the regular quarterly meeting of the WEU Council of Ministers, and that there had been no developments in the intervening period which required immediate and further discussion. In addition the French based their objections to the meeting on their interpretation of Article VIII, which according to the French required that any meeting invoking Article VIII required both unanimity in its convocation and on its agenda. Thus the French questioned the very validity of describing the meeting as a WEU meeting, since according to the Treaty 'the Council of the WEU cannot validly meet against the will of one of its members'[16]

This interpretation of Article VIII was disputed by virtually every Member State of the WEU, an example of which is found in the statement on the affair by Mr.Jahn (Parliamentary Secretary of State for Foreign Affairs) to the Bundestag on 28-2-69.

> "The Federal Government does not consider that all meetings of the Council of Western European Union must be convened unanimously. ... Nor did the Federal Government consider the meeting of the Council of the Western European Union on 14th February to be 'illegal'. If it had, it would not have sent a representative.[17]

In the event the French Government did not attend the meeting of the WEU Permanent Council, adopting a now familiar French policy device the 'empty-chair', a policy pursued by France until August of 1969, when it signalled its willingness to return to WEU Council meetings. Though in so doing they continued to insist that the French Government 'bears no responsibility for starting this crisis.'[18]

Superficially, the arguments and counter-arguments of this crisis centred on various and dubious interpretations of the legality of the actions of the British Foreign Secretary in convening an emergency meeting of the Permanent Council of WEU, under Article VIII of the modified Brussels Treaty. While there may have been grounds for a minor procedural dispute over the actions of Stewart, the magnitude of the crisis far outweighed the question of whether or not paragraph '2' or paragraph '4' of Article VIII governed the convening of emergency-meetings of the Council. In this dispute the 'sub-text' was all.

As far as the French were concerned this meeting was nothing more than an attempt to circumvent the French veto on further discussion of the British application to the Communities.

> "It is quite obvious that this manoeuvre by creating a precedent on the Middle East is in fact designed to introduce the practice of permanent discussion on every problem and that in the final analysis, its purpose is to debate the various aspects of Britain's candidacy to the Common Market, that is to make the Council of Ministers a court of appeal of the European Community."[19]

Indeed one would be hard pressed to dispute the French claim. The Council of Ministers of WEU had met on the 5th 6th and 7th February, and had discussed the problems of the Middle East in detail. When Stewart issued his invitation to discuss the Middle East situation in 'emergency session', there had been no developments in the situation which would justify the convening of an emergency meeting. While there is little evidence to suggest that the meeting did other than discuss the Middle East situation, and there is no suggestion that it discussed the physical detail of the U.K application, it is clear that the motive underlying the meeting had little to do with the Middle East. The presence of an ulterior motive is of course vigorously denied by the Member States attending the meeting.

> "As to what 'threat to peace' the Federal Government was able to invoke for taking part in the meeting, the question to be discussed was the situation in the Middle East and it was in fact discussed at the meeting. I

recall that the United Nations Security Council has been dealing with this question for almost two years because it is a serious threat to peace..."[20]

"..., we for our part (Luxembourg) can give France the most formal assurance that we do not in any way wish to make WEU a Court of Appeal for the European Communities, or to make use of it as an indirect way of setting aside the obstacle of French opposition to British accession to the Common Market, and I am sure that this is also the position of our other partners."[21]

In spite of these injured protestations to the contrary and the quasi-legal justifications for the WEU emergency-meeting, the pretext of discussing the Middle East situation was at best tenuous. As reported by the Economist...

"...neither diplomatic tone nor constitutional niceties are near the heart of this dispute. Last week's meeting was strictly and obviously in accordance with the WEU statutes. But the 'threat to peace' or 'to economic stability' clause, which seems to be intended for exceptional meetings, could hardly be stretched to cover some of the topics one might wish to discuss; even if, as the Belgians have rightly pointed out, answering another Quai d Orsay invention, it was never intended to discuss Britain's Common Market application in this forum. And the treaty is much vaguer about the routine business of WEU (and Whitehall is not really strengthening its case by claiming, after the event, that the Middle East meeting was a routine one, when it patently was not). All the treaty says is that the council 'shall be so organised as to be able to exercise its functions continuously.' The varying national interpretations of these words will be subordinate to the real issue : the readiness of west European countries to accept, or defy, a French veto on collective political consultation in Europe."[22]

Indeed this whole episode must be seen as part of a period of intense diplomatic effort to pressurise France into re-opening Community entry negotiations with Britain. Harmel, as noted, had identified the effecting of British entry to the Community as fundamental to his proposals. While Brandt later conceded in a speech to the Council of Europe that 'Although the spark that set the differences alight was a legal one, basically the crisis was political'.[23] It therefore seems reasonable to suggest that in spite of the initial facade of discussing the Middle East situation, and denials to the contrary from those involved, the use of the WEU Council was clearly part of an attempt to achieve other aims; British entry to the Community.

In the face of de Gaulle's veto on the discussion of the British application within the Community framework, the upgrading of the status of the WEU Council, provided a means of both discussing the British application and at the same time applying pressure to France to submit to the will of its Community partners and open negotiations with Britain. The underlying threat in this development was that the 'Five' and Britain within the framework of the WEU could enter into various forms of co-operation in Community related fields which would eventually render the Community superfluous.

In the event all that this attempt to use the WEU as a lever on the rock of French intransigence managed to achieve was the further souring of Anglo-French relations, the discrediting of the WEU as a forum for the discussion of non-Community issues, and reinforcement of the French view of WEU as little more than a vehicle for British influence and an extension of N.A.T.O. This development was much regretted by Edward Heath, then leader of the Conservative Party and Her Majesty's opposition.

> " I was opposed to the attempt to make WEU part of the means of
> outflanking the French veto on British entry into the E.E.C. The only
> practical result has been to cause France to exclude herself from
> meetings of WEU."[24]

Notwithstanding Heath's interpretation of the episode as a failure, this leads us on to the core of the discussion; a re-evaluation of the pressures and influences leading to the formulation of the 1970 Luxembourg Report. As noted,[25] the prevailing view tends to identify the French as the driving force behind the Co-operation mechanism's creation.

In large measure this view derives from the leading role ascribed to Pompidou in the initiation and successful conclusion of the Hague Summit of December 1969, following which the Davignon Committee was established. The essential argument advanced by this view is that the creation of the EPC mechanism and

its 'intergovernmental' form were the quid quo pro for Pompidou's acceptance of the principle of British entry to the Community.

> "The United Kingdom could not be left out of the picture; its entry into the Community was part of the price paid at the Hague Conference in 1969 for the setting up of EPC on an intergovernmental basis."[26]

While it is clear that France held significant influence in shaping the future development and direction of the Community, this influence has been greatly exaggerated. Indeed it will be argued that the calling of the Hague Summit, the acceptance of the principle of U.K entry to the Community, and the creation of the co-operation framework in the Luxembourg Report, were on the whole a damage-limitation exercise on the part of Pompidou.

As the record of the Hague communique shows, credit for the initiation of the Hague Summit rests with Pompidou. Strictly speaking this is entirely accurate. The French Foreign Minister, Schumann, issued on 22-7-69,on behalf of Pompidou the proposal for the Heads of State or Government to meet at the Hague later that year. '... I propose that the meeting of the Chiefs of State and Heads of Government of the Community be held at the Hague in 1969."[27]

It may noted that this proposal for a summit meeting was by no means unique. Brandt had on two recent prior occasions made such a proposal. The first of these was made in the context of the WEU Council of Ministers meeting of June 5-6 1969.[28] Less than a month later, addressing a joint meeting of the Chairmen of the Foreign Affairs Committee of the Parliaments and the General Affairs Committee of WEU, Brandt reiterated his proposal

> "... in the Hague a few weeks ago, I suggested examining the possibility of discussing and drawing up, before the end of the year, the broad lines of a wide evolution in Europe at an ad hoc conference of Heads of Government and Ministers for Foreign Affairs of the six member States of the Community and Britain, i.e outside the framework of the existing European organisations. This would naturally require preliminary discussions between the Six. This is not a patented invention. We should also lose the habit of confusing procedural questions with political realities. At the meeting at the Hague and since, I have observed that

our partners have shown interest in our remarks on the revival of European unification."[29]

Indeed on the 21st July, one day prior to Schumann's proposal to the Member States, Brandt indicated the probability of a summit later that year and the possibility of re-opening negotiations with Britain in the first half of 1970.[30] This strongly suggests Brandt had prior knowledge of the forthcoming French proposal. This of course would not be unusual given the close Franco-German relationship within the Community, which though less evident than the early 1960's was still an important factor in Community relations.

However, the point to be made here is that the probability of a major European summit in 1969, was very firmly on the agenda prior to Pompidou's proposal. At a deeper level, this tends to indicate that, far from being at the 'cutting-edge' of European integration, Pompidou was in fact in the position of reacting to events and pressures, while appearing to be pro-active. Arguably this was an inevitable consequence of the politics and power-relations of the Community up to the late 1960's.

In order to repair the damage to relations between France and its Community partners, the initiative had to be seen to come from France. Without question France and Germany dominated the Community of the Six. Success in any major initiative therefore demanded the weight of the 'big-two'. Although the stronger partner economically, Germany by virtue of its recent history took a back-seat in the political sphere, able to lend enthusiastic support, but not in a position where it could be seen to be taking the lead in political initiatives. Though, it is notable that in the very act of proposing a summit conference, Brandt demonstrated a growing political confidence in the Federal Republic. It was however a cautious confidence. Brandt when making his proposal for a summit prefaced his remarks by saying... 'We are not considering an ambitious 'German initiative'.'[31]

However, the central issues here are the assumptions of a strong and contingent link between British entry to the Community and the creation of the political co-operation mechanism.

> "The Dutch and German Governments were prepared to yield to the French in order to gain acceptance of the principle of admitting the four applicant States, hoping that it would prove a temporary arrangement which could in time be brought closer and closer to the established institutions."[32]

For the French, and indeed in most accounts of this issue, the acceptance of the principle of British entry at the Hague was wrapped up in the 'triptych' of 'Completion', 'Strengthening' and 'Enlargement', in that order, and with the proviso that enlargement could not be considered in the absence of a completion of the Treaties, which in particular meant an agreement on a regulation for the CAP .

While accepting that this is a question of interpretation, it can be argued that this was a window-dressing which allowed Pompidou the public dignity of making conditional concessions to his Community partners. Pompidou had little choice but to accept U.K entry, if he was to reach agreement of a regulation for the CAP.

Harmel in unveiling his WEU initiative in 1968, had made the link between completion and U.K entry in a formula which can be simply expressed as 'British entry or no CAP'. Harmel's formula was endorsed by the other Community Member States, with the exception of France, and reaffirmed throughout the period leading up to and including the Hague Summit.

That enlargement was an imperative to the 'Five' is clearly evident in the opening statements of the Hague Summit. For example, the Dutch Prime Minister, de Jong as Chairman of the Conference, making the opening address stressed the importance of enlargement over all other issues.[33] Brandt too,

(now Federal Chancellor), made the issue of enlargement and specifically British entry central to his opening address.

"... I say with complete frankness that the German Parliament and public expect me not to return from this Conference without concrete arrangements regarding the enlargement of the Community. ... . The German attitude on this has been known for years. I mean that we may not put it off any longer. ... In any event, I want to say that without Britain and the other countries which have applied for membership, Europe cannot become what it should and can be. I got the impression from the talks which preceded this Conference that we are agreed in principle that the Community should be enlarged. This agreement should not be underestimated. At this point I would like to address the French President in particular: if France responds today to our clear will to complete and develop the Community with the trust which is a condition for enlargement this will be a source of satisfaction and rejoicing for us."[34]

The pressure for France to acquiesce in the matter of enlargement was immense. Given the central importance of the CAP to France, its completion had clearly been identified as the French 'Achilles heel', and attacked remorselessly. While it is eminently debatable whether or not the other Member States would, in the final analysis, have been prepared to sacrifice the CAP, the question-mark placed over its continued existence, and by implication the E.E.C as a whole, should not be underestimated as a factor in persuading Pompidou to accept the principle of enlargement.

That the 'Five' were able to exert such sustained pressure is demonstrative of a changing balance within the Community, reflecting the decline of French predominance in the Community. In many respects, French vulnerability on the question of the CAP, simply reflects a general decline in influence, brought about as a result of a series of internal and external reverses in the final phase of de Gaulle's Presidency, which in sum led to a loss of French prestige and influence among its partners.

While it is not the intention here to analyse these issues, among the reverses one can list as immediate factors in the decline of French influence are; the student unrest of May 1968, the financial crisis of Autumn 1968 and the Soviet intervention in Czechoslovakia in August 1968. The combination of these

factors all served to weaken the leverage of France on its partners. To add to this growing catalogue of decline, the now apparent economic weight of West Germany, was beginning to show signs of increasing confidence in its identity, an example of which was the German refusal to prop-up the Franc during the 1968 financial crisis. This economic weight alongside the beginnings of Ostpolitik, provided for France a further spur to accept British entry, if only as a counterweight to the Federal Republic of Germany. Indeed Brandt, in his opening address to the Hague Summit employed this very fear as a reason enough for French acceptance of enlargement. '...those who fear that the economic strength of the Federal Republic of Germany could upset the balance within the Community ought to favour enlargement for this very reason.'[35]

It would therefore seem reasonable to suggest that Pompidou was in no position to demand or obtain significant concessions in return for his acceptance of British entry to the Community. Pompidou was bowing to the inevitable, jumping before he was pushed, and therefore able to look for a 'soft-landing'. If this is accepted the first element of the prevailing view looks distinctly unstable, and by implication calls into question standard assumptions with respect to the second element, that of Pompidou as the driving force behind the creation of the co-operation mechanism.

At the Hague Summit Pompidou did indeed call for foreign policy co-operation among the Member States of the Community. '...there should be regular meetings of E.E.C foreign ministers, to discuss foreign policy problems, Europe's relations with the rest of the world and particularly the U.S and Eastern countries [in order to] try to harmonise our foreign policies and in any event to inform ourselves better of our respective policies.'[36]

Clear evidence of a willingness to develop a foreign policy framework is perhaps shown. But this is a further example of the 'reactive' nature of

Pompidou's initiatives. In this instance Pompidou can be seen to be reacting yet again to a Brandt proposal. Brandt in his opening address on 1st December, while stressing the importance of enlargement also proposed the development of a framework for the discussion of foreign policy issues.[37] Pompidou for his part had made no reference to foreign policy co- operation in his opening address, concentrating instead on the triptych of 'completion, strengthening and enlarging' .[38] While this may be regarded as a superficial chronological point, the assumed contingent linkage between acceptance of British membership in return for the creation of a political co-operation framework along French lines is simply not there.

Pompidou in making his proposals to the second day of the Hague Summit made no attempt to link agreement on political co-operation with the question of British membership of the Community. In this respect his statements appear to reflect the weakness of his position on enlargement. '...the question of the application of Great Britain and the three other countries must be approached with a 'positive spirit'.'[39]

It must of course be borne in mind that the public statements of the major actors involved do not necessarily reflect private discussions and concessions that may or may not have been made in the course of such discussions. However, there is little evidence to suggest that Pompidou had been beating the political co-operation drum in the run-up to the Hague Summit, which had been in preparation since 15th September. Pompidou's pre-Conference statements had continually stressed the 'triptych' of Completion, Strengthening and Enlargement. This contrasts with Brandt who throughout 1969 had continually stressed the issue of political co-operation as part of the package of measures necessary to reinvigorate the Community.

In suggesting that Pompidou had arrived at the advocacy of political co-operation as a response to Brandt's proposals, this is not to argue that Pompidou was necessarily opposed to such developments. Rather it is to illustrate that the widely held assumption that France was in the vanguard in the initiation and advocacy of such proposals is questionable, as is the assumption that the intergovernmental character and weak links to the Community institutions, found in the mechanism established by the Luxembourg Report were also a sop to the French in return for British entry to the Community. Indeed far from being pushed down the road to Political Co-operation, the other five Member states were way ahead of France in their commitment to establish a system of foreign policy co-operation.

Although regarded primarily as a vehicle by which to bring about British entry to the Community in the face of the French refusal to allow further discussion within the Community framework, the decision by the 'Five' and the United Kingdom to establish a system of foreign policy co-operation in 1968/69 within the context of the WEU, not only pre-empted, but went beyond the provisions of the Luxembourg Report.

That the 'Five' and the U.K were prepared to go beyond the strictly limited and vague provisions of the Luxembourg Report is made abundantly clear in the detailed and ambitious Italian proposals of February 1969. These proposals, in their clarity, content and strength are far closer to Fouchet than the tentative provisions of the 1970 Luxembourg Report. The Italian proposals, it will be recalled, prompted the Benelux countries to agree to the immediate initiation of compulsory consultation on foreign policy issues, a decision endorsed by F.R.G, Italy and the U.K. Additionally, and in spite of the continuing French 'empty-chair' policy in WEU, the commitment of the 'Five' to the development of a system of foreign policy co-operation was constantly reaffirmed throughout 1969. For example Gaston Thorn the Luxembourg Foreign Minister, in a

statement to the Luxembourg Chamber of Deputies, identified foreign policy co-operation as a constant factor in Luxembourg's foreign policy.

> "The Luxembourg Government has always considered political co-operation as essential for furthering political construction. This has been a constant factor of Luxembourg foreign policy during the last fifteen years, and the present government intends to adhere to this course. ... . We are therefore fundamentally attracted to the idea of foreign policy consultations, and I think this is a perfectly natural attitude for a small country."[40]

The Anglo-Italian declaration on Europe of 28th April 1969, which although part of the campaign to bring about British entry to the Community, also stressed the need for foreign policy consultation .

> "Europe must increasingly develop a common foreign policy so that she can act with growing effectiveness in the international affairs. A first step towards the harmonization of the various foreign policies has been taken in WEU; this initiative must be pursued and intensified."[41]

The Italian commitment to foreign policy co-operation was re-stated by the Italian Foreign Minister, Mr.Nenni, in a speech to the Council of Europe on 13th May 1969, in which France was urged to reconsider its refusal to participate. 'I should like to hope that it will reconsider its decision, and once more contribute, as in the past, towards the building of European unity'.[42] While following the WEU Council of Ministers meeting in June 1969, the Belgian commitment to foreign policy co-operation was also re-affirmed by the Belgian Foreign Minister, Mr.Harmel.[43]

Perhaps the most surprising testament of faith in foreign policy co-operation, is offered by the Dutch Foreign Minister, Joseph Luns. Meeting with the British Foreign Minister Michael Stewart on 20th November 1969 in London, just ten days prior to the Hague Summit, Luns indicated a direct and specific commitment to the Fouchet proposals on behalf of the Dutch Government.

> "Mr.Luns states that his government is still in favour of the second Fouchet plan, put forward in 1962, provided an article is added specifying that the Community, from a date to be fixed, will endeavour to develop political co-operation in the sense of integration."[44]

Given the level of opposition offered by the Dutch Government to the Fouchet proposals, this appears to be a fundamental reversal of policy on the part of the Netherlands. Luns in stating that his Government was 'still in favour of the second Fouchet plan', was perhaps attempting to indicate a positive approach from the Dutch in the forthcoming Hague Summit. This may also reflect the knowledge that the problem of British entry had been overcome in the preparatory talks for the Hague Summit.

Thus it can be strongly argued that the decision of the Davignon Committee to concentrate on 'foreign policy consultation' was an easy decision to make. The groundwork on how 'foreign policy consultation' would operate had been done in the context of WEU. The 'Five', along with the British, (for whom entry to the Community had in principle been accepted), had demonstrated a clear commitment to the development of 'foreign policy co-operation' both in their actions within WEU and in their public statements. In short foreign policy co-operation was not brought to the agenda by Pompidou, it had been knocking at the door for some time.

The Luxembourg Report

The Luxembourg Report was prepared by a committee composed of the Political Directors of the foreign ministries of the Member States, and was adopted by the Foreign Ministers of the Member States in Luxembourg on 27 October 1970. Also known as the Davignon Report after the Chairman of the committee, the report is more properly entitled a 'REPORT BY THE FOREIGN MINISTERS OF THE MEMBER STATES ON THE PROBLEMS OF POLITICAL UNIFICATION'. Despite this rather grand and wide-ranging title the report concentrates its efforts on proposals to establish a mechanism for co-operation between the Member States in the area of foreign policy. The report is divided into four parts. Part One is of little significance in respect of the machinery of political co-operation. It is, in effect, a statement of European identity and a justification for the approach adopted by the authors of the report, an approach allegedly based upon three facts.

> "The first fact is that ..., tangible form should be given to the will for political union which has always been a force for the progress of the European Communities. ... The second fact is that the implementation of the common policies ... requires corresponding developments in the political sphere, so as to bring about the day when Europe can speak with one voice. ... The third and final fact is that Europe must prepare itself to discharge the imperative world duties entailed by its greater cohesion and increasing role."[45]

These statements of 'fact' led the Ministers to conclude that 'foreign policy concertation should be the object of the first practical endeavours to demonstrate to all that Europe has a political vocation.'[46]

Notwithstanding these 'facts', there is little doubt that the authors of the Luxembourg Report in choosing foreign policy co-operation as the focus of their efforts had chosen the path of least resistance. It had been clear in the recent efforts within the context of WEU, that the 'Five' and the British were greatly enthused by the prospect of foreign policy co- operation. As a consequence of

these recent proposals the groundwork on how such a mechanism would operate

had been thoroughly laid. Thus the authors of the Luxembourg Report were by

no means entering uncharted territory. Indeed in outlining their 'three facts' the

formulators of the Luxembourg Report can be said to have taken a particularly

tortuous route to avoid stating the most obvious 'fact' of all, that any other

approach would lead to a return to the deadlock of Fouchet. As Nuttall notes

the Political Directors were deeply conscious of the failure of Fouchet.

> "The collapse of the discussions in the spring of 1962 had left a deep
> scar. The difficulties which had brought about the collapse remained,
> and the authors of the Luxembourg Report, in order to avoid a repetition
> of the experience, skirted around them rather than tackling them head
> on."[47]

What this avoidance actually boils down to in the Luxembourg Report is the

avoidance of institutional solutions and sensitive policy areas. There was little

to suggest that issues such as the primacy of the Atlantic Alliance and the

maintenance of the policy jurisdictions of the Communities were any less

sensitive by 1970 than they had been throughout the Fouchet negotiations.

There were of course changing political circumstances which increased the

chances of an agreement of some sort. Perhaps the most notable circumstantial

change was the resignation of de Gaulle and the acceptance by his successor,

Pompidou, of a successful outcome to the British application.

Whilst acceptance of the principle of U.K entry clearly signalled a substantial

change in French policy it is highly questionable whether this policy reversal

brought with it, as some commentators have suggested, a concomitant increase

in the power and influence of France over its Community partners, in particular

over the form and content of the Luxembourg Report. In this respect it is

argued that evidence of this increased influence can be seen in acquiescence to

French opposition to an 'expansion of the role of the Commission and the

European Parliament'.[48] Given the lack of commitment, other than rhetorical,

among the other Member States to the extension of the power of the Community

institutions throughout the Fouchet proposals, any perceived concessions to French sensibilities are by no means as significant as some have suggested.

If it is accepted that the bench-mark for any analysis of the Luxembourg Report is the Fouchet Plans, and taking into account the avoidance by the report's authors of institutional solutions, the provisions of the Luxembourg Report dealing with the European Parliament differ little with those agreed in the Fouchet negotiations in so far as they provide for consultation with the European Parliament [49]

> "The ministers and the members of the Political Affairs Committee of the European Parliament will hold six monthly meetings to discuss questions which are the subject of consultations in the framework of foreign policy co-operation. These meetings will be informal to ensure that the parliamentarians and ministers can express their views freely. ... .Once a year, the President-in-office of the Council will provide the European Parliament with a progress report on the work in question."[50]

Of greater significance is the Luxembourg Report's reference to the European Commission which provides that, 'The Commission will be consulted if the activities of the European Communities are affected by the work of the Ministers.'[51]

There is an ambiguity in this paragraph which can and did lead to differing interpretations of its intent. On one hand it can be viewed as an indication that the Political Co-operation mechanism would involve itself in issues covered by the Community Treaties, thus implicitly undermining the right and jurisdictions of the Community institutions. In this respect it conforms to the French viewpoint expressed during the Fouchet negotiations, that although the competences of the Community institutions should in principle be respected, there were no areas beyond the reach of the Member Governments. On the other hand, the explicit commitment to consult the Commission on issues affecting the Communities can be regarded as something of a breakthrough for the Commission and a step towards breaking down the barrier, so rigidly

maintained by the French, between 'high' and 'low' politics. The initial reaction to this aspect of the Luxembourg Report by both the Commission and the French Government tends to suggest that both were unclear of its interpretation and fearful of its consequences for their respective competences.

> "The Commission's reaction was at first defensive, concerned to maintain the boundaries of its legal competence against any attempts at encroachment and to insist that it alone was entitled to represent the common interest in areas of established Community policy. ... The French Government was just as concerned to keep the new procedure untainted by the insidious atmosphere of Brussels, and to prevent the Communities from encroaching on an area of policy so central to national sovereignty."[52]

Whilst there was an element of ambiguity in the interpretation of this paragraph leading to differing interpretations of its intention, its actual effect can be said to have favoured the Commission. Though by no means giving the Commission an active and clear role in the Co-operation mechanism, the commitment to consult the Commission can be regarded as a significant toe-hold, given the generally tentative nature of the Luxembourg Report. It is also of note that the Fouchet proposals did not include any such commitment to the European Commission. Indeed the Commission is not specifically mentioned by any of the Fouchet Plans. Moreover the Commission can claim to have played an integral role in the initial work of EPC.[53]

However, to return to the decision of the Davignon Committee to concentrate their fire on 'foreign policy concertation'. The Luxembourg Report identifies two objectives for this co-operation.

> "To ensure mutual understanding with respect to the major issues of international politics, by exchanging information and consulting regularly. To ensure their solidarity by working for a harmonisation of views, concertation of attitudes and joint action when it appears necessary."[54]

Irrespective of the criteria of measurement employed, be they supranational or intergovernmental, the objectives of the report as milestones on-route to 'political unification' are tentative indeed. In comparison to the objectives of

the various Fouchet proposals, which provide the bench-mark for this study, the objectives outlined by the Luxembourg Report appear as the pale, but nonetheless identifiable, shadow of the Fouchet objectives. The reasoning behind this tentative and limited approach is found in the requirement of providing a package of proposals acceptable to all Member States, in short a need to avoid sensitive policy areas. In this case the most sensitive issue by far was that of defence.

The sensitivity of this issue was such that its presence in the deliberations of the Davignon Committee would be to guarantee failure. This is not to suggest however, that the Member States were necessarily opposed to the discussion of defence issues, indeed the reverse would be true. Clearly in the context of the Italian proposals to the WEU Council of February 1969, the 'Five' and the U.K had demonstrated a willingness to establish a comprehensive system of political co-operation, embracing defence questions. Whilst the emergence of a 'European' defence identity can be regarded as one of the abiding aims of French 'European' policy.

Thus in light of the apparent willingness of all involved to develop some form of 'European' defence co-operation, the absence of provision for such discussion in the context of the Luxembourg machinery requires explanation. From the viewpoint of the 'Five' there had been no difficulty in agreeing to co-operation on defence issues within the context of WEU. Notwithstanding the importance to the 'Five' of the British presence in WEU , a crucial aspect in the decision to undertake consultation in defence issues must be seen as the specific subordination of WEU to N.A.T.O command, thus securely locking any agreement into the Alliance framework. This provided the essential guarantees sought by the 'Five', and in particular the Dutch, during the Fouchet negotiations.

The apparently obvious solution to the generalised wish to establish a comprehensive system of political co-operation would seem to have been the adoption of the Italian proposals of February 1969. These proposals had been accepted by the 'Five' and the U.K, and as a virtual clone of the Fouchet proposals would surely have had some appeal to the French. In addition the WEU had the advantage of a pre-existing institutional structure, including a permanent secretariat. In contrast the co-operation mechanism established by the Luxembourg Report lacked the guarantees sought by the 'Five', was virtually devoid of institutional form, and had no Treaty basis. Indeed it was not even securely tied to the Community, though membership was contingent on Community membership. The WEU thus provided the seemingly ideal vehicle with which to realise the consensus that Europe must be able to 'speak with a single voice' on the world stage.

This solution would however have proved unworkable. The specific subordination of the WEU to N.A.T.O in operational military matters would have caused immense difficulties for the French, resulting no doubt, in further WEU crises. In addition the use of the WEU framework as part of the campaign to effect U.K entry to the Community can be said to have further damaged the legitimacy of the WEU as the vehicle for such developments. Thus this particular avenue was closed to the formulators of the Luxembourg Report. Conversely, for the 'Five' discussion of defence issues could not be countenanced in the absence of a specific linkage to the Atlantic Alliance. To use the analogy of the WEU as a 'foster-home'; the issue of a European defence identity was still regarded as too difficult a child to return to the family home. It would remain in the care of the WEU for the foreseeable future.

Thus the problem of the Atlantic Alliance/N.A.T.O remained for all concerned the issue which could easily have undone what was in many respects an effort in rapprochement between France and its Community partners. That this was so,

should not be overlooked. There was in the wake of the Hague Summit a greater willingness to seek to advance integration, and repair the strained relations between France and its partners; the so-called Hague Spirit. While much of this discussion has focussed on the conflictual aspects of this episode, it should be borne in mind that there was a great willingness among the participants in the deliberations of the Davignon Committee to produce a result acceptable to all. As previously noted the formulators of the Luxembourg Report followed the path of least resistance, avoiding dangerous issues. Clearly the Atlantic Alliance presented for all participants a problematic area which had to be avoided if a successful conclusion was to be reached.

Returning to the issue of enlargement. The Luxembourg Report in outlining proposals to associate the applicant States with the work of the Co- operation mechanism, recalls and resolves one of the major areas of dispute throughout the Fouchet negotiations, that of the British application to the Communities, the so-called Prealable Anglais. While it may appear rather incongruous to devote so much attention to the issue of British entry in a thesis focussed on efforts to establish a 'European' foreign and defence identity, its importance to the 'Five' in any venture which may at some future point involve a 'European' defence policy cannot be understated. For the 'Five', British membership of the Community was integral to the inauguration and credibility of EPC . Thus in making specific provision for the applicant States the authors of the Luxembourg Report had learned the lesson of Fouchet.

> "The applicant States must be kept informed of the progress of the work of the Six, since they will have to be consulted on the objectives and machinery described in the present report and will have to adhere to them when they join the Communities."[55]

Additionally, and further recalling the Fouchet negotiations, the Luxembourg Report also stresses the essential link between Community membership and participation in the Co-operation mechanism. The Fouchet Committee, after

much debate decided upon a formula within which it was accepted that it was 'essential to establish a strict correlation between membership of the European Communities and of the Political Union.'[56] The Luxembourg Report mirrors the opinion of the Fouchet Committee in its view that, 'The Ministers stress the correlation between membership of the European Communities and participation in activities making for progress towards political unification.'[57]

Institutionally the Luxembourg Report's link with the Fouchet proposals can perhaps be observed in the negative, in the avoidance of an institutional framework. However, although lacking a strong formal institutional framework, the Report, in its essential functions does resemble the structure envisaged by the various Fouchet drafts. It provides for the regularisation of meetings between Foreign Ministers, establishes a Political Committee and deals the relationship between the co-operation mechanism and the institutions of the Community. Foreign Ministers were to meet 'at least every six months, at the initiative of the President-in- office'.[58] In addition the report provides for meetings of the Heads of State or Government within the Co-operation framework and outlines the basis of an emergency meeting procedure .[59] All four Fouchet drafts contain similar arrangements for regular meetings between Foreign Ministers and also for extraordinary meetings of the Heads of State or Government.[60]

Section 3 of Part 2 of the Luxembourg Report provides for the establishment of a Political Committee. 'This Committee, comprising the heads of the political departments, will meet at least four times a year to do the groundwork for the ministerial meetings and to carry out any tasks entrusted to it by the Ministers.'[61]

The setting up of the Political Committee has its counterpart in one of the most contentious issues of the Fouchet negotiations, the proposal to establish a

European Political Commission. Initially proposed in the first French draft, the Political Commission was to be composed of, 'senior officials of the Foreign Affairs departments of each Member State. ...The European Political Commission shall assist the Council. It shall prepare its deliberations and carry out its decisions. It shall perform the duties that the Council decides to entrust to it."[62]

Again, similar commitments to the creation of a Political Commission are found in all four drafts considered by the Fouchet Committee, though it should be added that in the case of the drafts submitted by the 'Five' this commitment was complicated by the additional proposal for the establishment of the office of 'Secretary-General'.[63]

Within the context of the Fouchet proposals it seems clear that there was little dispute over the need to establish some form of 'secretariat' in order to co-ordinate the work of the Council and the Committees of Ministers of the Political Union. The disputes which divided the Member States on this issue, revolved around questions of the Political Commission's role and institutional status, its size, its location, and the implications for the powers and jurisdictions of the Community institutions, in particular those of the European Commission.

Thus deeply conscious of the sensitivity of this issue, the authors of the Luxembourg Report, in their efforts to create some form of support service for the Co-operation mechanism, were assiduous in their avoidance of the raw nerves that had so inflamed the Fouchet negotiations. The Political Committee was to have no permanent location or permanent administrative support. Meetings of the Political Committee were to take place in the Country of their Chairman. The Chairmanship of the Committee conformed to that of the rotating Presidency of the Council of Ministers of the Communities. Administrative support for the Co-operation mechanism, dealt with in a separate

section of the Report, provided that, 'The host State will take all due steps to provide a secretarial service and for the practical organisation of the meetings'.[64] Further echoing the Fouchet Plans, the Political Committee were given the power to establish Working Parties. 'The Committee may set up working parties for special tasks. It may instruct a panel of experts to assemble data relating to a specific problem and submit possible solutions.' [65]

In establishing the Political Committee the Luxembourg Report comes perhaps as close as was possible in the circumstances to establishing a new 'European institution'. Its ancestry is without doubt found in the basic structure of the Political Commission of the Fouchet drafts

In addition to the Political Committee the Report also provided that, 'Each State will appoint one of its foreign affairs officials as the correspondent of his counterparts in other countries.'[66] The creation of this group, later to be known officially as the 'Group of Correspondents', can be viewed as a further means of providing a support network for the Co-operation mechanism, while avoiding the sensitive issue of a permanent secretariat. The Correspondents were middle-ranking foreign ministry officials from each Member State who advised on procedure and helped manage EPC.,[67] thus performing some of the tasks ordinarily performed by a secretariat. The political sensitivity of this issue, it seems, overrode the logic of providing some form of permanent administrative back-up for the nascent Co-operation mechanism .

In some respects this avoidance of a 'permanent secretariat' returns us to the underlying theme of this chapter, that of French influence. In the prevailing view, the minimalist non-institutional approach of the Luxembourg Report was part of the price paid to France in return for British entry. This is a mistaken view. While the approach of the Luxembourg Report to the institutional aspects of the co-operation mechanism does suggest an element of compromise on the

part of all participants, there would appear to be greater evidence of compromise on the part of France rather than by the 'Five' to the wishes of the French.

In suggesting this, the point of reference is the French attachment to the creation of an overarching 'European Council' and a permanent 'Political Commission/Secretariat. Throughout the Fouchet negotiations this had been the cornerstone of French institutional proposals. That this remained the institutional blueprint favoured by the French can be observed in the failed attempt by Pompidou to resurrect these aspects of the Fouchet proposals. In January 1971, less than three months after the adoption of the Luxembourg Report, Pompidou, following the practice of his predecessor held a staged press conference in order to acquaint the world's press with his views on a range of issues. In the course of this press conference President Pompidou outlined his views on the future development of European integration.

> "But what kind of Europe ? to my mind, frankly there is only one answer and that is to take what we have and build a Confederation of States which are prepared to harmonise their policies and integrate their economies. If one takes this view the debate over supranationality becomes irrelevant. ... Europe can only be governed as a result of national governments coming together to take collective decisions which apply to all."[68]

In positing the future of Europe as 'Confederal' Pompidou effectively revives the vision/spectre of de Gaulle's 'Europe des Patries',thus threatening to re-open the barely healed wounds of Fouchet. Musing on future institutional developments Pompidou suggested the possibility of creating a body of ministers permanently responsible for European affairs.

> "At present, the Ministers for Foreign Affairs meet within the Council of Ministers, and other ministers also hold specialised meetings when the need arises. It is possible that some time in the near future, or maybe at a later stage, governments will feel the need to appoint ministers specifically responsible for European affairs. ...One might also ultimately envisage these ministers performing a strictly European function and no longer playing a role within their national governments."[69]

In considering the method by which this permanent Council of Ministers should make decisions Pompidou, citing the method by which coalition governments function, argued the case for unanimity in decision-making,[70] thereby reviving the other great landmark of Community development in the 1960's, the Luxembourg Compromise of 1966, an issue guaranteed to stir contentious debate. Adding further fuel to the fire Pompidou goes on to ask rhetorically; 'how can the Council of Ministers ensure that its decisions are implemented ?[71] Any hopes held by the European Commission that they would be called upon to implement the decisions of the Confederation's Council of Ministers were quickly dispelled by Pompidou who discarded the idea of a role for the European Commission in the creation of a 'European Union' as outdated.[72] Pompidou's solution to the problem of implementation had a familiar ring.

> "It can, of course, through the national governments count on the national administrations but it is probable and even certain that this is not sufficient and that it will require specialised agencies for the preparation of its recommendations and for the following up of its decisions. I see no objections to this. On one condition, that these agencies for enforcement be answerable solely to the Council of Ministers. This rule governs the accountability of the administration to the executive: it obtains in all states and by the same token should apply to the European Confederation."[73]

Any lingering doubts about the implications or the inspiration for these proposals were removed when it later emerged that Pompidou envisaged Paris as the seat for these 'specialised agencies'.[74] Pompidou had thus revived the idea of 'Permanent Political Secretariat', and with it the fears for the powers and jurisdictions of the European Commission, and of French domination of the Community. Not surprisingly these proposals met with strong resistance, particularly from the Dutch, which given the vociferous nature of their opposition during the Fouchet negotiations is less than surprising. According to Nuttall the dispute found expression in the Dutch insistence that if there was to be a secretariat it should be based in Brussels 'in order to ensure adequate co-ordination with the Community institutions'.[75] This of course was anathema to

the French who insisted on Paris. The consequence of this bilateral intransigence was the complete abandonment of the proposal prior to the Paris Summit of 1972.

Whilst the feelings aroused by these proposals did not reach the vitriolic heights of the Fouchet negotiations, it would be broadly correct to suggest that the issues raised by Pompidou were still off-limits for serious consideration. Thus in the context of the criticisms levelled at the timidity of the Luxembourg Report, the reaction to the resurrection of these issues by the French President further validates the circumspection exercised by the authors of the Report in their avoidance of issues associated with the failure of Fouchet.

Although abandoned, the Pompidou proposals were not without consequence for the development of EPC. It would appear that most Member States, as a result of the initial work-load of EPC, had accepted the necessity for some form of permanent support structure to co-ordinate the work of the Co- operation mechanism. Paradoxically however, the sensitivities aroused by Pompidou's proposals for 'specialised agencies',ensured that, for the foreseeable future, the possibility of a Permanent Secretariat was non-existent. Political sensitivities had thus ensured that EPC in terms of its administrative organisation would have to 'muddle through' as best it could.

At another level, the failure of Pompidou's proposals further calls into question the generally held view of French predominance within the Community at this time. Indeed to return to the Luxembourg Report, one can speculate that had the French been in as strong a position as some commentators have suggested, one would expect that the French would have been in a position to impose such a structure on their partners within the context of the Luxembourg Report. The inability of the French to do so suggests that they were in no position to insist on this line.

The same is true of the prevailing assumptions with respect to the 'intergovernmental' nature of the framework established by the Luxembourg Report. Not only were the French in no position to insist and impose their blueprint on the other Member States, the assumption that the 'Five' were fundamentally inclined to supranationalism in all aspects of European integration is spurious, and arguably one of the great myths of the Community.

While at the level of rhetoric the 'Five' may have, on various occasions proclaimed themselves in favour of a fully-fledged supranational/federal Europe, their expectations and actions can be observed to fall a long way short of the rhetoric. It is arguable that if the Member States were driven by a faith in a vision of a supranational/federal Europe, it was a faith that had by the time of the Hague Summit descended to the level of lip-service. As Pickles notes.

> "By 1970 France's partners in the European Community also seemed to have lost any real belief that either progress towards the ostensible goal of European integration had been made, or that it was likely to be made in the foreseeable future. In 1965 M.Couve de Murville had argued that some of the integrationist ardour of France's partners in the E.E.C, like some of their defence of British membership, was inspired more by the desire to find a stick to beat France with than by the intention to take any concrete steps towards supranationalism. Five years later they had dropped even the pretence of ardour."[76]

Whilst it is possible to marshal a great deal more evidence to support this contention, it is reasonable to suggest that the 'Five' in accepting the intergovernmental form of the Luxembourg mechanism, were not sacrificing deep rooted supranational ambitions in return for acceptance of British entry. Intergovernmentalism, particularly in areas of 'high politics' was an accepted fact of Community life. In addition, the fact that the 'Five' were quite willing in the context of the 'intergovernmental' WEU to adopt what was essentially a version of the Fouchet proposals adds considerable weight to the view that the Fouchet negotiations failed not because of fundamental theological disputes over the form of a 'Political Europe', but rather that they failed as a consequence of the political circumstances of the time.

To conclude; this examination offers a new perspective on the influences and motivations leading to the establishment of the political co-operation mechanism and specifically the Luxembourg Report. In sum, the view offered by the standard texts, that of the predominance of French influence in the initiation and formulation of the co-operation mechanism, is seen to be less than accurate. Whilst the previously neglected role of WEU has been shown to be a significant factor in both the promotion of foreign policy co-operation and in the acceptance of British entry to the Communities.

Notes

1. Ifestos,P <u>European Political Co-operation : A Framework for Supranational Diplomacy ?</u> (Aldershot 1987) p.149.

2. See for instance : Ifestos,P <u>European Political Co-operation</u> (Aldershot 1987) pp.147-167. Nuttall,S <u>European Political Co-operation</u> (Oxford 1992) pp.51-52; Wallace,H, Wallace,W & Webb,C (eds) <u>Policy-Making in the European Community</u> (Chichester 1983) pp.373-401. Allen, D Rummel,R & Wessels,W (eds) <u>European Political Co-operation</u> (London 1982) pp.   .

3. Decision of the Hague Summit December 1969 : <u>Bulletin of the E.C</u> Vol.3 no.1.(1970).

4. Koledziej,E <u>French International Policy Under De Gaulle and Pompidou</u> (Cornell 1974) p.383.

5. Hallstein,W <u>Europe in the Making</u> (London 1972) p.270

6. Harmel,P : Speech to the Belgian Senate: 15-1-69. Reproduced in <u>A Retrospective View of the Political Year in Europe : 1969</u> (Paris 1970),pp.51-54.   This is an annual collection of documents collated by the General Affairs Committee of WEU.

7. Harmel,P. Speech: 15-1-69.

8. "Italian Draft Proposals to WEU": Proposal "A". This draft document is Reproduced in <u>Political Year in Europe : 1969</u> (WEU 1970) pp.56-58. Hereafter cited as "Italian Draft".

9. Proposal A "Italian Draft".

10. Proposal A "Italian Draft".

11. Appendix III "Italian Draft".

12. Proposal C "Italian Draft".

13. Proposal D "Italian Draft".

14. Thorn,G. Speech to Chamber of Deputies Luxembourg: 12-3-69. Reproduced in <u>Political Year in Europe : 1969</u> (Paris 1970) pp.76-78.

15. Thorn,G. Speech: 12-3-69.

16. <u>The Economist</u> 22 February 1969 (London) p.15.

17. Jahn, Mr. Statement to the Bundestag 28-2-69. Reproduced in <u>Political Year in Europe : 1969</u> (Paris 1970) pp.69-70.

18. Schuman, M. Statement: 2-8-69. Reproduced in <u>Political Year in Europe: 1969</u> (Paris 1970) pp.114-5.

19. Koledziej, E. (Cornell 1974) p.338.

20. Jahn, Mr. Statement: 28-2-69.

21. Thorn, G. Speech: 12-3-69.

22. <u>The Economist</u>: 22-2-69 p.16.

23. Brandt, W. Speech to the Consulatative Assembly of the Council of Europe : 13-5-69. <u>Official Report of Debates: 1969</u> Vol.1 pp.74-5 (Stasbourg 1970).

24. Heath, E. 'Realism in British Foreign Policy' <u>Foreign Affairs</u> (1969-70) Vol.48. no.1 p.46.

25. See p.81

26. Nuttall,S <u>European Political Co-operation</u> (Oxford 1992) pp.45-46.

27. Schuman, M. Speech to the Council of Ministers of the EEC: 22 July 1969. <u>Political Year in Europe : 1969</u> (Paris 1970) 'Chronology' p.30.

28. Brandt, W. June 5-6 1969 <u>Political Year in Europe : 1969</u>. 'Chronology' p.25.

29. Brandt, W. Speech to Joint Meeting of the Chairman of the Foreign Affairs Committees of the Parliaments and the General Affairs Committee of WEU: Bonn 2-7-69. <u>Political Year in Europe : 1969</u> (Paris 1970) pp.107-8.

30. Brandt, W. 21-7-69. <u>Political Year in Europe: 1969</u> (Paris 1970) 'Chronology' p.30.

31. Brandt, W. Speech 2-7-69.

32. Wallace,W et al <u>Policy-Making in the European Community</u> (Chichester 1983) p.357.

33. De Jong, P.J.S. <u>Bulletin of the E.C</u> Vol.3 no.2 1970 pp.30-33.

34. Brandt,W <u>Bulletin of the E.C</u> Vol.3 no.2 1970 pp.36-37.

35. Brandt,W <u>Bulletin of the E.C</u> Vol.3 no.2 1970 p.37.

36. Pompidou,G <u>Bulletin of the E.C</u> Vol.3 no2 1970 pp.33-35.

37. Brandt,W <u>Bulletin of the E.C</u> Vol.3 no.2 1970 p.38.

38. Pompidou,G <u>Bulletin of the E.C</u> Vol.2 no.3 1970 p.34.

39. Pompidou,G <u>Bulletin of the E.C</u> Vol.2 no.3 1970 p.35.

40. Thorn, G. Speech: 12-3-69.

41. "Anglo-Italian Declaration on Europe" 28 April 1969 <u>Bulletin of the E.C</u> Vol.1 no.6 1970 p.73.

42. Nenni, Mr. Speech to the Consultative Assembly of the Council of Europe: 13-5-69. <u>Official Report of Debates 1969</u> Vol.1 pp.58-59 (Strasbourg 1970).

43. Harmel,P. WEU Council of Ministers June 1969 <u>Political Year in Europe : 1969</u> (Paris 1970) 'Chronology' p.25.

44. Luns, J. 20-11-69. <u>Bulletin of the EC</u> Vol.3. no.1. p.118.

45. Part One "Report by the Foreign Ministers of the Member States on the Problems of Political Unification" 27 October 1970 <u>Bulletin of the E.C</u> Vol.3 no.1. pp.9-14. Hereafter the report will be cited as "Luxembourg Report".

46. "Luxembourg Report": Part One.

47. Nuttall,S <u>European Political Co-operation</u> (Oxford 1992) p.53

48. Wallace,W et al <u>Policy-Making in the European Community</u> (Chichester 1983) p.375.

49. See <u>TPU</u> (Luxembourg 1964): Appendix.

50. "Luxembourg Report": Part Two.4.

51. "Luxembourg Report": Part Two.5.

52. Wallace,W et al <u>Policy-Making in the European Community</u> (Chichester 1983) p.375.

53. In particular the C.S.C.E talks. For details of the Commission's role in these negotiations see Nuttall,S <u>European Political Co-operation</u> (Oxford 1992) pp.110-118.

54. "Luxembourg Report": Part Two.1.

57. "Luxembourg Report": Part Four.2.

56. <u>TPU</u> (Luxembourg 1964): p.7

57. "Luxembourg Report": Part Four.1.

58. "Luxembourg Report": Part Two.2a.

59. "Luxembourg Report": Part Two.2c.

60. See <u>Documents</u>.

61. "Luxembourg Report": Part Two.3.

62. <u>Documents</u>.

63. <u>Documents</u>.

64. "Luxembourg Report": Part Two.7.

65. "Luxembourg Report": Part Two.3.

66. "Luxembourg Report": Part Two3.

67. See Nuttall, S <u>European Political Co-operation</u> (Oxford 1992) p.70.

68. Pompidou, G. Press Conference, 21 January 1971: Collection of miscellaneous texts on institutional issues: <u>European Documentation Centre: Durham</u>.

69. Pompidou, G. Press Conference, 21-1-71.

70. Pompidou, G. Press Conference, 21-1-71.

71. Pompidou, G. Press Conference, 21-1-71.

72. Pompidou, G Press Conference, 21-1-71.

73. Pompidou, G Press Conference, 21-1-71.

74. See : Koledziej, E <u>French International Policy Under De Gaulle and Pompidou</u> (Cornell 1974) p.436.

75. Nuttall, S European Political Co-operation
(Oxford 1992) p.72.

76. Pickles, D 'The Decline in Gaullist Foreign
Policy' International Affairs Vol 51. April 1975.
pp.221-222.

CHAPTER THREE

THE DOOGE COMMITTEE AND REPORT

The Single European Act entered into force 1st July 1987. It marked the culmination of a number of initiatives designed to further the progress of integration in the European Community. In terms of media coverage and public awareness the so-called '1992' objectives attracted the greatest attention, referring to the aims of Title 2 of the SEA dealing with provisions for the establishment of the 'Internal Market'. However the concern here is with the development of European Political Co-operation. Prior to a detailed examination of the various provisions of the SEA as they relate to the EPC mechanism it is necessary to consider the various developments and debates which led to the inclusion of EPC within the framework of the SEA.

The immediate background to the SEA is to be located in the Fontainebleau European Council held on 25th & 26th June 1984. At this Council, the Heads of State or Government of the European Communities took the decision to establish an 'Ad Hoc Committee on Institutional Affairs',[1] more usually known as the 'Dooge Committee' after its Chairman Senator James Dooge of the Republic of Ireland. The Committee's terms of reference were 'to make suggestions for the improvement of the operation of European Co-operation in both the Community field and that of political, or any other co-operation.'[2]

The political atmosphere and context in which the Dooge Committee was established may in many respects be regarded as a critical turning point in the Community's development. The Community was in crisis. It had been and was facing a multitude of problems which threatened to bring it to a grinding halt.[3] Nowhere was this atmosphere of crisis more exemplified than in the long-running and acrimonious dispute over the United Kingdom's budgetary contribution. Indeed the depth and possible consequences of the crisis appear to have been brought home

to the main participants in this particular dispute at the Brussels European Council of March 1984, three months prior to the Fontainebleau Council. According to Taylor, in the hours following their failure to resolve the problem of the United Kingdom's budgetary contribution, both Prime Minister Thatcher and President Mitterrand 'behaved as if they had looked into the abyss, and were shocked into the awareness of the desperate need to hold themselves back.'[4]

Chastened by an awareness of the possible consequences of a failure to resolve this and other problems,[5] the Fontainebleau Council met in what may best be described as a spirit of compromise and reconciliation6. Agreement was reached on Britain's budgetary contribution and a whole range of other issues in a package little different to that proposed three months earlier in Brussels. Capitalising on this accommodating atmosphere President Mitterrand was able to gain easy acceptance for his proposals establishing the Dooge and Adonnino Committees.

Thus the creation of the Dooge Committee may be viewed as a recognition and response to the depth and intensity of the crisis facing the Community. However, the Dooge Committee and its subsequent reports was by no means the only attempt in this period to breath life into a moribund Community. The early 1980's saw a number of reports, proposals, declarations and draft treaties with this aim in mind.[7] In many respects the most notable of these documents was the European Parliament's 'Draft Treaty Establishing the European Union'(EUT), adopted by a large majority in the Parliament in February 1984.

The European Parliament's 'Draft Treaty' is less notable for its content than for the rather inflated claims made on its behalf by its advocates. The thrust of these claims are essentially to suggest that the EUT was instrumental in the movement which led to the SEA and that it was also the primary source of its content. Without considering the debate in detail, there does appear to be a prima facie case for arguing that the EUT inspired or led Mitterrand to take up the 'European torch' and propose the creation of the Dooge and Adonnino Committees. The source of this claim lies in Mitterrand's response to the EUT in an address to

the European Parliament 24th May 1984, one month prior to the Fontainebleau Council and the decision to set up the Ad-Hoc Committees'.

> "A new situation calls for a new treaty ... France is ready for such an enterprise ... I therefore suggest preparatory consultation, perhaps leading to a conference of the Member States concerned, be started up."[8]

While there is a close chronological link between Mitterrand's statement of support for the aims of the EUT and the decision to set up the Dooge and Adonnino Committees, it is difficult to not to be a little sceptical of Mitterrand's intentions in grasping the 'European flame' at such a late stage in the French Presidency of the European Community.[9] The presidency was beset by the issue of the U.K's budgetary contributions, not to mention domestic problems with the reforming programme of the Vth Republic's first socialist President. Given these difficulties it is not difficult to gain the impression that Mitterrand has seized upon the 'European Union' theme in order to deflect a largely negative view of the French presidency.

Equally one may argue that the European Parliament, in pursuit of its own agenda, exploited Mitterrand's address in a highly selective manner. The extract from Mitterrand's speech quoted above was taken from a European Parliament report on the impact of the EUT.[10] This report contains an annex entitled 'Summary of comments favourable to a new Treaty establishing European Union'. The annex amounts to a list of quotations favourable to the EUT made by notable figures from the each of the Member States. However in the case of Mitterrand, if the full text of his speech is read it becomes clear that his support for the Draft Treaty is not as unequivocal as the European Parliament's report would appear to suggest. While Mitterrand does clearly state the willingness of France to 'examine and defend' the EUT, the bulk of his speech concerning institutional issues is focussed upon creating the conditions in which the procedures and practices of the Community could be improved. The main thrust is a call for a stricter adherence to the application of the Treaty of Rome and to the provisions of the Stuttgart Declaration.[11]

Viewed from this wider context, President Mitterrand's support for the European Parliament's Draft Treaty is less significant and considerably more equivocal than the European Parliament's report implies. Additionally where Mitterrand does specifically mention the creation of new institution, it is to suggest the creation of a 'permanent secretariat' for the European Council[12] a development which was anathema to the 'Federalist' orientation of the Parliament's Draft Treaty.

This then leaves the clear impression that the 'exploitation' of the situation was a two-way process with the interests of both parties being partially served. Mitterrand's intervention placed the 'European Union' debate on a higher level, creating a changed and expectant atmosphere, thus serving the interests of the European Parliament. Also Mitterrand's reputation as a 'European' was considerably enhanced with the Fontainebleau Council being regarded as the 'launch-pad'for a new phase of integration.

Countering this somewhat cynical interpretation of Mitterrand's intentions, Burgess presents a reasonable if superficial case to suggest that Mitterrand's 'European' credentials are consistent and sound. Quoting from a personal interview with Alterio Spinelli, Burgess concludes that 'Mitterrand is a genuine European socialised in the European spirit of the Hague and well acquainted with the heyday of Schuman and Monnet in the 1950s.'[13]

Notwithstanding these inconclusively contestable claims, it is in the area of content that claims made on behalf of the EUT are most open to question. The principal claim made in this respect is that the EUT's main provisions were endorsed and taken up by the Dooge Committee.

> "The ad-hoc committee's report and the Parliament's Draft Treaty
> are strikingly similar in a number of respects: ... . The fact that the
> Dooge Committee takes up the principal ideas of the draft Treaty is
> further proof of the realism and balance inherent in the draft Treaty
> ..."[14]

Given that the reports of the Dooge Committee can be regarded as forming the basis for discussions in the IGC leading to the 'Single European Act', the implication is clear; the main provisions of the SEA have their origin in the

European Parliament's draft Treaty. If it is accepted that the main thrust of the EUT was to significantly increase the powers and jurisdictions of the Community's 'supranational' institutions, thereby creating a new constitutional balance, the claims made on behalf of the Parliament's draft Treaty cannot be sustained.

Indeed even a cursory comparison between the institutional provisions of the EUT, the Dooge Reports and the Single European Act reveals the credibility gap in the Parliament's claims. The EUT in institutional terms establishes a structure which vests the European Parliament with significant legislative powers while reducing the European Council to a residual role in which its main function would appear to be the approval of the transfer of even more powers to the 'supranational' institutions of the 'Union'.[15]

In sharp contrast to this the Single European Act can be said to have consolidated the power and position of the European Council while allowing the European Parliament a very slightly enhanced role by means of the 'Co-operation procedure',[16] a mechanism far removed from the 'Legislative Co-decision' envisaged in the Parliament's draft Treaty

As for the Dooge Report, the Committee confines itself to a single reference to the EUT in its final recommendation that ...

> "... a conference of the representatives of the Governments of the Member States should be convened in the near future to negotiate a draft European Union Treaty based on the acquis communautaire, the present document and the Stuttgart Solemn Declaration on European Union and guided by the spirit and method of the draft Treaty voted by the European Parliament."[17]

This is not to suggest that the EUT shares no areas of common ground with the Dooge Report or the SEA. There are for instance similar proposals in respect of new policy areas, though the point should be made that these proposals were by no means unique to the EUT prior to their adoption by the Dooge Committee. Thus the absence of acknowledgement does not necessarily indicate the absence of influence. Equally, as this example illustrates, claims to have influenced and informed events should be treated with extreme caution.

In this case however concrete confirmation of the lack of influence exerted by the European Parliament's EUT is available. In staking the European Parliament's claim to a significant role in the process leading to the SEA, the Croux Report makes much of the Dooge Committee's invitation to the President of the European Parliament, Mr.Pflimlin, and the Chairman of the E.P's Committee of Institutional Affairs, Mr.Spinelli, to take part in two meetings of the Committee.[18] The implication is clear. On the basis of the participation of two members of the European Parliament in two meetings of the Dooge Committee, the Parliament claims direct and significant input on the findings of the Committee.

There is of course nothing to suggest that these meetings were anything other than helpful and constructive to the findings the Dooge Committee, and indeed on the basis of this evidence alone it would be difficult to refute any implied claims of influence out of hand. However, when questioned about the pattern of the Committee's meetings, Willam van Eekelen, Dutch member of the Committee, placed the implied claims of the European Parliament in a more objective context. Van Eekelen makes it clear that the representatives of the Parliament did not actually take part in full meetings of the Committee, rather they were invited, in the manner of Select Committee hearings, to address the Committee and answer questions put to them by Committee members, following which the Committee would continue its deliberations in private.[19] In this the representatives of the European Parliament were by no means unique, the Committee took soundings from a number of quarters.

Questioned further about the influence of the Parliament and the draft Treaty on the deliberations of the Committee, Van Eekelen was dismissive of any such claims.

> "... I don't think myself that the European Parliament had any influence on Dooge or the Single European Act. ... In historical perspective Spinelli (the EUT) was useful but too far reaching, not realistic."[20]

Indeed it seems also that in spite of the upbeat claims of influence emanating from the European Parliament this was not a view shared by the draft Treaty's sponsor and most vocal advocate, Spinelli, who in conversation with Van Eekelen following the presentation of the Parliament's position to the Dooge Committee expressed his disappointment at the lack of enthusiasm shown by the Dooge Committee to the Parliament's proposals.[21] Thus given this first-hand account of the meetings between the representatives of the European Parliament with the Dooge Committee it would appear that the authors of the Croux Report can be accused of somewhat 'gilding the lily' in their quest to promote the activities of the European Parliament.

While it seems clear that the European Parliament and the Parliament's draft Treaty had little or no influence on the deliberations of the Dooge Committee, it would be incorrect to infer from this that the position of the Parliament had no support within the Committee. The Parliament's agenda was strongly supported and argued by Mauro Ferri of Italy. Mr.Ferri however, was it seems, regarded by the majority of the Committee as 'a bit difficult' and 'too far out on a limb' to be taken seriously.[22]

On the issue of self-promotion and the European Parliament's quest for increased powers, a direct link can be made with the Fouchet episode. The European parliament had seized upon the Bonn Declaration's invitation to the European Parliament to 'extend to new fields, with the co-operation of the Governments, the range of its debates'.[23] Throughout the Fouchet negotiations the European Parliament exercised this new role to the full, producing reports and passing resolutions which, while appearing to be supportive of the negotiations, were little more than attempts to promote the agenda of the, then indirectly elected Assembly, an agenda of increased power; wider jurisdictions and the early introduction of direct elections to the European Parliament.[24]

In the context of the various drafts considered by the Fouchet Committee, the functions and powers of the Parliament within the proposed Union were of

course discussed. A comparative study of the various proposals however, reveals a gradual but perceptible dilution of the commitment to give the European Parliament a role of anything but symbolic significance. There was in short a general unwillingness among the Member States to match the rhetoric of support for the democratic principle with concrete proposals.

Indeed this pattern of rhetorical support for the democratic principle followed by gradual dilution in the course of negotiations is graphically illustrated in the process leading to the Single European Act. The strictly limited extension of power granted to the European Parliament in the SEA represents a considerable climb-down from the positions adopted by a number of Community leaders, notably Mitterrand and Kohl, on the issue of institutional reform in general and in particular of the wish to transform the Parliament into a 'genuine legislative assembly'.

Creating an Intergovernmental Committee

The period leading up to the signing of the Single European Act saw the publication and promotion of a variety of proposals each with the aim of revitalizing a moribund community. While each of these proposals have merit in their own right and can claim with varying degrees of justification to have influenced the agenda of the IGC which negotiated the fine detail of the Single European Act, the most significant of these proposals are to be found in the report of the 'Ad-Hoc Committee on Institutional Affairs' - the Dooge Committee.

The Dooge Report's proposals are significant for a number of reasons, not least because of the composition of the Committee. As the personal representatives of the various Heads of State and Government of the Member States of the Community and the President of the European Commission, it could be expected that the Committee's report would reflect the views and interests of the various Member States and would therefore not be given to the advocacy of utopian projects with little chance of success. Indeed, as personal representatives of the Heads of

Government it could be expected that the various members of the Committee would be in a position to speak with a degree of authority on the issues under discussion.

By and large it is true to say that this expectation was realised. This however, is not to suggest that the Committee was lacking in imagination. Nor was there any attempt to undermine the existing treaty arrangements. Indeed many of the proposals demonstrate vision and a commitment to push the boundaries of integration. Equally it was a commitment tempered by the knowledge of what was possible and what would be acceptable to the more reluctant of the Member States.

While the Dooge Report was by no means the last word in the process and debates leading to the signing of the Single European Act, it can be argued that it was an accurate indication of how far each Member State was prepared to travel in search of 'an ever closer union'. Areas of disagreement between the various members of the Committee were clearly indicated by means of footnotes and annexed statements indicating areas of dissatisfaction, of which there were many. However it should also be recognised that these reservations, though numerous, originated in the main from a small core of the Committee's membership. Thus the Dooge Report marks out the frontiers of the Member States' integrative zeal. This being so, the text of the Single European Act contains no surprises, its framework and content are firmly rooted in the conclusions of the Dooge Committee. What is surprising given its significance is the lack of academic attention to its content and negotiation.[25]

The Committee produced two reports. The first, an "Interim Report", was submitted to the Dublin European Council 3-4 December 1984. The Interim Report was, in general, well received by the European Council, which requested that the Committee submit its final report to the Brussels European Council in March 1985.[26] This task it fulfilled.

In terms of organisation and administration each member of the Committee was assisted by a relevant national official from which a small administrative

secretariat was established. The Committee itself met approximately once a month from September 1984, with a number of additional meetings to ensure it met the deadline of the Brussels Council of March 1985. The Reports themselves cover a wide range of issues, most of which, in some form, find expression in the provisions of the Single European Act. However while recognising the comprehensive nature of the Dooge Reports it is beyond the scope of this thesis to examine all aspects of the Committee's findings. The particular concerns here lie in the Committee's recommendations in the areas of EPC and defence and security.

The meetings of the Committee were conducted in what may be described as an almost academic atmosphere, with the presentation and discussion of papers from various members of the Committee on a range of subjects. These papers were not simply the presentation of pre-determined national positions from which there could be no movement. Rather, they were genuine discussion documents, debated between individuals with a clear idea of what would be acceptable to their respective governments and, it can be assumed, a fair idea of the maximal and minimal expectations of their Community partners. In this respect the meetings of the Committee were not of the frenetic 'clock-stopping' variety with last minute concessions and telephone calls to home ministries for instructions on an acceptable wording for sentence x of paragraph y. This is not of course to suggest that the Committee members had an entirely free hand to endorse any point they saw fit. Clearly each member of the Committee was constrained in varying degrees, and had what Van Eekelen described as 'backstopping positions' from which they could go no further. Of these it would appear that Mrs Thatcher's representative, Malcolm Rifkind and Mr Schluter's (Denmark) representative, Otto Moller were the most tightly constrained by their national positions.[27]

While it seems that the other members of the committee were on a 'looser lead' than their British and Danish counterparts, this is not to suggest that their positions were not subject to scrutiny and change by their respective Governments. Indeed as Agence Europe reports, it would appear that the negotiating freedom of

Dr Kohl's representative, Jurgen Rhufus, became subject to increasing restrictions over the course of the Committee's deliberations, in particular with regard to the powers of the European Parliament.[28]

Although this would appear to be an isolated example, it can be argued that the possession of a clear and unambiguous set of instructions can be advantageous to the process of negotiation. Indeed in this respect Rifkind's clear identification of subjects which were regarded by the British Government as off-limits earned Mrs Thatcher's representative the respect of his counterparts on the Dooge Committee.[29]

There is the danger here of presenting the Dooge Committee as a mutual admiration society anxious to agree with one another. This is not the case. The number of footnotes alone should dispel any such illusions. The scope for disagreement was enormous. Ranging from the federally inclined proposals of the outspoken Mauro Ferri at one end of the scale, to at the other end, the reluctance of Otto Moller, who questioned the very validity of the Committee's whole approach, and appeared intent on creating a record for the number of footnotes entered in a single document. In this he competed with Ioannis Papantoniou. However, what can be said of the Dooge Committee is that its deliberations took place in a constructive and open atmosphere in which there was vigorous and often heated debate alongside a willingness to allow divergent views a hearing.

In terms of influence and impact on the Committee's deliberations it is difficult to judge with any great accuracy the contribution of any individual in a Committee-based report on the basis of the text alone. Equally the judgements of participants in respect of their own performance should be treated with great care. Additionally it can be suggested that influence in these situations is based purely on the relative weight of a particular participant's country of origin. This of course leads to judgements based on theories of power-politics, a view strongly rejected by Van Eekelen who argued that influence was based on the quality of the personal contributions of individual members.[30] However, notwithstanding the willingness

of the Committee to give a hearing to all opinions, evidence tends to suggest that Maurice Faure, President Mitterrand's representative set the tone and style for the Committee's deliberations. M.Faure presented a paper to the Committee entitled 'A Political Document' which served as the framework for their deliberations. Additionally the text for the chapter on the sensitive issue of 'defence and security' was in the main authored by M.Faure.

The Dooge Report and Political Union

In the context of the wider European Union debate it becomes immediately clear in the Preface and Section One of the Dooge Report that the Committee view their task as political, that they are not merely in the business of offering up suggestions for the correction of technical dysfunctions in the operation of the Community.[31]

> "The Committee has placed itself firmly on a political level and without purporting to draft a new Treaty in legal form, proposes to set out the objectives, policies and institutional reforms which are necessary to restore Europe the vigour and ambition of its inception ... we must make a qualitative leap and present various proposals in a global manner, thus demonstrating the common political will of the Member States. At the end of the day that will must be expressed by the formulation of a genuine political entity among European States: ie a European Union."[32]

Thus superficially at least the Committee have established an identifiable political goal for their work; a European Union. However, in employing this term they plunge themselves into semi-darkness and ambiguity. The term European Union has been used to infer support for any number of quite different proposals so that it has become devoid of any real and consistent meaning. The sensitivity of this issue, dating from the doctrinal schisms of the 1960s, is such that strict definition of the concept is studiously avoided. Indeed the Tindemans Report of 1975[33] went so far as to suggest that applying strict definitions to the term 'European Union' would be counter-productive to the Community's future development, causing unnecessary friction and closing off alternative strategies by which a 'European Union' could be achieved. Regardless of how one interprets this

aspect of the Tindemans Report, its sentiment appears to have been embraced by the Dooge Report which, in outlining the scope and form of the proposed 'European Union exhibits remarkable flexibility.

> "... a European Union ... with the power to take decisions in the name of all citizens ... and according to procedures which could vary depending on whether the framework is that of intergovernmental co-operation, the Community Treaties or new instruments yet to be agreed ..."[34]

Thus the Committee appear to have neither rejected nor particularly endorsed the traditional approaches to European integration, nor have they ignored the possibility of alternative strategies. Equally, it could be suggested that this is an attempt on the part of the Committee to satisfy all strands of opinion within the Community without actually committing itself to a preferred strategy, thereby leaving such thorny issues to their political masters in the European Council. Whether this is pragmatism or an abdication of responsibility is unclear. What is clear, is that the Committee have continued a much revered tradition of ambiguity in their treatment of the concept of European Union.

The Search for an External Identity

Taken at face value and in isolation, the introductory paragraph to this section of the Report appears to support the view that the Committee has indeed abandoned the rhetorical fundamentalism of the 1960's in favour of a more pragmatic approach to the creation of a European Union.

> "Europe's external identity can be achieved only gradually within the framework of common action and European Political Co-operation in accordance with the rules applicable to each of these. It is increasingly evident that interaction between these two frameworks is both necessary and useful. They must therefore be more closely aligned."[35]

The first point to note here is that this is an introductory paragraph in the nature of a preamble, and as such it expresses general aspirations rather than specific proposals for action. However, at this level of generality, it can perhaps be viewed as an acknowledgement that the crude and arbitrary distinction between high

and low politics, has in the late 20th century become so increasingly blurred as to be nonexistent; a recognition that in this prolonged period of relative peace the economic aspects of international relations have assumed a role and prominence on par with that of traditional diplomacy.

In this context the European Commission, by virtue of its external competences in such areas as the Common External Tariff (CET) Common Commercial Policy and Development Policy, has emerged as an increasingly important actor on the international stage, representing Community interests in a wide variety of forums, including GATT, OECD and the UN. This role as international actor is perhaps exemplified by the participation of the President of the European Commission in the G7 Western Economic Summits.[36]

Thus, given the prominent level at which the Commission participates in the external sphere, it would be difficult indeed to argue that it is not deeply involved in international politics. Equally there are numerous issues dealt with by the mechanism of European Political Co-operation which have an economic dimension, most notably decisions involving the application of economic sanctions.[37] It is therefore inevitable that in participating at this level, clashes and cross-overs of competences will occur. In this respect, it would appear that the introductory paragraph acknowledged these developments in recognising the necessity for interaction between the frameworks and in the assertion that they should be 'more closely aligned'.

This positive tone is carried through to the conclusion of the introductory paragraph with what may be assumed to be the ultimate aim of such closer alignment.

> "The objective of European Political Co-operation must remain the systematic formulation of a common external policy."[38]

The clearly stated aim of a common external policy is something of a rarity. Statements regarding the aims and objectives of European Political Co-operation have traditionally fallen short of such binding commitments and have tended to rely

on such non-committal phrases as 'will seek common positions'. Indeed Mr.Papantoniou thought it wiser that such phraseology be employed and entered a reservation suggesting the replacement of the final sentence with something a little more equivocal.

> "The objective of European Political Co-operation must remain the systematic search for common positions."[39]

Notwithstanding Mr.Papantoniou's reservation, one could be forgiven for suggesting that the Committee are advocating an eventual supranational solution in which the two frameworks are merged. However, regardless of any supranational intent, the logic of merger is clearly implied.

The long-term questions which arose from this prospect revolve around issues of the control and distribution of powers and functions within a merged framework and on the consequences for existing institutions. This raised a direct question: did the Report go beyond the sphere of general aspiration and make specific proposals to facilitate closer alignment between the frameworks, thereby bringing the goal of a common external policy closer to hand?' The answer to this question is a qualified negative.

In addressing the external dimension of Community activity, the Report did little more than acknowledge the existence of the common commercial policy and suggest that Community development policy should be intensified.[40] Specific proposals for 'closer alignment' appear to have evaporated, with the exception of a brief reference to 'cohesion' in the section dealing with the creation of a Secretariat. It would therefore be broadly correct to suggest that closer alignment as far as the Dooge Report is concerned remained in the rhetorical rather than the practical sphere. Thus the commitment of the Committee and by implication the Member States to a comprehensive common external policy is questionable.

In respect of the EPC mechanism itself what is proposed by the Committee amounts, with one notable exception, to a consolidation, re-statement and re-phrasing of proposals contained in past reports and the then current EPC practice.

For the purposes of clarity, it should perhaps be explained that what is being discussed in references to European Political Co-operation (EPC) is essentially foreign policy. This may of course appear elementary, but as P.Neville-Jones, a participant in the negotiations leading to the 1983 Solemn Declaration on European Union points out, even among those directly involved in the operation of the Community there was need for clarification.

> "The proposals for the extension of co-operation in spheres lying outside the Treaties occasioned a brief debate on what constituted 'political co-operation'. Did everything that was not within Community competences by definition belong to political co-operation? Or was political co-operation a term of art to be understood to mean intergovernmental co-operation in the sphere of foreign policy, everything else being in a different category or categories of intergovernmental co-operation subject as necessary to their own procedures? The latter was the general view."[41]

This general view was to be given legal identity in the 1986 Single European Act which identified political co-operation in Title Three of the act as 'European Political Co-operation in the sphere of foreign policy'.[42] Prior to the Single European Act this framework lay outside the Treaty structure of the European Communities, and indeed had no formal Treaty status.

The Dooge Report's provisions dealing specifically with the structure and practices of European Political Co-operation amount to just four paragraphs. For the most part the proposals are suggestions for slight improvements in the machinery of Political Co-operation, rather than a wholesale shake-up. In this respect the Dooge Committee continue in the tradition established by the authors of the various reports on European Political Co-operation, that of gradual and pragmatic proposals which in many cases simply confirm existing practice as it has evolved through the experience of EPC.

A prime example of this practice is found in the proposal that the Member States explicitly commit themselves to a 'prior consultation procedure' before adopting foreign policy positions.[43] The commitment to prior consultation is first found in the 1973 Copenhagen Report which provides that 'each State undertakes as a general rule not to take up final positions without prior consultation with its

partners within the framework of the political co-operation machinery'.[44] This commitment was further reiterated in the 1981 London Report. In its call to Member States to re-affirm their commitment to Political Co-operation, the Foreign Ministers sought to 'emphasise their commitment to consult partners before adopting final positions or launching national initiatives' in the sphere of foreign policy.[45]

The commitment to the general rule of prior consultation had by and large been observed by the Member States, though occasionally it had been ignored. French intervention in Zaire in 1977 for example had been undertaken without prior consultation, thus presenting the other Member States with something of a fait accompli in supporting French actions.[46] The Dooge Report's proposal can therefore been seen as the logical next step from the general rule of the Copenhagen report and its re-affirmation in the London Report. It attempts to firm-up this commitment in a more binding form of words.

Similarly Paragraph 3 dealing with the 'desirability of common representation at international institutions', in particular the UN and in 'countries where only a few Member States are represented'[47] signifies an expansion and clarification of past reports and established practice. Indeed the specific mention of the UN is simply clarification of the Copenhagen Report's provision that the representatives of the Member States to the 'major international organisations ... will seek common positions in regard to important questions dealt with by these organisations'.[48] While it would be accurate to suggest that the Member States attempts to present a common front in the UN had experienced some difficulties[49] there were occasions in which the Member States had successfully reached pre-determined common positions in the UN while common representation in countries where not all Member States were represented was an increasingly common practice. Thus the Dooge Report in this respect provides yet another example of the clarification and re-affirmation of existing practice.

Moving away from these procedural clarifications the Dooge Report's provisions for the 'strengthening of political co-operation structures' mark the crossing of a Rubicon for European Political Co-operation. The report proposes 'the strengthening of political co-operation structures by:

> "... the creation of a permanent political co-operation secretariat to enable successive Presidencies to ensure greater continuity and cohesiveness of action; the secretariat would to a large extent use the back-up facilities of the Council and should help to strengthen the cohesion between political co-operation and the external policies of the Community."[50]

In some respects this proposal represents a small step forward, an admission of the practical necessity for some form of permanent administrative support for the ever increasing workload of Political Co- operation. This need had been recognised since the first meetings of European Political Co-operation in Munich in 1970, but which because of the extreme sensitivities surrounding the issue had been regarded as off-limits. Attempts to address the issue of a permanent secretariat had been made from time to time, notably by Pompidou in 1971, by Lord Carrington in 1981 and in the Genscher-Colombo initiative of the same year. All of these rehabilitation attempts were of course independent initiatives,[51] and all failed to obtain the widespread support of the Member States, including those of Carrington whose proposals were regarded as the least contentious and most sensitive approach to this issue to date. Thus the previous formulas contained in the reports on Political Co-operation in attempting to provide some form of administrative support for the Co-operation mechanism had fallen short of proposing a permanent body due to political sensitivities.

However, the steps that had been taken to support the Presidency had actually evolved to semi-permanent status with the introduction of the Troika system established by the 1981 London Report.[52] Thus the proposals of the Dooge Committee in structural terms do not actually amount to a great leap forward. However, what is significant is that for the first time since the failure of the Fouchet negotiations in a report commissioned and endorsed by the Heads of State or

Government, the Dooge Committee was able to reach agreement on the principle of a Permanent Secretariat for European Political Co-operation.

This is not suggest that agreement was obtained with ease. The recognition that the growing workload of the Presidency required some form of permanent support was tempered not only by memories of Fouchet's Political Commission, but also the failure to agree to the creation of a similar body in negotiations on the Genscher-Colombo Plan. Additionally, President Mitterrand, in his oft-quoted speech to the European Parliament (24 May 1984) had returned the issue of a permanent secretariat to the agenda in his call to 'give the European Council a permanent secretariat for political co-operation'.[53]

Although Mitterrand at this stage did not expand on the role and nature of this secretariat, it does bear a superficial similarity to the Political Commission of the Fouchet episode. It is therefore not surprising given the background to this issue that proposals for the creation of a permanent secretariat encountered resistance. Van Eekelen, for instance, relates that as a member of the Dutch Government he had very few restrictions placed upon his freedom to negotiate in the Dooge Committee. However of the few instructions he did have, resistance to the creation of an overarching Political Secretariat was high on the list of his 'backstopping positions'.

> "The Dutch position on a political secretariat was fairly reluctant. ...The question of a secretariat remained a point we tried to resolve by taking a fairly pragmatic attitude of waiting to see in practice what the needs (of EPC) were... we were not in favour of making great jumps forward."[54]

This reluctant attitude was it seems shared by the great majority of representatives on the Dooge Committee, the exception being the French and German representatives who may be regarded as the main advocates of a political secretariat within the Committee.[55] In part this reluctance may be attributed to the Troika system established by the 1981 London Report which was, with some reservations, regarded as a successful exercise. Its success can perhaps be said to

have fuelled suspicion of Franco-German intentions in wishing to replace a highly regarded system with a permanent and possibly expandable political secretariat.

At this stage, according to Van Eekelen, the German and French members of the Committee did not propose the wide-ranging secretariat revealed at the Milan European Council, but he suggests that their thoughts appeared to moving in this direction.[56] In many respects it appears as a return to times past, the French with their German allies at one pole the Dutch at the other, supported by the smaller Member States.

To avoid stalemate it was therefore necessary to balance the functional need for some form of permanent administrative support for EPC, a need that had long been accepted, with the unquestionable sensitivity of the issue. The consequence of this balancing act was a proposal for a permanent secretariat modelled on the structure advocated by Lord Carrington prior to the 1981 London Report,[57] a modified version of which had formed the Troika system. Thus the step, rather than leap, to a permanent secretariat can be seen to conform to EPC tradition of pragmatic and gradual change.

Although the Dooge Report does not go into detail, it is clear that great efforts were made to ensure that the secretariat appeared as innocuous and un-threatening as possible, with no suggestion of a political role. The secretariat is clearly subordinate to the Presidency and dependent on the back-up facilities of the Council of Ministers of the European Communities. Although there is no commitment to a particular location for the permanent secretariat, the provisions of sub-paragraph 2 strongly suggest that the option of Paris was not on the agenda of possible sites.[58] The organisation of meetings in the 'Community's places of work' and reliance on the back-up facilities of the Council obviously implies Brussels as a location.

Avoidance of actually naming Brussels when it was plain to see that no other location would be suitable may appear petty. But the question of location was bound up with the whole issue of a permanent secretariat. The French insistence on

Paris as location for the Political Commission during the Fouchet proposals was a great source of contention. Similarly the 1971 dispute over Pompidou's proposals issued in a quarrel over location: Paris for the French, Brussels and identification with Community institutions for the Dutch. Sensitivity to questions of national prestige would appear to have been the guiding principle in this matter.

Thus the giant symbolic leap was managed by taking a small and practical evolutionary step within a framework developed over a fourteen-year period. It must of course be borne in mind that the proposal to create a permanent secretariat, symbolic as it appears, was at this stage just a proposal, with no guarantee of acceptance.

The 'Codification of EPC rules and practices' in Paragraph Four appears to be an uncontroversial issue, a simple tidying up of the rag-bag of procedures developed over the years, and a means of easing the Co-operation framework into a binding Treaty structure. While this assessment of the case for codification does appear to be reasonable, and one which would be accepted by the advocates of codification, it is not as uncontroversial as might first appear. The issue of codification touches upon one of the underlying debates of all post-war European developments, that of approaches to integration. For some members of the Dooge Committee codification of EPC was a fundamental error which would lead to a petrification of EPC. The success of the Co-operation procedure in this interpretation, and in the judgement of past reports, lay in its flexibility and pragmatism, its ability to change and adapt according to circumstances as they arose. The lack of binding constraints was thus seen as the fundamental dynamic of the Political Co- operation mechanism. To codify would be to set in concrete a procedure which required plasticity. Mr.Moller and Mr Papantoniou both expressed this view in footnotes to the text of the Dooge Report. Both entered general reserves on the whole question of structural change to EPC which of course also includes the creation of a permanent secretariat.[59]

Although expressed by only two members of the Committee, and the two most prolific footnoters at that, this view was not without sympathy among other members of the Committee or among EPC practitioners. The British Foreign Office for instance, while accepting codification, and indeed later submitting a document advocating codification, were extremely comfortable with the flexible approach of EPC. Indeed Douglas Hurd singing the praise of the Co-operation structure in 1980 was moved to describe EPC as 'the simplest, leanest and most cost effective form of international co-operation yet devised'.[60]

Further criticism of codification in this period centred around the fear among some commentators that codification of EPC would be an excuse to avoid addressing the problems afflicting the Community.[61] The tactic of using the codification as a means of avoiding substantive treaty commitments was an issue which did come to the fore immediately prior to the Milan European Council and will be discussed more fully below. However, due to the uncertainty among a number of members of the Dooge Committee the issue of the codification of EPC was not dwelt upon, and care was taken not expand upon the possibilities. This was a problem for the Heads of State or Government to address.

The Accommodation of Diverse National Interests

What has marked out the approach of the various EPC reports from other more ambitious efforts is the cautious step-by-step approach which seeks at all times to accommodate the most reluctant of Member States, a consequence of which had been the avoidance of sensitive issues, an approach which was continued by the Dooge Committee in their treatment of EPC. However, in directly addressing the issues of Security and Defence the Dooge Committee abandoned this cautious pragmatic consensus-building approach, grasping the nettles that previous reports had studiously avoided. The Dooge Committee can thus reasonably claim to be the first report at such a high level in a Community context to make detailed proposals in this area.

Security and Defence are dealt with in general terms in the explanatory paragraph of Section C **The Search for an External Identity** and in more detail in Section C sub-section b. There are also a number of textual alterations and additions to take account of between the Interim Report and the Final Report. The provisions of the Final Report in this respect are considerably extended and more specific in comparison to the provisions of the Interim Report.

An interesting textual change that does take place between the Interim and Final reports is found in the explanatory paragraph. While this paragraph makes no specific proposals, the change in tone that takes place is indicative of the continuing sensitivity of the issues under discussion.

> "...in the case of defence, although the aim of European Union is indeed the cohesiveness and solidarity of the countries of Europe within the larger framework of the Atlantic Alliance, it will only be possible to achieve that aim in a series of stages and by paying special attention to the differing individual situations, including the situations of the two nuclear powers which are members and of certain members facing security problems."[62]

The text of the corresponding paragraph of the Final Report exhibits a number of subtle changes.

> "...in the case of security, although a fundamental aim of European Union is indeed the cohesiveness and solidarity of the countries of Europe within the larger European and Western framework, it will only be possible to achieve that aim by paying special attention to the existing Alliances on the one hand and differing individual situations on the other, including the situations of the two nuclear powers which are members and of certain members facing specific problems in this field."[63]

In sum the explanatory paragraph of the Final Report amounts to a drawing back and softening of approach, in effect a dilution. The interim report talks of defence, the final report of security; the interim report feels capable of mentioning the Atlantic Alliance, while the final report is content with the more ambiguous 'existing Alliances'. Each of these changes reflects the debates that had taken place in the period between the submission of the interim and final reports, and the consequent re-drafting of the Committee's substantive proposals.

Essentially the defence debate between the members of the Dooge Committee resulted in an clear seven-to-three split, between the seven in favour of taking EPC, and by implication the Community, down the road to the creation of a defence identity, and the three opposed to such a development.

Of those opposed, Senator Dooge representing the Irish Prime Minister Garrett Fitzgerald, disassociated himself completely from this section of the report, entering a reservation to this effect.[64] Mr.Moller had of course entered a general reservation on the whole of Section C **The Search for an External identity**. The other strong objector was Mr Papantoniou of Greece.

The objections of the Republic of Ireland were to be expected. As the only Member State of the Community not to be a member of the Atlantic Alliance, or any other military alliance, the Irish had always been uncomfortable with the discussion of security-related issues in the context of EPC. Indeed the London Report's limitation of EPC's scope of concern to the 'political aspects of security' was in many respects, though not exclusively, to accommodate the Irish difficulty in this area.

Given the network of alliances bound up with the whole European project it can be suggested that the very fact of the Republic of Ireland's membership of the Community compromises irredeemably its claims of neutrality. This according to Keatinge is to misunderstand the Irish view of neutrality. Irish neutrality it is argued, is first and foremost based upon the avoidance of overtly military alliances and secondly is a consequence of its relationship with Britain. Neutrality is very simply an 'un-British activity' and in its pursuit, the Republic is able to demonstrate its independence from its former master.[65]

Irish neutrality may therefore be better identified as a position of military non-alignment. The term neutrality serves as convenient shorthand for what, when explored in depth, is a complex subject full of inconsistencies and ambiguities. This neutrality it should be stressed is not a constitutional neutrality but political, therefore any difficulties that may arise from Irish participation in EPC present

political rather than constitutional difficulties. However, while there may be no strict constitutional restraints on Irish involvement in security related issues, the principle of Irish neutrality was regarded as beyond discussion. Thus while the Republic of Ireland's position may have been the cause of frustration to other Member States wishing to expand the discretion of EPC, their position on these issues was well known and accepted.

In the context of his general reservation to the whole of Section C, Mr Moller joined Senator Dooge on the fringes of the debate in his insistence that 'particularly in relation to security, it (EPC) should be confined to political and economic aspects'.[66] The Danish position on defence and security and their unwillingness to contemplate the extension of EPC competence derives from a set of circumstances which left Mr.Moller as the most tightly constrained of the Dooge Committee's participants.[67]

The background to Mr.Moller's difficulties was found in public perceptions of the purpose of Community membership. Entry to the European Community was presented to the Danes as a purely economic decision which would have no impact on sovereignty or on existing alliances such as NATO and the Nordic Union. Indeed in the 1972 referendum on Danish entry it was stressed that there would be no political implications resulting from the decision to join the Community.[68] Added to this restrictive view of Community membership, Denmark had traditionally held a view of NATO similar to that adopted by the Netherlands during the Fouchet negotiations, a view which briefly stated amounts to a position that any purely European moves in the sphere of defence could lead to a weakening of the commitment of the U.S.A to the Atlantic Alliance and ultimately to the de-coupling of the U.S. military guarantee from the European theatre. This view had enjoyed a consensus across the spectrum of Denmark's political parties throughout most of the post-war period, but by the early 1980's the arrival of the INF debate placed this consensus in some doubt.

The Social Democrats in particular were uncomfortable with the Reagan administration's confrontational approach towards the Soviet Union, and as a consequence were increasingly receptive to European initiatives. Although a party of opposition since 1982, by virtue of the peculiarities of Danish coalition government in which minority government is common, the Social Democrats retained a significant degree of control over Danish foreign policy, particularly in EC and defence related issues. However, while there may have been a willingness to consider European projects, the Social Democrats' enthusiasm was tempered by two factors. Firstly, while strongly disapproving of the strategy employed by the Reagan administration, the Atlantic Alliance remained as the pivotal alliance of Denmark's security policy. Secondly, conscious of the deep-seated public distrust towards Community related ventures the option of extending the competence of EPC as means of finding a voice for Danish concerns over INF was deemed to be off-limits. Consequently the Social Democrats headed down the road of advocating closer Nordic co-operation and the creation of a Nordic Nuclear Free Zone.[69] Thus as a consequence of public antipathy to the Community, continuing underlying allegiance to the primacy of the Atlantic Alliance and coalition impotence, Mr Moller was consigned to immobility.

Mr.Papantoniou had entered reservations on all aspects of the provisions dealing with the structure and organisation of EPC. However his objections to the section on security and defence were less clear-cut. Unlike his fellow objectors, the Irish, whose neutrality was a largely accepted inconvenience, and the politically immobile, but NATO-committed Danes, Mr.Papantoniou did not enter a general reserve on the section on security and defence. Rather he entered two reservations proposing textual deletions, which, in their effect do not change the basic content of the Committee's proposals, but allow the Greek government to distance itself from aspects of the report acknowledging the continuing importance and need to take account of the Atlantic Alliance as the 'basis of our security' and the reactivated WEU.[70]

The Greek difficulty in this area was a reflection of an almost total antipathy towards the Atlantic Alliance, the WEU and EPC. The antipathy derived in the main from Greek perceptions of NATO and WEU attitudes towards Turkey, regarded since the 1974 occupation of Northern Cyprus, as the primary security problem for Greece.

In August 1974 Greece left the integrated military command structure of NATO. The reasons for this decision are two-fold but interconnected. The seven year period of the 'Colonels' regime', between 1967 and 1974, had bred a great deal of anti-American feeling in Greece, based, according to Macridis, on 'a widespread belief that the junta had been the creature of the United States in imposing its domination on Greece'.[71] This domination was in military terms complete to the point of a virtually complete loss of the capacity to act independently at any level. 'In every sense of the term the Greek army had been satellised.'[72]

While this satellisation was largely accepted as a fact of life in the strategically important Greece of the Cold-War, the expected quid-quo-pro was a guarantee of security from all threats. The perceived failure of the U.S.A. to prevent the Turkish invasion of Northern Cyprus in July 1974, a crisis which brought Greece and Turkey to the brink of war, seriously damaged the position of the United States in Greece.[73] The anger and dismay at the inability or unwillingness of the U.S.A. to prevent the invasion was due to the widely held perception that Greece enjoyed a position of privilege in the relationship between the U.S.A. and its eastern Mediterranean NATO allies,[74] and could therefore count on the support of the U.S.A. in any substantial dispute with Turkey. The failure of the U.S.A to match this perception was a profound shock to many in Greece and fuelled still further the anti-Americanism that had grown throughout the seven-year Junta.

As a consequence post-Junta Greece underwent a fundamental re-evaluation of its foreign and defence priorities. Significant among the positions adopted was

that of PASOK leader Mr Papandreou in the 1977 election. It was proposed that Greece should leave the Atlantic Alliance and NATO completely; a clear vote winner in the aftermath of the Turkish invasion of Cyprus. It was however, a position considerably qualified by the cold realities of office and the need to ensure Greek security. Nevertheless the rhetoric of withdrawal and threats to remove U.S. bases continued. It is therefore unsurprising, given that Mr Papantoniou was the personal representative of Mr Papandreou, that references to the vital role of the Atlantic Alliance in the defence of Western Europe were the subject of Greek reservations.

The Greek difficulty with the re-activated Western European Union ran along similar lines to their objections to the Atlantic Alliance in that it was connected to the continuing tension between Greece and Turkey. As a result of the attempt to break away from dependence on the U.S.A. in the wake of the Cyprus problem, the decision was taken to apply to the European Community for full membership.[75] The perception current among influential circles in Greece was that Europe too was beginning to break away from U.S. dependence and was 'bound to develop its own defence capability'.[76] In addition, being 'European', the Community would give a sympathetic ear to their difficulties with the non-European Turks. Thus Greek motivation in applying for Community membership was fundamentally political, unlike that of its other dissenting partner Denmark.

Greek perceptions can again be seen to be wide of the mark. This was exemplified from the mid-70s onwards with the revival of Cold-War tensions and the concomitant re-evaluations of Western security requirements. The problem for Greece in these re-assements was the general consensus that Turkey was of vital importance to the security of the West, and should therefore be offered significant political and military support. The most explicit of these recommendations were made in reports published by the Western European Union, of which Greece was not a member. Notable among the WEU reports was the 1980 report from the

Assembly of the WEU, published in the wake of the Soviet invasion of Afghanistan which stressed the importance of re-building the Turkish army.[77]

Such proposals did not endear the Western European Union to Greece, which as a full member of the Community had developed a more realistically cynical view of the future potential of Western Europe to develop its own defence identity. The WEU and by association any West European defence/security grouping would be 'almost totally dependent on the United States' and therefore of a 'rather cosmetic character'.[78] In short membership of WEU was not on the Greek agenda. Similarly the Greek view of EPC was largely informed by this changed viewpoint. As a consequence Greece has placed little importance on the work of EPC, preferring instead to concentrate on the maximisation of the economic benefits of Community membership.[79] Thus Greek reservations can be explained as a reluctance to support endorsements of what are viewed as little more than vehicles for American influence.

Collectively the three dissenting countries, Ireland, Denmark and Greece, are often referred to as the 'footnote countries'. This collective term does tend to suggest something of a common cause between the three, a coherent viewpoint enabling the presentation of a common front on foreign policy and security issues. As this brief review demonstrates this impression is illusory. Their cohesiveness rests solely in their opposition to the further development of European Political Co-operation. Their motivations for opposition, as we have seen, were poles apart. The combination of Irish neutrality, the Danish cocktail of attachment to NATO, coalition control of European and foreign policy questions, and public perceptions of the limits of Community membership; the Greek security dilemma, and their perceptions of West European and Atlantic disinterest, are testament to the absence of a cohesive stand-point. Thus what is presented by the footnote countries is not the concerted action of a triumvirate of smaller Member States anxious to preserve the status of small states in the face of pressure from the relative giants of the Community, but the particular and unique difficulties of individual States.

To return to the text of the Dooge Report and the position endorsed by the majority of the Committee, the seven. Notwithstanding the softening of attitude observed in the explanatory paragraph, the content of the Final Report remains quite adventurous, stating its aim as being to:

> "... encourage greater awareness on the part of the Member States of the common interests of the future European Union in matters of security. The relevant Member States will make the fullest contribution both to the maintenance of adequate defences and political solidarity, and to the pursuit of security at the lowest possible level of forces through the negotiation of balanced and verifiable measures of arms control and disarmament."[80]

While this falls a long way short of a commitment to a common defence policy it is significantly more detailed than the commitment to discuss the 'political and economic aspects of security'. Indeed the references to the maintenance of adequate defences, lowest possible force levels and arms control etc were in many respects a statement of NATO aims. Additionally the report makes a number of specific proposals in these areas, to be taken within the confines of EPC. Among these proposals are ...

> "... (a) discussion of the nature of external threats to the security of the Union; (b) discussion of the way in which Member States' security interests may be affected by the international context, in particular by developments in weapons technology and strategic doctrines, changes in relations between the great powers and the progress of negotiations on disarmament and arms control. (c) an effort to harmonise, whenever possible, the stances to be taken by Member States on the major problems posed by the preservation of peace in Europe."[81]

Significantly, in addition to these EPC-related proposals the report moves beyond the sphere of 'consultation' and makes proposals for co-operation in the area of weapons technology, in particular proposals aimed at agreeing common standards for weapons systems, and commitments to collaborate in the production of such systems.[82]

These proposals, alongside the comments on the maintenance of adequate defences and arms control represent a significant step in the development in the Member States' willingness to contemplate European options in this most sensitive area, an area which in the 1973 **Document on the European Identity published**

by the Nine Foreign Ministers, the Member States felt compelled to acknowledge their dependence on the United States.

> "The Nine, one of whose essential aims is to maintain peace, will never succeed in doing so if they neglect their own security. Those of them who are members of the Atlantic Alliance consider that in the present circumstances there is no alternative to the security provided by the nuclear weapons of the United States and by the presence of North American forces in Europe: and they agree that in the light of the relative military vulnerability of Europe, the Europeans should, if they wish to preserve their independence, hold to their commitments and make constant efforts to ensure that they have adequate means of defence at their disposal."[83]

However, significant as the Dooge Report's proposals are in these areas, their impact is somewhat diluted by the qualification that account must be taken of

...

> "... the frameworks which already exist (and which not all partners in the European Community are members) such as the Atlantic Alliance, the framework and basis of our security, and the Western European Union, the strengthening of which, now under way, would enrich the Alliance with its own contribution."[84]

Regardless of its effects on the specific proposals of the Committee, a significant aspect to emerge from this qualification is found in the acceptance by M.Faure, as part of the majority grouping, of the references to the Atlantic Alliance. The issue of the relationship between the Atlantic Alliance and the projected European Union during the Fouchet negotiations was arguably the most fiercely contested issue of those negotiations. The debates surrounding this issue have of course been discussed in detail above.[85] It will suffice to restate that, in textual terms, the difficulty over the Atlantic Alliance issued in the absence of references to the Atlantic Alliance in the French Treaty drafts, and specific but disputed references to the Atlantic Alliance in the Treaty texts of the 'Five'.[86]

In addressing the issue of French difficulties vis-a-vis the Atlantic Alliance, the perception of a blanket hostility is not entirely accurate. The main source of difficulty for France lay in the treaty organisation established in the wake of the 1949 North Atlantic Treaty, and in particular its integrated military command structure. NATO in the French view, was completely dominated by the U.S.A. and

U.K., a view which in terms of staffing and hierarchy did have foundation.[87] More fundamentally, it was argued that American domination of overall Alliance strategy and planning in NATO, attacked the bases of French sovereignty by restricting French capacity to act independently in the sphere of defence. The eventual consequence of this viewpoint was the decision by de Gaulle to withdraw France from the integrated command structure in 1966. However, despite a number of rumours to the effect that France would follow withdrawal from the integrated command structure of NATO with a complete withdrawal from the Atlantic Alliance in 1969, in accordance with Article XIII of the North Atlantic Treaty,[88] the French have consistently insisted that withdrawal from the integrated command structure did not diminish their commitment to the spirit of the North Atlantic Treaty, which is a conventional treaty of alliance guaranteeing mutual assistance and solidarity in the case of international aggression.[89]

Indeed one can point to a number of instances in which France has demonstrated its commitment to the Alliance and to the continuing American role in the Alliance. A notable re-affirmation of French commitment can be observed in their reaction to the Soviet invasion of Czechoslovakia in 1968. As a signatory to the North Atlantic Council communique condemning the invasion, a communique which re-affirmed the Atlantic Alliance as the 'indispensable guarantor of security and the essential foundation for the pursuit of European reconciliation', the French Government added a clause which as Harrison notes amounted to an acknowledgement of Alliance durability '...the French government considers that the Alliance must continue as long as it appears to be necessary'.[90]

M.Chaban-Delmas in his first speech as Prime-Minister in the Pompidou Presidency felt able to reaffirm both a commitment to de Gaulle's vision of French independence and to the Atlantic Alliance.

> "The golden rule taught to us by General de Gaulle, which is still dear to us, is that independence is an essential factor of our policy. ... France must retain a certain freedom of movement in order to play its role in favour of entente, detente and co-operation at a world level. Our aim is to re-establish and maintain peace throughout the

> world . First, therefore, we are keeping to the spirit of this policy of rapprochement and remaining loyal to our alliances - the Atlantic Alliance in particular - and friendship with America ..."[91]

This is not to suggest that use of the phrase 'Atlantic Alliance' does not present enormous political difficulties for the French. It will be noted for example that Chaban-Delmas' confirmation of French attachment to the Atlantic Alliance, as important as it was, signalling a more co-operative phase of Franco-American relations, was made in the context of a wide- ranging speech outlining the foreign policy direction of the Pompidou Presidency. In this context statements of adherence to the Alliance present few problems. However, in the case of a possible future Treaty commitment, matters become complicated simply because of the very natural and obvious association with NATO, an association which due to de Gaulle's almost constant anti-NATO rhetoric had come to imply U.S. domination, and diminution of French interests. Thus any reference to either the Atlantic Alliance or NATO in a treaty context would be viewed as signalling a fundamental change in the guiding principle of independence in foreign and defence policy, a principle regarded as sacrosanct by all Presidents of the Vth Republic including President Mitterrand.

Thus it can be suggested that the statement of allegiance to the Atlantic Alliance found in the Dooge Report represents a considerable concession on the part of France. In this respect its acceptance may in some measure reinforce the view expressed here that the period from Fouchet to the Single Act may be characterised as one of declining French influence over their Community partners.[92] However, while the acceptance by France of a direct reference to the Atlantic Alliance may be regarded as a considerable concession, the political sensitivity of the issue remained. This being so it would be extremely unlikely that specific references to the Atlantic Alliance in a possible treaty document would be acceptable to France without some form of qualification or trade-off. This trade-off was found in the inclusion of the reference to the recently reactivated Western European Union,[93] in which the French were deeply involved.

The reactivation of the Western European Union can in this respect be regarded as crucial in obtaining French acquiescence to the inclusion of references to the Atlantic Alliance in the Dooge Report and more importantly in the Single European Act. However, the importance of the WEU's reactivation goes far beyond allowing the French to sign up to a report and subsequent treaty document mentioning the Atlantic Alliance. It is therefore necessary to consider the background and motivations to the WEU's reactivation and its significance for the Single European Act.

Notes

1   The European Council also established the Adonnino
    Committee on a 'People's Europe'. Its task, to look
    at ways of making the community more of a reality to
    its citizens. This Committee looked at largely
    symbolic issues, eg. the introduction of a Community
    flag, hymn, uniform driving licences and passports
    etc.

2   European Council: Fountainebleau 25-26 June 1984,
    'Presidency Conclusions' in <u>Interim Report of Ad Hoc
    Committee on Institutional Affairs</u>, p.3.

3   Eg. Institutional stalemate brought about by the
    generalised use of unanimity in the voting of the
    Council of Ministers; exhaustion of Community's
    'own resources' and problems in the accession
    negotiations with Spain and Portugal etc.

4   Taylor, P., 'The New Dynamics of EC Integration in
    the 1980s', in Lodge, J. (Ed), <u>The European
    Community and the Challenge of the Future</u>, (London
    1989), p.4.

5   As Taylor notes, the acrimony engendered by the
    budgetary dispute, although over a sum paltry to
    even the national budgetary expenditure of the
    smallest developed states, brought the EC to the
    brink of collapse. Taylor (1989) p.5.

6. The British contribution to this positive
    atmosphere was the circulation of a document
    entitled 'Europe: The Future'. Reproduced in_
    <u>Journal of Common Market Studies</u> vol.XXIII no.1
    1984 pp.73-81. This document outlines the
    British view on a variety of Community related
    issues, many of which were developed in the 'Howe
    Plan' submitted to the Foreign Ministers at
    Stresa June 1985.

7   Eg. 1981 Genscher-Colombo Plan
         1981 French Memorandum on a Renewal of the
           Community.
         1983 Solemn Declaration on European Union.

8   'European Parliament: Report on the European
     Parliament's Position on the Deliberations of the
     European Council on the European Union',
     Rapporteur, Mr Lambert Croux, PE Doc A 2-17/85,
     Hereafter known as the Croux Report, (9.4.85), p.12.

9   The Fountainebleau European Council marked the close
     of the French presidency which passed to the
     Republic of Ireland in July 1984.

10   Croux Report, p.14.

11   Mitterrand, F. 'Debates of the European
     Parliament', (24.5.84), Nos.1-314/258-263.

12   Mitterrand, F. 'Debates of the European Parliament'
     (24.5.84), Nos.1-314/258-262.

13   Burgess, M. Federalism and European Union, (London
     1989), p.186.

14   Croux Report, pp.8-9.

15   'European Parliament: Draft Treaty Establishing the
     European Union', (E.P. 1984).

16   'Single European Act': Bulletin of the European
     Communities Supplement 2/86', Title 2: Article 6.

17   'Ad Hoc Committee for Institutional Affairs: Report
     to the European Council', (Brussels, 29-30 March
     1985), p.32.

18   Croux Report, p.8.

19   Van Eekelen, W.: Dr Van Eekelen explained the
     procedure and operation of the committees in the
     course of a personal interview on 9th December 1992.
     This highly informative interview covered a wide
     range of issues connected with the negotiations and
     reports leading up to the signing of the SEA. The
     interview was taped. I retain copies of the tapes.
     Other references to the Van Eekelen interview in
     this thesis will be cited as, 'Van Eekelen.
     Interview: 1992'.

20   Van Eekelen.   Interview: 1992.

21   Van Eekelen.   Interview: 1992.

22   Van Eekelen.   Interview: 1992.

23   <u>T.P.U.</u>   p.10.

24   <u>'Documents'</u>

25   The limited number of exceptions include: Meenan,
     K., 'The Work of the Dooge Committee', in
     <u>Administration</u>, Vol.33, No.4, pp.580-589.   Keatinge,
     P. & Murphy, A.   'The European Council's Ad Hoc
     Committee on Institutional Affairs', in Pryce, R.
     <u>The Dynamics of European Union</u> (London 1987) pp.217-
     237.

26   Ad Hoc Committee on Institutional Affairs: Interim
     Report to the European Council, (Dublin, 3-4
     December 1984).

27   Van Eekelen.   Interview: 1992.

28   <u>Agence Europe</u> Political Day No.ns.4028.   Hereafter
     cited as <u>Europe</u>.

29   Van Eekelen.   Interview: 1992.

30   Van Eekelen.   Interview: 1992.

31   Mr Moller would be an exception to this view.   The
     problems of the Community were, in his view, the
     consequence of non-observance of the strict
     provisions of the Treaty of Rome.   The task of the
     Committee was therefore to correct the practices
     that had undermined the operation of the Treaty.

32   Ad Hoc Committee for Institutional Affairs: Report
     to the European Council, (Brussels, 29-30 March
     1985), p.32.   Hereafter cited as <u>Dooge Report</u>.

33   'European Union : Report by Leo Tindemans to the
     European Council'   <u>Bulletin of the EC, Supp 1/76</u>

34   <u>Dooge Report</u>, p.13.

35   <u>Dooge Report</u>, p.21.

36   Jenkins, R.   <u>European Diary</u>, (London 1989).   This
     former President of the Commission provides an
     interesting account of efforts to obtain an E.C.
     presence at the G7 summits.

37   See Nuttall, S. <u>European Political Co-operation</u>
      (Oxford 1992), pp.260-265.

38   <u>Dooge Report</u>, p.21.

39   <u>Dooge Report</u>, p.21.

40   <u>Dooge Report</u>, p.21.

41   Neville-Jones, P., `The Genscher-Colombo Proposals
      on European Union` <u>Common Market Law Review</u>
      Vol.20, No.4, (1983), p.876.

42   <u>Single European Act</u>: Bulletin of the European
      Communities Supplement 2/86, p.18.

43   <u>Dooge Report</u>, pp.22.

44   Second Report on European Political Co-operation on
      Foreign Policy, (July 1973), <u>Copenhagen Report</u>.

45   Report on European Political Co-operation, (October
      1981), <u>London Report</u>.

46   See Nuttall (1992) pp.130-1

47   <u>Dooge Report</u>, p.23.

48   <u>Copenhagen Report</u>, Part II, para.7.

49   Nuttall, S. (1992), pp.136-139. Wessels, W. 'EPC
      after the Single European Act: Towards a European
      Foreign Policy via Treaty Obligations ?' in Holland,
      M. (Ed), <u>The Future of European Political Co-
      operation</u>, (London 1991), p.152.

50   <u>Dooge Report</u>, p.22.

51   The Genscher-Colombo proposals in respect of a
      permanent secretariat were essentially German
      proposals. The Italian contribution to the content
      of the Genscher-Colombo plan was largely confined to
      a six point 'Draft statement on questions of
      economic integration'.

52   London Report, Para 10, 'The Presidency'.

53   Mitterrand, F.   (24.5.84), European Parliament.

54   Van Eekelen.   Interview: 1992.

55   Van Eekelen.   Interview: 1992.

56   Van Eekelen.   Interview: 1992.

57   Hurd, D. Political Co-operation: International
     Affairs, Vol.57, No.3, (Summer 1981), pp.389-391.

58   Dooge Report, p.22.

59   Dooge Report, pp.21-22.

60   Hurd, D.   (1981) p.338.

61   Europe, No.ns.4028.

62   Ad Hoc Committee on Institutional Affairs: Interim
     Report to the European Council, (Dublin 3-4 December
     1984), pp.16-17.

63   Dooge Report, p.21.

64   Dooge Report, p.23.

65   Keatinge, P., 'Ireland and the Western European
     Union', in Tsakaloyannis, P. (ed) The Reactivation
     of the Western European Union: The Effects on the
     E.C. and its Institutions,   (Maastricht 1985),
     p.104.

66   Dooge Report, p.21.

67   Van Eekelen.   Interview: 1992.

68   Thune, E. 'Denmark and the Western European Union',
      in Tsakaloyannis, P. (1985) p.87.

69   Thune, C. (1985) p.91.

70   Dooge Report, p.23.

71   Macridis, R., Greece and the European Community,
      (Oxford 1979), p.126.

72   Macridis, R. (1979) p.127.

73   It should also be noted that Turkey was similarly
      antagonistic towards the USA as a consequence of the
      US arms embargo imposed on Turkey.

74   This perception derived from the view that as a
      combatant in WWII, as opposed to the neutral stance
      of Turkey, Greece enjoyed a moral authority and
      superior claim on the support of the USA. While
      this is a rather naive viewpoint, it was widely
      held.

75   Greece along with Turkey had enjoyed associate
      membership of the Communities since the early 1960s.

76   Tsakaloyannis, P., Greece and the Reactivation of
      the Western European Union, in Tsakaloyannis, P.,
      (1985) p.98.

77   Tsakaloyannis, P. (1985) pp.98-99.

78   Tsakaloyannis, P. (1985) p.99.

79   Tsakaloyannis, P. (1985) p.99.

80   Dooge Report, p.23.

81   Dooge Report, p.24.

82   Dooge Report, p.24.

83   Document on the European Identity published by the
     Foreign Ministers of the Nine: Copenhagen 14
     December 1973, in EPC.. A collection of texts
     produced by Press and Information Office of the
     Federal Republic of Germany, Bonn, (1988), pp.48-54.

84   Dooge Report, p.23.

85   See Chapter One.

86   See Chapter One.

87   Harrison, M. (1983), pp.20-26

88   'After the Treaty has been in force for twenty
     years, any party may cease to be a party one year
     after its notice of denunciation has been given to
     the government of the United States of America,
     which will inform the governments of the other
     parties of the deposit of each notice of
     denunciation.' Article 13, North Atlantic Treaty, 4
     April 1949, in Vaughan, R. (Ed), (1976), p.42.

89   'The parties argue that an armed attack against one
     or more of them in Europe or North America shall be
     considered an attack against them all and
     consequently they agree that, if such an armed
     attack occurs, each of them, in exercise of the
     right of individual or collective self-defence
     recognised by Articles of the Charter of the United
     Nations, will assist the party or parties so
     attacked by taking forthwith individually and in
     concert with the other parties, such actions as it
     deems necessary, including the use of armed force,
     to restore and maintain the security of the North
     Atlantic area...'. Article 5, North Atlantic
     Treaty, Vaughan, R. (Ed), (1976), p.40.

90   Harrison, M. (1983), p.168.

91   Prime Minister Chaban-Delmas, 'Speech to French
     National Assembly', (26 June 1969), Political Year
     in Europe: 1969, (W.E.U.), p.106.

92   The relative decline of French influence has emerged
     as one of the strongest themes running throughout
     the thesis.

93   See Chapter Four.

CHAPTER FOUR

DEFENCE AND SECURITY: THE ROLE OF WEU

While not entirely co-incidental the reactivation of the Western European Union on 27 October 1984, was something of a happy accident for the formulators of both the Dooge Report and the Single European Act. The timing of the reactivation can be said to have solved a number of difficult issues and headed-off a variety of potentially damaging debates.

The reactivation of WEU was motivated as a response to a number of divergent but ultimately linked issues connected to the wider debate over the creation of a European foreign and defence identity. However, prior to a review of the factors leading to the reactivation, it is pertinent to ask, what exactly was reactivated in the Rome Declaration?

The Treaty establishing the Western European Union was signed 23 October 1954 and entered into force on 6 May 1955, though its pre-history can be traced to the 1947 Anglo-French Treaty of Dunkirk which in turn was extended to include the Benelux States in the 1948 Brussels Treaty, creating the Brussels Treaty Organisation. Significantly in the context of this thesis, the creation of the Western European Union was initiated not from a wish to press forward with the creation of a European foreign and defence identity, but as a means of resolving what was proving to be an intractable intra-alliance problem, the re-arming of West Germany.

The heightened Cold-War tension resulting from outbreak of the Korean War produced great pressure, particularly from the USA, to re-arm and admit West Germany to NATO. France being extremely reluctant to consider the direct entry of West Germany into NATO, but recognising the necessity of some form of German involvement in the defence of Western Europe, sought to mitigate the prospect of a rearmed Germany, and conceived the EDC proposals for the creation of a European Army. These proposals launched by French Prime-Minister Rene

Pleven on 24 October 1950 called for the formation of a European Army under supranational control, along the lines of the recently proposed Schuman plan for a Coal and Steel Community.[1]

The eventual failure of these proposals at the hands of the French National Assembly in August 1954 thus left unresolved a problem which had been on the agenda since 1950. Re-negotiation of the EDC was not a feasible option, holding as it did the distinct possibility of a repeat performance on the part of the French. In the wake of this failure, American pressure for a rapid solution meant that the direct entry of West Germany into NATO was becoming increasingly likely.

French opposition to such a development had of course been the object of the EDC project. Indeed it has been suggested that the whole EDC episode was an attempt on the part of France at best to delay indefinitely the question of German re-armament or at worst ensure that in the event of re-armament, Germany would remain subordinate to France. This meant ensuring that Germany did not gain direct NATO membership. NATO based as it was on national armies did not provide the guarantees thought necessary by France to control the potential of a resurgent Germany. In addition direct entry implied a full return of German sovereignty in an organisation dominated by the USA, within which West Germany would enjoy equal status with France. To add to this there was a view in French security circles that NATO was a purely temporary affair. These perceptions, imagined or real, required that there be some kind of safety-net in the form of purely European security guarantees.

The potential damage to the Alliance that would result from any attempt by the USA to force the issue of direct German entry to NATO necessitated a compromise that would satisfy American impatience and allay French concerns over German rearmament. This, as noted, ruled out the re-negotiation of EDC. In the event France had to accept the direct entry of West Germany to NATO. This bitter pill was however sweetened to an extent by Sir Anthony Eden's proposal to modify and extend the 1948 Brussels Treaty.

It is interesting to note that the use of the BTO framework had been proposed in October 1952 by the Belgian Foreign Minister, Van Zeeland, who was convinced that the French would never ratify the EDC Treaty.[2] While Van Zeeland's instinct proved to be correct, the important aspect of his proposal lies in the desire to include Britain in the construction of the 'European Pillar' of Europe's defence. Britain had declined to become fully involved in the EDC proposals, preferring to limit itself to the role of a loosely defined 'guarantee power' alongside the USA.

British reluctance to become involved was the source of great anxiety among many of the participant states in the EDC negotiations, including France which did not at this time relish the prospect of being left alone to control a re-armed Germany. This anxiety had its foundation in the growing feeling among American sources that the creation of a European army could allow for the rapid withdrawal of US troops. In addition there were corresponding fears of similar withdrawals by the British, should the treaty be ratified. A fear expressed in January 1954.[3]

Indeed a study of the EDC negotiations reveals unease among its participants over the absence of full British involvement as a constant underlying factor, a factor which in most accounts was crucial to the negative decision of the French National Assembly.[4] Thus, although the failure of EDC can in the context of the European Union debate can be regarded as a mortal blow to those with federalist aspirations, the subsequent modification and extension of the BTO can be said to have resolved many of the underlying fears and concerns held by the participants in the EDC negotiations.

The use of the Brussels Treaty as a means of resolving the problem had a number of advantages. Firstly the Treaty, which in its original form was signed by Britain, France and the Benelux states in 1948, is generally regarded as the vital factor in the decision of the USA to enter into a commitment to the defence of Western Europe via the North Atlantic Treaty and NATO. The BTO can therefore, as Van Eekelen notes,[5] be regarded as essential in underpinning the establishment of NATO. Thus given the veiled threats of an 'agonising re-appraisal'[6] on the part of John Foster Dulles, the US Secretary of State, the use of a body enjoying the full support of the USA was an astute move. Secondly its

use also removed the need to undertake arduous negotiations in order to produce a framework acceptable to the USA. Thirdly, and perhaps most importantly, Eden's initiative brought a firm and unprecedented long-term commitment to maintain British force levels in Western Europe, and specifically West Germany.[7] The Modified Brussels Treaty being of fifty years duration, (at which time signatories have the right to withdraw from treaty commitments) effectively locked the United Kingdom into the defence of Western Europe up to the 21st century. This went significantly beyond the commitment to the Atlantic Alliance, which was to be reviewed after a 20 year period.

This commitment by Britain to a 50 year treaty was regarded as crucial for a number of signatories. The EDC treaty had been given a 50 year lease of life. There were fears among a number of participants in the EDC negotiations that should the North Atlantic Treaty lapse or significant member states decide to withdraw from the Alliance, as was their perogative, after 20 years, they would be remain committed to the EDC treaty. The smaller states, the Netherlands in particular, were horrified by the prospect of finding themselves in an EDC dominated by France and/or Germany without the overarching guarantee of the USA and Britain via NATO. Given these fears, which had been fuelled by the speculation over American troop withdrawals, the British signature on a treaty of 50 years duration came as a welcome relief to the smaller states involved, regardless of the future of NATO.

While it has been suggested above that the long-term British commitment to the defence of Western Europe was something of a relief for the smaller states fearful of French or Franco-German domination of the Continent, the relief of the French in finding a means of tying Britain to the defence of Europe for 50 years should not be underestimated. The strength of feeling over this issue was evident in the debate in the National Assembly on the occasion of the rejection of the EDC Treaty by a vote of 319 to 264.

"I say with my fullest conviction that no international negotiations aimed at securing liberty and peace can be carried out without the mutual support of France and Britain... I have read the [EDC] texts with anguish. There is nothing to show that Britain would be at our side to resist the strength and eventual manoeuvres of Germany. Britain must be at the side of France in this matter to act with equal

responsibility in the face of a new German threat, should it arise. The absence of solidarity between Britain and France is, in itself sufficient to make me reject EDC"[8]

It should be noted that while the WEU treaty obtained the commitment of Britain to maintain force levels in Western Europe, the treaty specifically subordinated itself to NATO thereby remaining militarily inactive.[9] In the light of this almost total subordination to NATO it can be argued that the modification of the Brussels Treaty was a superfluous exercise. In practical terms, and notwithstanding the 50 year guarantee of a UK presence, this may be regarded as valid argument. Politically however, the WEU commitment to the defence of Western Europe was of crucial importance in allaying French fears of a resurgent Germany.

Given the direct entry of the FRG to NATO it was therefore left to the Modified Brussels Treaty to meet concerns over German military capacity. These concerns were resolved with the inclusion in the Modified Treaty of the force limits agreed in the EDC treaty. These forces were specifically assigned to NATO, thus placing a further constraint on the capacity of West Germany for independent action.[10] In addition to the inclusion of these limitations, the modified treaty was able to exact specific German commitments not to manufacture atomic, biological and chemical weapons.[11]

Despite the restrictions imposed by the Modified Brussels Treaty, it has been suggested that the compromise creating the WEU represents a failure of French security policy towards Germany. Harrison, for instance, argues that the indecisiveness and belligerence of the French over this issue demonstrated a clear lack of French influence over US and Alliance policy, and helped to create a 'solid German-American coalition at the core of the Atlantic Alliance'.[12]

Taking a long-term view this assessment does have a great deal of validity. However, as a counter to this view it can be argued that in the circumstances of the time, the 'failures' in French security policy with regard to Germany and the EDC were fully compensated in the realisation of the other plank of French security

policy in the 1950s, that is to say, a long-term British commitment to the defence of Western Europe, and very specific restrictions on German military potential. It is notable that the proposals to modify the Brussels Treaty encountered few of the difficulties faced by the EDC proposals on their way to ratification. This suggests that the National Assembly at least, did not regard the compromise arrangements as a 'significant political defeat'.

One of the most striking aspects of this whole episode is what appears to be a sudden and dramatic shift in British policy towards the Continent. Britain had previously not only declined to become fully involved in the negotiations, but had been less than clear in its intentions with regard to a continuing commitment to the Continent.

Justifications for the absence of full British participation in the EDC negotiations usually revolve around the conventional arguments that Britain had a global role to play, was opposed to the supranational content of the proposals and objected to the concept of a 'mixed European army' which, in the words of Churchill, would not be an army but rather a 'sludgy amalgam'.[13] While these justifications have a degree of validity, being consistent with the accepted view of British policy, they do not explain what might be described as the 'destructive inactivity' of the British Government throughout the EDC negotiations. Had the guarantees of a continued British presence found in the WEU treaty been forthcoming during the EDC negotiations and ratification debates, it is entirely conceivable that the French would have ratified the treaty. At its most extreme this might lead to the suggestion that the British had deliberately set out to destroy EDC. However, while it may be accurate to suggest that the British Government were unenthusiastic about EDC, it would also be innaccurate to suggest that the 'destructive inactivity' of the British was specifically aimed at EDC. Rather the answer to this intriguing about-turn in the British position lies in what may be described as the guiding principle of British security policy in Europe at this time. This was to elicit from the Americans specific guarantees of a long-term presence and commitment to the defence of

Western Europe. In spite of the North Atlantic Treaty there were growing concerns throughout the EDC negotiations that the USA were preparing the ground to 'bring the boys home'.[14]

For Britain this perception of American intentions derived from a wider debate concerning Britain's future role. Britain had yet to come to terms with its reduced status in the post-war world, and sustained the belief that it still had a global role to play, a role it would it would play alongside the USA via the 'Special Relationship'. The Americans for their part did not entirely share this view and saw Britain's role anchored to the fortunes of Western Europe, a role fiercely resisted by the British. In this resistance to an abandonment of a global role there was a perception in Foreign Office circles that the strong US advocacy of European integration was a 'possible prelude to some future comfortable withdrawal into the more traditional American stance of isolation'.[15] Thus the view that American intentions were to lock the British into Europe as the guarantor power or American agent/proxy, while the USA either retreated into isolation or bestrode the world stage as the sole representative of the 'free world', gained significant currency

In policy terms this led to a dogged resistance to American pressure to play a constructive role in the early integration efforts, and a determination to elicit specific guarantees of a continued American presence on the European Continent. Thus the absence of some form of unambiguous British commitment to the signatories of the EDC derived from policy viewpoint which in essence can be reduced to a position of 'You first', that is to say, no British commitment without comparable and concrete American commitments. This was something the Americans had refused to undertake during the EDC negotiations, adopting the stance that American commitments would only be forthcoming on the successful implementation of the EDC Treaty. While this is not to suggest that the EDC was doomed from the start, a consideration of these positions does give the distinct impression that its chances of success were limited.

The problems the EDC proposals had sought to address remained un-resolved - German re-armament, West European concerns over a UK commitment and British concerns over American commitment.

In the disarray and acrimony attending the failure of EDC, Eden's initiative had all the appearances of pulling a 'rabbit out of the hat' thereby rescuing the Alliance from the 'agonising reappraisal' threatened by Dulles. There is little doubt that the solution proposed by Eden could have been advanced at a much earlier stage. However the British position remained unchanged, no British commitment without prior American commitment. This strategy was to pay dividends for the British in the form of the London Agreements signed on 22 October 1954. The following day in Paris the Modified Brussels Treaty was signed. The London Agreements, while not as extensive as the Paris Agreements nevertheless elicited from the USA a concrete long-term commitment to the defence of Western Europe.[16]

Thus the Western European Union was born: and while the fine detail and motivations for its creation advanced here can be challenged, what is beyond dispute is that the primary raison d'etre of the WEU was to resolve what were essentially internal European and Alliance difficulties. That is to say, the WEU was not created as an end in itself. Although having the form of a mutual defence treaty, there were few, if any, discussions of the nature of potential external threats,[17] nor was there any sense in which the WEU was realistically envisaged as the vehicle by which to achieve the 'holy grail' of a European foreign and defence identity. The WEU was created a a means of resolving difficult issues and achieving other aims. This is a role to which the WEU has periodically been called upon to fulfil up to and beyond the Single European Act.

In this role the WEU can be viewed as a kind of 'Foster-Home' for the difficult children of European integration. A place of safety in which to reside until family difficulties are sufficiently reconciled to allow the return of the children to the parental home. The failure of EDC clearly demonstrated that the most divisive issue was, and would remain that of a European defence identity. Following

closely on its heels was the question of British entry to the Community. Indeed, the issues of foreign and defence policy and British entry were, until British entry, closely related.

However, prior to a brief examination of the role of WEU in managing these difficult children, an outline of the structure of WEU is relevant in an understanding of its vital place in the development of post-war European integration.

Although the treaty establishing the Western European Union is presented primarily as a treaty of mutual defence, its full title gives it a much wider potential scope. It was styled a **Treaty of Economic, Social and Cultural Collaboration and Collective Self Defence.** Essentially this wide-ranging remit is the legacy of the 1948 Brussels Treaty from which it was developed, and as Pijpers points out, these functions were either taken up by or transferred to other European organisations over the years.[18] In spite of progressively divesting itself of a role the structure of WEU remained unchanged up to the 1984 reactivation. Its principle institutions were the Council, the Assembly, the Agency for the control of Armaments, and the Standing Armaments Committee. Of these the Council and the Assembly are the most important, providing as they do the focus and forum for the various attempts to resolve difficult issues and the promotion of various initiatives.

Thus although progressively surrendering any real capacity to exercise its full range of Treaty aims, the WEU retained its structure and with it the possibility of discussing and offering opinions on any subject falling within the extremely wide remit of 'economic, social and cultural matters and collective self-defence'. It is in this capacity to address itself to any subject area that WEU, through the Council and the assembly, has proved to be a useful forum and/or dumping ground for the difficult and sensitive issues of European integration.

WEU and the Fouchet Negotiations

The role of the WEU in the Fouchet negotiations has been noted above.[19] They amount, firstly to a vain attempt on the part of the Dutch Foreign Minister, Joseph Luns, to head-off or dilute further discussion of de Gaulle's proposals by suggesting the WEU as an alternative forum for the discussion of foreign and defence issues. Secondly, an equally vain attempt by Edward Heath to request British involvement in the Fouchet negotiations, via the platform of the WEU Council.

Although limited, and having little direct bearing on the outcome of the negotiations, these interventions are notable in that they are both concerned with the issue of British participation in an enterprise involving the possible development of a European defence identity, thus strengthening the impression that the issues of British participation and a European defence identity are inextricably linked.

In the context of the Fouchet negotiations as a whole, the role and involvement of the WEU can be said to have been peripheral. A far more significant attempt to employ the WEU can be observed in what became known as the WEU crisis of 1969.[20]

From 'Crisis' to 'Reactivation'

It is not the intention here to conduct an exhaustive survey of the activities of the WEU in the intervening period between the 1969 'Crisis' and the 1984 'Reactivation'; indeed there is little to tell. But the changing perception of the WEU among its member states should be noted.

The development of the WEU up to the 1984 reactivation can be divided into two phases, which for the sake of brevity may be described as the pre-and-post British

accession to the European Community. Alfred Cahen the former Secretary-General of the WEU identifies this first phase, that is up to UK entry to the Community, as the 'Active Years', while the post-entry years, that is, up to the 1984 reactivation are identified as the 'Somnolent Years'.[21] To the extent that there were no meetings of the WEU Council of Ministers following British accession to the Community, this is an accurate description, though it should be recalled that the Permanent Council and the WEU Assembly continued to fulfil their functions, even though as Cahen points out in the context of the Assembly, there was no executive to listen to its pleas for the 'creation of a European security dimension and the reactivation of the organisation'.[22]

Running concurrently with the Active and Somnolent phases of the WEU there can also be observed a change in attitudes adopted by the Member States towards the WEU.

In the period up to UK accession to the Community, it would be reasonable to suggest that the prevailing perception of the WEU was of an organisation dominated by, and directed towards the accommodation of British interests. Indeed, it can be argued that the WEU was at its most prominent during this Active period, in its role as the vehicle with which to effect UK entry to the Community. This achieved, Britain and its collaborators in this task, virtually abandoned the WEU and allowed it to fall into disrepair.

This was unsurprising; defence, for all but the French, remained the preserve of NATO, while in the sphere of foreign policy co-operation, the Member States were achieving, admittedly limited, but nevertheless, positive and lasting progress in the developing EPC framework.

With the exception of the first years of this 'Active Period' (from the aftermath of the EDC failure up to the return of de Gaulle in 1958) it would be reasonable to suggest that France viewed the WEU with some suspicion, and not a useful vehicle for the pursuit of French interests. It was regarded, with some justification, as a British dominated body, which not only reinforced NATO, but

was used as a means by which the British sought to exert their influence on the Member States of the Communities. The abandonment of the WEU as a regular forum for Ministerial-level meetings following UK accession to the Communities, somewhat confirmed the French in their suspicions.

However, in the wake of British accession, the French can be said to have performed something of an attitudinal somersault in their approach to the WEU. The WEU was now regarded by successive French governments as an ideal framework within which to promote defence co-operation between the Member States. As Wallace notes 'French governments have repeatedly presented it (WEU) to their domestic opinion as an acceptable organisation (at least since 1972-73.)'[23]

As a consequence of this attitudinal shift on the part of France, and the corresponding decline in the interest of the other Member States, the WEU came to be closely associated with the pursuit of French interests. So much so that successive French attempts to resurrect the WEU in the 1970s were viewed by the other Member States with the same degree of suspicion that the French had reserved for the organisation prior to British entry. Thus WEU came to be regarded as a French means of undermining and disrupting NATO harmony, in short creating mischief. An example of this can be observed in the 1973 proposals of French Foreign Minister, Michel Jobert, which were regarded by the other members of WEU as being little more than an attempt to capitalise on the acrimony between the European members of Atlantic Alliance and the USA over Kissinger's 'Year of Europe' proposals.[24]

Indeed, in discussing the 1984 reactivation with Van Eekelen it is clear that lingering suspicion of French motives remained among a number of Member States.

> "The French had, from different angles and different ministers, both socialist and conservative, from time to time talked about a relancer of WEU, it is rather peculiar, but for a long time because of that, WEU was not trusted, many people regarded it as a French ploy to erode NATO and to build-up something separate.[25]

The Reactivation of WEU: 1984

Whilst the issue of a European defence identity has been a constant underlying theme in post-war European integration, attempts to attribute the various institutional developments in the sphere of defence and security in the early 1980's to some simplistic notion of gradualism or functional incrementalism should be treated with caution. Although it is possible to identify a gradualist approach in the textual evidence, this gradualism is in large measure a consequence of a variety of institutional constraints rather than the inevitable result of a determinist, functional, or neo-functional logic.[26] The various provisions extending the remit of EPC into the sphere of security, and the decision to reactivate the WEU in 1984, while firmly rooted in, and reflecting the long-standing debate over the creation of a European defence identity are a consequence of particular and specific issues which brought about a resurgence of the European defence debate in the early 1980s. Thus in addressing the issue of the reactivation of WEU it is necessary to differentiate between two distinct aspects of the debate. The first of which is concerned with the issues leading to a revival of the defence debate. Secondly, the debate moves on to what may be described as the search for an appropriate institutional framework, within which to discuss and co-ordinate a European response to these issues.

The resurgence of the European defence debate in the early 1980s can be traced to the NATO Twin-Track decision of December 1979. The first element of which was the decision to deploy Cruise and Pershing 2 intermediate nuclear missiles in Western Europe by 1983. The precise locations for these missiles were to be FRG, UK, Italy, Belgium and the Netherlands. The second track was to engage in arms-control talks on intermediate nuclear forces (INF) with the Soviet Union.

The Twin-Track decision was largely a consequence of pressure from the European members of NATO, in particular from FRG and the UK, to offer a response to the Soviet Union's deployment of SS-20 intermediate nuclear missiles. These missiles, based on Soviet territory, had the capacity to strike targets in

Western Europe. The European members of NATO took the view that the introduction of these missiles in 1975 undermined the credibility of the NATO doctrine of Flexible Response which, unlike the previous doctrine of 'massive retaliation', was based on an incremental escalation model whereby the response would be appropriate to the threat. At the time of the SS-20 deployment, the United States did not maintain on the European mainland missiles capable of reaching the Soviet Union, having withdrawn this capacity in the early 1960s following the development of strategic nuclear weaponry (ICBMs). Thus the SS-20s created, in the view of NATO's European members, a strategic imbalance which needed to be corrected in order to restore the credibility of NATO strategy. In the view of many analysts the ideal response was to be found in the deployment of Cruise missiles, the technology of which was developing at a rapid pace in this period.

However, to put the discussion into a wider context it should be recalled that in the period under discussion the USA were engaged in the SALT 2 negotiations with the Soviet Union. Among the options considered by American negotiators in SALT was a ban on the deployment of long-range cruise missiles. In proposing this ban the American proposals did not include a ban on SS-20's targeted on Western Europe. As Thomson notes, these proposals, 'produced a strong negative reaction' [27] from the European members of NATO. In spite of American insistence that Cruise missiles were unnecessary, as US strategic forces amply covered targets on Soviet territory, European governments were unconvinced. In the European analysis of the situation, led by FRG and UK, should the United States reach an agreement in negotiations with the Soviet Union which prevented deployment of a credible counter to the SS-20s, this would create a 'de-coupling' effect within the Alliance between the United States and the European members of NATO.

Regardless of arguments as to whether or not there was ever a serious possibility of the Soviet Union invading Western Europe, indeed such a prospect in military circles has often been described as the 'most prepared for but least expected

war in history',[28] any strategy if it is to be effective in deterring attack, must be credible to any potential opponent. In the case of the pre-1967 doctrine of massive retaliation, a doctrine that posited the possibility that the slightest incursion into NATO territory would result in all-out nuclear war, this was seen to be less than credible when the Soviet Union achieved parity in strategic nuclear forces. Thus the decision to move to the doctrine of Flexible Response in 1967 was seen to be a more credible strategy, linking conventional forces, theatre nuclear weaponry, and strategic nuclear forces, thereby allowing NATO to respond to any potential threat 'appropriately'. However, the introduction of the intermediate range SS-20 put something of a spanner in the works of NATO doctrine, as no counterpart to the SS-20 existed.

In the European view, in particular that of the West German government, the overall credibility of Flexible Response rested on a definite and clear American commitment to the defence of Western Europe at every level, from conventional forces through to strategic nuclear forces, thus creating a series of 'trip-wires' which locked the United States into defending European soil. This was a commitment which, in the light of the negotiating stance of the United States in the SALT 2 talks, appeared to be waning. The Americans were giving the impression that they were disengaging themselves from the defence of Western Europe and concentrating on the defence of the American homeland, thereby undermining the American guarantee, upon which the credibility of the strategy depended.

The anxiety of the West German government over the prospect of 'de-coupling' was made public by Chancellor Schmidt in a lecture to the International Institute for Strategic Studies in October 1977. Schmidt's analysis of the consequences of strategic parity focusing on the need to balance forces at the sub-strategic level was widely interpreted as a call for the deployment of Cruise missiles, though as Thomson notes Schmidt 'did not call for the deployment of Cruise or anything else'.[29]

The public airing of these views added to the pressure, applied on a less public stage within NATO's High Level Group (HLG), for the Carter administration to respond positively to European wishes, if only to restore the battered credibility of the United States as leader of the Alliance in the wake of President Carter's abortive Neutron bomb proposals. Thus by the beginning of 1979 the United States had shifted its position to full support for Cruise deployment in Western Europe. There then followed a period of intense intra-Alliance activity in order to establish a consensus within NATO on the principle of deployment and on a deployment programme, i.e missile numbers, location and timing etc. By December 1979 NATO was in a position to make the decision to deploy 406 Cruise and 108 Pershing 2 missiles with nuclear warheads in Western Europe, with the deployments beginning from 1983.

The 'second track' of the Twin-Track decision, the decision to pursue arms limitation talks on INF with the Soviet Union, was something of a late addition to the debate. It was largely inspired as a consequence of growing uncertainty among a number of NATO members over domestic reaction to the deployment of a new breed of nuclear weapons on European soil. The second track, held out the 'theoretical possibility' [30] that success in arms control negotiations could remove the need for deployment of Cruise. This theoretical possibility was hardened to official US negotiating policy in the context of President Reagan's November 1981 'Zero-option' proposals. However, as far as the most ardent proponents of Cruise among the Europeans were concerned, the second track was little more than a means of inoculating European governments against negative domestic reaction. Indeed this judgement can be said to have guided the thinking of both Thatcher and Schmidt. The calculation had been made that if negotiations did take place they would at worst result in a reduction of the warheads to be deployed rather than a zero outcome.[31] Indeed the number of missiles to be deployed had been set deliberately high in order to accommodate the possibility of a breakthrough in arms reduction negotiations.

Although domestic opposition to the deployment of Cruise and Pershing 2 was expected, its scale and intensity could not have been foreseen. The period between 1980 and 1983 saw an unprecedented mushrooming of the peace movement throughout Western Europe. Contrary to the arguments employed by their respective governments, the peace movements were of the view that far from cancelling out the threat of the SS-20's, the proposed deployment of Cruise and Pershing missiles increased the possibility of Western Europe being used as a nuclear battlefield for a Superpower conflict. Indeed the fact that Cruise and Pershing were to remain under United States control added a further dimension to the protests, a virulent anti-Americanism. That the decision to deploy Cruise and Pershing missiles was to a high degree the consequence of intense European, and in particular West German and British pressure seemed to go largely unnoticed by many, who saw the European recipients of the missiles as little more than willing stooges for an increasingly aggressive and confrontational United States.

Thus the decision to deploy Cruise ignited a generalised anti-nuclear and anti-American sentiment throughout Western Europe, which, in Britain for instance, manifested itself in the permanent 'Peace Camp' outside Greenham Common air-base, and massive public demonstrations. At the level of conventional party politics the anti-nuclear sentiment was expressed in the Labour Party's decision to embrace unilateralism.

However it is to the Federal Republic of Germany where the concerns leading to the reactivation of the WEU can be located. As the inevitable 'killing field' for a Superpower conflict, opposition to Cruise and Pershing 2 took on an added intensity. Whereas in Britain demonstrations had attracted at their high-point 250,000 demonstrators, their counterparts in the Federal Republic were able to attract double this number.[32] In most respects the protest movement in the Federal Republic of Germany, with its anti-nuclear, anti-American sentiment, was the U.K protest movement writ large. But in the German case a further element was added

to the debate. The debate became linked to the issues of neutralism, pacifism and German unification.

On the fringes of the peace movement, which for years had been tarred with the brush of being a front for the West German Communist Party, and thus by implication sympathetic to Moscow, and among the emergent Green Party, endorsement of the neutralist argument could be expected. Less expected was the growing audience for a neutralist solution, within the mainstream parties where opposition to INF deployment cut across party lines. This was particularly the case within the ordinary membership of the SPD, where support for the peace movement was strong. Indeed, although Schmidt as Chancellor is credited with initiating the debate leading to the Twin-Track decision, which he endorsed throughout the INF debate, the membership of the SPD were less than enthusiastic about the decision, and were joined in their opposition by leading Party figures such as Brandt and Lafontaine. Opposition to INF deployment within the SPD membership grew into open opposition and led in 1982 to the reversal of official party support for deployment.

The SPD was of course a Party of opposition at this point, the FDP having decided in September 1982 to withdraw from the SPD-led coalition and form a government with the CDU-CSU under the Chancellorship of Helmut Kohl, a decision later endorsed by the electorate in the March of 1983. It is notable that disquiet over the direction of the SPD on the INF issue came high on the list of reasons for the FDP's disaffection from the coalition.[33]

In this context we are brought to one of the pivotal figures in the Europeanisation of the defence debate, Hans-Dietrich Genscher, the leader of the FDP and Foreign Minister in the SPD-FDP coalition.[34] Whilst concern over the INF issue was not the only cause of Genscher's decision to withdraw support from the Coalition, it may be regarded as Genscher's domestic response to the growing fear that the Federal Government would reverse its position on Cruise and Pershing 2 and not take the final decision required to deploy the missiles. In the event

Genscher's decision was vindicated by Kohl's decision to go-ahead with deployment.

On the wider European stage Genscher's reaction can be said to be commensurate with his position as Foreign Minister of the country regarded as one of the driving forces of post-war European integration.

In the November of 1981, Genscher along with Italian Foreign Minister Emilio Colombo submitted to the London European Council a **Draft European Act**. More usually referred to as Genscher-Colombo, the proposals resulted in the signing of the 1983 **Solemn Declaration on European Union**. In so far as the motivations for its submission are concerned, contrary to the suggestion of Burgess, that Genscher's promotion of the European Act was motivated by 'purely domestic party political concerns rather than by high- minded European ideals',[35] the Draft European Act reflected genuine fears and concerns about the drift of public opinion in the Federal Republic. This appeared to be away from what were regarded by Genscher as the very foundations of West Germany's post-war prosperity and security : the European Communities and the Atlantic Alliance. To the extent that Genscher acted to arrest a shift in German public opinion which would inevitably have had electoral consequences for the FDP, there is an element of justification in Burgess's claim. But to suggest that party political considerations rather than 'high ideals' motivated Genscher, rests on the false antithesis that one cannot combine idealism and practical political considerations, and ignores an identifiable disenchantment with those fixed points of post-war reference. The Germans it seems were losing their enthusiasm for the wider goals of European unity and security, and were becoming more 'introverted' in their concerns. As Professor Eberhard Schulz relates, the feeling that Germany was simply becoming the 'paymaster of Europe' increased the influence of those who advocated the pursuit of a 'nationalist neutralist course'.[36]

Thus at one level the Genscher-Colombo proposals were an attempt to reinvigorate the Community as a whole and to reaffirm the commitment of the

Member States and their populations, in particular Germany, to the Community ideal, at a time when the Community had virtually ground to a halt, embroiled in seemingly endless disputes over budgetary and technical issues.[37] In this respect Genscher-Colombo was an attempt to resolve the 'other' issues later addressed by Title 2 of the Single European Act.

At another level, the Genscher initiative, was far more concerned with the implications of the pacifist/neutralist drift unleashed by the INF debate. In this respect Genscher's proposals in the sphere of security can be seen to be an attempt to reverse the neutralist trend by recognising and addressing one of the fundamental elements of the peace movement's credo. This was the anti-American sentiment which was integral to the INF debate. Genscher recognised that despite the fact that pressure for the deployment of Cruise and Pershing 2 had originated in Western Europe, the impression remained that Western Europe was little more than a 'front line defence protectorate for the U.S.A. which lacks the freedom to express itself on the great issues of war and peace'.[38] This impression of European impotence was further strengthened by the inability of the Europeans to play anything but a spectator's role in arms-control negotiations with the Soviet Union. Indeed the impression that Europe was simply a bargaining chip in the Superpower relations, was felt not only by the peace movements but increasingly among 'respectable' academic and policy-making opinion. There was therefore a pressing need to correct this impression of impotence and to identify and define a clear 'European' stance on issues of defence and security. Thus the Genscher-Colombo draft reflected this need, proposing that the Member States, in pursuit of European Union should include among their aims 'the co-ordination of security policy and the adoption of common European positions in this sphere in order to safeguard Europe's independence, protect its vital interests and strengthen its security.'[39]

In proposing the 'co-ordination of security policy', this is not to suggest that Genscher was adopting an anti-American position, indeed the Preamble to the

Genscher-Colombo draft, recalling the debates of the Fouchet negotiations, acknowledges the Atlantic Alliance.

> "convinced that the security of Europe must also be guaranteed by joint action in the field of security which at the same time helps to maintain the common security of our partners in the Atlantic Alliance."[40]

Although in no sense anti-American, the impulse to identify a European security position reflected a wider change in the balance of Atlantic relations. Whilst the United States by virtue of its nuclear arsenal was still the predominant actor within the Alliance, the European members of the Alliance, in particularly those who were also EPC members, were, by the late 1970s and early 1980s, less inclined and less likely to fall blindly behind the American position on every issue. Indeed there were a number of issues where differences in European and American responses were the source of friction in Atlantic relations. Significant amongst these issues were the differing responses and attitudes to the 1979 Soviet invasion of Afghanistan, the imposition of Martial Law in Poland in 1981 and 1982 and the Siberian gas pipeline project. The crucial difference in the response and attitude of the Europeans to these and other issues can be said to lie in the willingness of the Europeans to seek a 'middle-way' as opposed to the confrontational rhetoric which was a characteristic feature of U.S. foreign policy in this period.

However while the Europeans, through the mechanism of EPC, were quietly and subtly offering an alternative European viewpoint on a range of issues, their apparent ineffectiveness in influencing the course of major issues was keenly felt, and served to reinforce the view of European impotence and American domination of the foreign policy agenda. Thus alongside the felt need to establish a clear European position on security issues there was a parallel need to give a higher profile to European positions on foreign policy issues where they differed from the United States. In this respect the inability of the Europeans to establish a peace process following the Soviet invasion of Afghanistan in December 1979 was a

further trigger to the initiation of the Genscher-Colombo proposals, and also to the London Report of 1981.

Although the Genscher-Colombo proposals were diluted almost beyond recognition in the process of negotiating what was to become the 1983 **Solemn Declaration on European Union**, the point to be made here is that the revival of the European defence debate has its origins in a particular set of circumstances; the nature and scale of the opposition to the decision to deploy Cruise and Pershing 2 missiles in Western Europe. Thus concerns over the implications of the neutralist/pacifist sentiment engendered by the INF debate can be regarded as the primary motivating factor in Genscher's decision to revive the European defence debate. Indeed this is a view confirmed by Van Eekelen, who made the point that, 'at the time of the Cruise Missile issue, Genscher saw a need for a European view on defence and security questions'.[41] Thus the Genscher-Colombo initiative can be regarded as the first step in the search for an appropriate institutional framework within which to address the issues raised. On the question of 'appropriate frameworks', it is relevant to make the point that, while Genscher was one of the most enthusiastic of Europeans, his enthusiasm did not reach the point of a doctrinal insistence that the only 'appropriate' framework was the Community framework. Genscher, according to Van Eekelen, 'saw no contradiction in pushing WEU, EC, EPC, CSCE', and was far more concerned with achieving results than advancing 'European Union' according to some pre-ordained plan.[42] Perhaps this lack of 'European purity' on the part of Genscher explains the scepticism with regard to his motives expressed by Burgess .

In promoting his proposals Genscher did not proceed through the usual Franco-German channels that had become the norm for European initiatives, but rather found a co-sponsor in the Italian Foreign Minister. It may be suggested that Genscher was unsure of the reception his proposals would receive from the Fifth Republic's newly installed, and first Socialist, President, and thus preferred to launch his proposals with the support of the enthusiastically 'European' Italian

Foreign Minister, Emilio Colombo. Genscher's uncertainty over the French route is to an extent confirmed by Wallace, who points to a period of tension in Franco-German relations in the period leading up to and immediately after Mitterrand's election.[43] To add to this brief period of tension in Franco-German relations, Genscher, who had launched the basic outline of his proposals in the January of 1981, faced the difficulty of Giscard's refusal to make his views on the INF issue public, adopting the stance that it was a NATO issue and thus not the concern of France. If it is accepted that reaction to the Twin-Track decision was the primary factor in Genscher's decision to promote a **Draft European Act** Giscard's reticence on the issue did not make France the ideal partner in this initiative.

However, any thoughts that Mitterrand [44] would hide behind Giscard's NATO argument, or, perhaps more worrying for Genscher, follow the line of the great majority of Socialist and Social Democratic parties throughout Western Europe, and oppose the deployment of Cruise and Pershing 2, would be seen to be greatly misplaced. Although Mitterrand did not show any great enthusiasm for the form of the Genscher-Colombo proposals, he did share Genscher's concerns over the drift towards pacifism and neutralism increasingly evident in the West German INF debate. In the view of Mitterrand, and an increasingly large section of the French bureaucracy prior to Mitterrand's election, the dangers presented by the Soviet SS-20 missiles and the concomitant opposition to the deployment of a counteracting weapon, holding with it the prospect of a neutral and unified Germany, threatened to undermine the whole basis of the consensus that had underpinned French defence and security policy throughout the life of the Fifth Republic.

This 'consensus', based on the possession of an independent French nuclear deterrent, specifically allocated to the defence of metropolitan France, required the maintenance of certain pre-conditions in order to retain its credibility. These pre-conditions have been summarised by Lellouche as firstly, that the 'U.S nuclear guarantee still worked to protect all non-nuclear Europe', secondly, that 'Germany

remained secure and stable within NATO' and thirdly that 'France was able to keep modernising her deterrent unconstrained by arms control or diplomatic pressures'.[45]

The deployment of SS-20's by the Soviet Union posed in the French analysis a grave threat to the maintenance of these pre-conditions and by association to the credibility of French defence strategy. While it would be true to say that the French analysis encompassed a wide variety of views, it is possible to identify a distinct thread, which when boiled down to its basic ingredient, suggest that the Soviet SS-20 deployment created a strategic imbalance, which had as its aim the creation of a specific situation, that is to say the 'neutralisation' of Western Europe.

In this respect the 1979 NATO decision to deploy Cruise and Pershing 2 provided the necessary corrective to this perceived imbalance of forces, and would therefore restore the credibility of French defence strategy.[46]

Notwithstanding this argument, the pacifist/neutralist trends in the German INF debate created the possibility of a reversal of the German commitment to deploy the missiles and with it the distinct possibility of the nightmare scenario for the French; a Germany 'de-coupled' from the Atlantic Alliance, prepared to make a deal with the Soviet Union in return for unification. Indeed a German refusal to accept Cruise and Pershing 2 would, in all probability, have led to similar decisions among other intended recipients on the Continent, thus achieving the goal attributed to the Soviet Union by French opinion, that of the neutralisation of Western Europe. As Viviret has argued neutralisation was sought not in order to occupy Western Europe but prevent the spread of Western European influence in the Eastern bloc.

> "I am certain they do not desire or intend to 'occupy' Western Europe and thereby take on the headache of 250 million Poles....For the Soviet Union, the real threat from the West is not military but political and ideological. Internally they are terrified of a Walesa or a Dubcek, but unperturbed by the rantings of a Ceausescu. Their real reason for maintaining and extending the 'glacis', for attempting the neutralisation of Europe, is their terror before the spread of democratic ideas."[47]

This, while an apparently alarmist viewpoint did have currency in government circles, and was regarded as a situation to be avoided at all costs. Thus on the public stage Mitterrand took the unprecedented step, in a strongly worded speech to the Bundestag in January 1983, of urging the Germans to continue to support the Twin-Track decision and to make the final decision necessary to go ahead with the deployment of Cruise and Pershing 2.

> "I believe and assert de-coupling is in itself dangerous ....That is why the joint determination of the members of the Atlantic Alliance and their solidarity must be unequivocally confirmed."[48]

In making this speech Mitterrand effectively, and quite deliberately intervened in the German election debate, and in so doing gave his support to Chancellor Kohl's CDU-led coalition. Mitterrand's concerns over the drift towards neutralism in the SPD, would appear to have overridden any notion of 'solidarity' between the socialist/social democratic parties of Western Europe. Unsurprisingly relations between the two parties, which historically had enjoyed a close relationship, took something of a nosedive. That Mitterrand was prepared to risk this rift with the Parti Socialiste's natural partners in the Federal Republic, can in many respects be regarded as a measure of his concern in this matter.

A further aspect of this speech which does raise questions, is Mitterrand's ringing endorsement of a NATO decision and his call for Alliance solidarity. Whilst this does appear to be at odds with his professed adherence to the 'Gaullist orthodoxy' in defence matters, and that while it may be untypical at the level of public rhetoric, it does not represent a significant divergence from the Gaullist 'consensus', which for all its anti-American rhetoric and denunciation of NATO, has always relied on the assumption of the continued existence of the American guarantee. In this respect the anti-American sentiment occasionally expressed by the French was of a wholly different order to that found in the anti-nuclear debate in West Germany and throughout Western Europe at this time. Indeed as noted above,[49] France in times of increased international tension has shown itself to be a staunch defender of Alliance solidarity.

Thus Mitterrand's strong and public endorsement of the Atlantic Alliance and of a NATO decision, is not without precedent. Indeed in justifying his public statements on this issue Mitterrand has argued that the Soviet deployment of SS-20s and the ensuing opposition to Cruise and Pershing 2, created a situation of similar scale and magnitude to the Cuban Missile Crisis. In so doing Mitterrand associates his actions with those of de Gaulle whose support for the American position in this crisis was unwavering. In addition, seen as an attempt to maintain the pre-conditions necessary to the credibility of French defence strategy, Mitterrand's actions may be regarded as consistent with Gaullist orthodoxy and therefore legitimate.

It has also been suggested that Mitterrand's willingness to support the Twin-Track decision so strongly and openly was an attempt to wrong-foot any attempts by the 'New Right' driven Reagan administration to undermine the policy programme of Mitterrand's Socialist Government. As Smouts suggests, Mitterrand's ringing endorsement of the Twin-Track decision and his Atlanticist rhetoric were part of a concerted effort on the part of Mitterrand 'to get along with the most conservative President the United States had known for a long time'.[50]

Given the scale of opposition to Cruise and Pershing 2 in the countries ear-marked for deployment the support of the Mitterrand was in general regarded as a great boost to the governments faced with justifying their position to domestic audiences. In offering such strident support Mitterrand was of course in a unique position. France, while supportive of the Twin-Track decision was not a party to the decision and thus not among the countries chosen to site the missiles. France was therefore inoculated from any adverse reaction. Indeed the question of nuclear weapons was something of a non-issue in France, attempts to involve the French public in the Europe-wide protest movement at this time met with little success, as Lellouche wryly notes.

"If Voltaire were among us today, and if Candide, his hero, were travelling successively through the various nations of Western Europe, reporting on the deep social and political controversies

which surround the question of intermediate-range nuclear forces (INF), no doubt France would appear to him as a nuclear El Dorado - a Panglossian wonderland where, apparently at least, everyone is for the French nuclear force, against the Soviet SS-20 missiles, and for the impending NATO deployment of Pershing 2 and Cruise missiles in Europe. Everyone, that is, except for a small but divided minority composed of Communists, some right-wing politicians and analysts, a few left-wing Socialists and a tiny group of die-hard 'ecologists'. All in all, Candide would draw the conclusion that all is well in Socialist France - at least insofar as nuclear weapons are concerned - and that it must be depressing indeed to be an anti-nuclear 'peace' activist in such a bizarre country."[51]

Thus free from the possibility of adverse domestic reaction Mitterrand could give full vent to his concerns in this matter. In this respect his speech to the Bundestag marks the clearest demonstration of his attempts to address and influence opinion at a public level. Although it is unclear how effective Mitterrand was in this regard, it can perhaps be suggested that as a Socialist, his endorsement of a decision originally taken by his SPD counterpart, and which was now opposed by a strong element within the SPD, allowed and persuaded those SPD supporters uncomfortable with the drift in the Party away from the post-war consensus, to transfer their allegiance to the CDU on a matter such import.

At a less public level, and prior to Mitterrand's Bundestag speech, the two governments had begun efforts to discuss their mutual concerns within a formal institutional framework. Almost from the beginning of the negotiations of the Genscher-Colombo proposals it had been clear that Genscher's proposals for the 'co-ordination of security policy' would run into the same objections from the 'footnote countries'[52] as those faced in the formulation of the 1981 London Report. Given the time-span between the London Report and Genscher-Colombo this was hardly surprising. However, in spite of what amounted to a permanent veto on the extension of EPC's remit in the security sphere, there remained, in the view of both the French and West German governments, a pressing need to find a framework within which to discuss and co-ordinate a European position on defence and security.

In this respect it should be noted that although it was possible for Mitterrand to reaffirm French commitment to the Atlantic Alliance and to offer the strongest

possible support for the Twin-Track decision, one option not open to him, was to seek to rejoin the integrated command structure of NATO. Indeed within the so-called Gaullist consensus, a consensus riddled with inconsistencies and ambiguities, that was arguably the only aspect of the consensus not open to question. The framework within which to discuss and co-ordinate a European position had of necessity to be solely European. However, due to the continuing negotiations on the Genscher-Colombo proposals, a high-profile, wider-based initiative, was inappropriate. Indeed it would appear that from taking office in 1981 Mitterrand's preference had been for the WEU as a forum for the discussion of European defence interests. It was therefore decided at the regular Franco-German Summit in February 1982 to breathe life into the inoperative defence provisions of the 1963 Franco-German Treaty.

The 1963 Franco-German Treaty provides yet another link with the Fouchet proposals. Following the breakdown of the Fouchet negotiations in April 1962 and the failure of the various attempts to revive the negotiations in the following months by Cattani, the French and German governments entered into negotiations in September of 1962 the consequence of which was the Franco-German Treaty signed in Paris on 22 January 1963. It was in effect a bilateral and diluted version of the Fouchet proposals, a consolation prize to soften the blow of Fouchet's failure. Included in the provisions relating to defence, the Franco-German Treaty provided for Ministers for Defence or the Armed Forces to meet every three months, the setting up of a Franco-German institute for operational research, the exchange of armed forces personnel and the initiation of joint armaments projects.[53]

These provisions on defence were to remain largely inoperative due to the Bundestag's insistence on the addition to the Treaty ratified by West Germany, of a highly Atlanticist Preamble,[54] which was effectively a testament of allegiance to the very issues which had been the source of difficulty throughout the Fouchet negotiations. This dampened French enthusiasm for the defence component of the Treaty. In addition, the retirement of Chancellor Adenauer in the October of 1963

bringing in Erhard, whose relationship with de Gaulle can best be described as cool, ensured that the defence provisions of the Franco-German Treaty would remain largely inactive for the foreseeable future.

Thus the Franco-German Treaty, which had continued to operate on a low-key, provided a ready-made solution in the face of the reluctance of other Member States to Europeanise the defence debate and the continuing negotiations on the Genscher-Colombo proposals. Building on the February decision to employ the defence provisions of the Franco-German Treaty, it was decided at the October 1982 Franco-German Summit to establish a joint commission which was to meet every three months, within which several specialised groups were set up, including a 'nuclear group'.

Whilst the fears and concerns which led to the activation of the defence provisions of the Franco-German Treaty have been discussed in reasonable detail, it is interesting to briefly note the differences in the initial approach to the bilateral discussions.

> "The dialogue began under conditions of intense secrecy, largely concealed from the French public and political debate. It covered a wide agenda in its regular meetings, with both sides determined to influence perceptions and priorities within the other government. It is hard to assess how far French arguments had, by 1984, influenced German approaches to Western strategy and German perceptions of the Soviet threat - partly because French concerns were in many ways exaggerated, trying to convert their German colleagues to views they already held. German concerns were more concrete: to gain a firmer commitment to the conventional defence of Germany; to establish a framework for consultation on the deployment and potential use of French nuclear weapons; and to re-open the question of the role of French territory and French supply lines in European defence."[55]

Thus it would appear that, initially at least, the French were more concerned with the reinforcement of the Federal Republic's commitment to the Western Alliance at a symbolic level, than with offering practical proposals to alleviate their mutual concerns. Conversely their German counterparts, were concerned to extract a clear and tangible commitment to the defence of German soil, of bringing France back into the full NATO fold without actually rejoining NATO. Some German officials it seems were initially sceptical that the French commitment was anything

more than rhetoric. Indeed as Howorth notes, 'during the bilateral discussions between France and Germany on military co-operation, France's commitment to conventional role was turned into a 'test' of its seriousness about trying to create some form of Euro-defence system'.[56] In the event the bilateral discussions did bear fruit for the Germans, when it was revealed in the latter half of 1983 that the new French Force d'Action Rapide (FAR) would be tasked with confronting Soviet 'Operational Manoeuvre Groups' in German territory in the event of a European conflict, and that it would be dependent on logistic support from NATO.

Regardless of initial scepticism, the Franco-German defence dialogue helped to coalesce French and German viewpoints on a range of issues and created an atmosphere in which, following the difficult period in Franco-German relations in the first half of 1981, the Franco-German axis took on a new lease of life as a motive force in European integration.

Following the electoral victory of the CDU-led coalition in March 1983, which virtually guaranteed that deployment of Cruise and Pershing 2 would proceed, it could perhaps be assumed that the impetus of the European defence debate would fade, and with it the search for a framework within which to discuss and formulate a European position on defence and security issues. Indeed this is argued by Coker in outlining the motivations for the reactivation of WEU. 'With cruise missile deployment beginning in 1984 the initiative lost its immediate 'raison d'etre' and with it its momentum'.[57]

While it is accepted that once the deployment programme had been initiated in the final months of 1983, the initial raison d'etre of the defence debate had been removed, the suggestion that the European defence debate had also lost its momentum is highly questionable. Indeed at the moment it could have been expected to have faltered the European defence debate was given a massive boost.

On 23rd March 1983, speaking from the White House, President Reagan announced the **Strategic Defence Initiative** (SDI) the so-called Star Wars programme.[58] Broadly speaking SDI was a wide-ranging programme of research

into new concepts of ground-and space-based defence against ballistic missiles. Reagan expressed the hope that the end result of SDI would be the deployment of a system that would provide a totally impenetrable shield of defence. The deployment of such a system would represent the most radical shift in US defence strategy since the arrival of the nuclear-age. Its implications were the source of wide-ranging debate and argument.

It is not the intention here to conduct an exhaustive survey of the pros and cons of the SDI debate, rather, it is to note the perceived implications and reactions of the United States European allies to the Star Wars initiative and its impact on the European defence debate.[59]

Initial European reactions to Reagan's March 1983 speech were rather muted, and perhaps became sidelined in the more pressing priorities of ensuring Cruise and Pershing would be deployed. In many respects SDI was viewed by Europeans as a kite-flying exercise which would go the way of previous attempts to develop Ballistic Missile Defences (BMD's) and die a quiet death once the financial and technical difficulties of such ambitious day-dreaming became apparent. However by 1984 West European governments began to realise that there was considerable political momentum behind SDI. This as Hoffmann points out gave rise to a number of worries on the part of Western Europe, the most pressing of which was the revival of the 'de-coupling' debate.

> "... the perennial fear of 'de-coupling' was revived by the 'Star Wars' programme - immediately after INF deployments intended to dispel it... An American repudiation of deterrence in favour of defence... makes West Europeans wonder whether a 'safe' America would be willing to take any risk at all for the defence of outlying areas. To the argument that American invulnerability should make the United States more rather than less willing to help its allies, West Europeans answer that if both Superpowers have defensive systems, NATO's strategy of nuclear response capable of hitting the U.S.S.R... would obviously collapse. As a consequence Europe would be doomed to the kind of conventional war, or of 'limited' nuclear war, that has been its nightmare and that extended deterrence was intended to prevent."[60]

In many respects some of the European worries sketched by Hoffmann took some time to germinate, and in their fully-fledged form ante-date the moves to

reactivate the WEU. However the point to be made here is not that the fears aroused by SDI in Western Europe, led directly to the reactivation of the WEU, or indeed that it was the only reason for reactivation. Though it should be noted that the first substantive issue tackled by the re-activated WEU was to attempt to co-ordinate a European response to Reagan's offer of European participation in SDI research. Rather the point to be stressed is that the concerns raised by SDI, reinforced and highlighted the perception in a growing number of European capitals of the need to identify and formulate a European response to events and decisions which directly affected European interests but over which the Europeans had little influence. In short, contrary to Coker's assertion that the initiative to reactivate the WEU had lost its momentum with the initial deployments of INF, the arrival of SDI ensured that the European defence debate remained firmly on the agenda, and with it the motivation to find a European framework within which to formulate a European position on defence-related issues.[61]

In this respect, the preferred framework of the majority, that of EPC, was inadmissible. The attempts to extend the remit of EPC in the context of the Genscher-Colombo negotiations had petered out in the overwhelmingly disappointing Solemn Declaration on European Union signed in Stuttgart on 19 June 1983. However the conclusion of the Genscher-Colombo negotiations allowed for the promotion of the wider and more high-profile initiatives that would have been regarded as disruptive and undermining to the efforts of the negotiators in the Genscher-Colombo talks. Thus from this point onwards, and in a wider context one can observe the development of the various initiatives which led to the IGC and the Single European Act.

In the context of the defence debate, the signing of the Solemn Declaration allowed the French to aggressively promote the WEU as, 'the only European organism through which questions of European defence can be addressed'.[62] In noting the French enthusiasm for the revival of the WEU, it should also be noted that while the motivations for French interest in the development of a European

defence identity can largely be attributed to genuinely held fears and concerns, the potential growth in French influence in a revived European defence framework must also be regarded as a consideration, indeed as noted above [63], the revival of WEU had since the 1970s been a fairly constant theme.

It was also recognised by both French and German officials that although the discussions within the framework of the Franco-German Treaty had brought great benefits in mutual understanding and commitment, it had its limitations. Firstly, if they were serious in their intention to make a significant European impact on major defence issues it was necessary to include the British. Secondly, the development of a strong and exclusive bilateral defence relationship would be a source of concern and resentment among fellow Community members, as indeed would a tripartite relationship to include the United Kingdom. It would look, taste and feel like a Directoire of the Big Three of the Community. As Wallace notes, German officials thus saw in the WEU a useful multilateral cover for the development of the Franco-German dialogue on defence and security issues.[64]

The revival of the WEU also held for West Germany the additional and largely symbolic opportunity to remove the last vestiges of subordination to its partners, in the form of controls over the manufacture of arms. Thus by February 1984, with a suitable period of mourning for the Solemn Declaration on European Union having elapsed, the French with the full backing of FRG, felt able to embark on a concerted effort to revive WEU.[65]

Put into the wider context it should be recalled that the February 1984 announcement by the French of their intention to seek the revitalisation of WEU, coincides with a general push to resolve the various crises facing the Community, which at the Fontainebleau European Council of June 1984 saw the creation of the Dooge Committee. Also Spinelli's **Draft Treaty Establishing the European Union** was adopted by the European Parliament in February 1984. Thus, while in some respects it was a propitious moment to seek the revitalisation of the WEU, the

efforts to promote it as a high-profile initiative were to a large extent sidelined in the efforts to re-launch the Community.

Regardless of this relative obscurity, or perhaps even because of it, events towards the revitalisation moved forward quite quickly and with little substantive opposition, though note should be made of the alleged British reluctance. The British for their part, while sharing the concerns of the French and the Germans in the sphere of defence and security, have in the majority of accounts of the WEU's reactivation [66] been cast as the 'doubting Thomas' of the piece. Coker for instance presents a sceptical and dismissive picture of the British attitude towards the reactivation proposals, arguing that Britain only agreed to reactivation in order to restore their tarnished 'European image'.[67] In a similar vein Tsakaloyannis suggests that for Britain WEU was little more than a means of watering down the potential emergence of a 'Franco-German condominium' and 'having been left out of earlier initiatives in the 1950s and 1960s, London was not prepared to repeat the same mistake.'[68]

Thus one gains the distinct impression that British agreement to the idea of WEU reactivation was based on purely negative grounds. Indeed the public statements and actions of Michael Heseltine, the British Defence Minister at the time of reactivation, do seem to bear this out. As reported in **The Times** Heseltine viewed the reactivated WEU as a 'restricted forum' which should avoid the 'duplication of work done more profitably elsewhere', in particular in respect of arms collaboration, NATO's Eurogroup and the Independent European Programme Group (IEPG) were cited as the appropriate bodies for such developments [69].

While this evidence of a negative and reluctant attitude to the reactivation of WEU appears to be strong, it was not a view universally held within 'official' British circles. Indeed contrary to the prevailing line of British reluctance which neatly fits the generally negative profile of Britain in the Community, a more positive and objective view of the UK's attitude to the reactivation of WEU can be

found in the views of a senior Foreign Office official involved in both the reactivation of WEU and the IGC negotiating the SEA.

> "WEU was important, because that was the escape route on defence. We were very keen, all the main governments, the French, the Germans and ourselves, to build up the European element of defence. There was a great deal of discussion going on over the question of reinforcing WEU... That involved a great deal of discussion about what the European contribution could be, how it could be made, and identifying or meeting American concerns that the Europeans were setting up something independent of NATO; that would have given the Americans licence to pull out of NATO...we wanted to build up WEU, both to reinforce the European element of NATO, and to provide a counterbalance in WEU to what we could not do in EPC. To be talking about foreign policy questions without defence, in some areas makes no sense at all. So we wanted to try and explore ways of building up WEU to that sort of useful role without risking going down avenues which would be damaging. That was quite tricky but it was very relevant to the work that was being done in EPC.... By building up WEU, in which the French were perfectly happy to be involved, we hoped to draw WEU more into a relationship with NATO, so that it was not undercutting what NATO was doing, but reinforcing the European contribution to NATO... We saw that as an indirect route to bringing the French more closely to NATO. But the reality was that the French were much more involved in NATO than their own politics would ever allow them to acknowledge. I think we did see WEU as a way of easing them back and helping them get over their problem."[70]

While the comments and actions of Michael Heseltine are evidence of an undeniable degree of British opposition to the reactivation of WEU, they are perhaps suggestive of a difference of viewpoints and attitudes between British ministries. The Foreign Office appeared far more willing to embrace the idea of WEU reactivation than their counterparts in the Ministry of Defence. This may be regarded a consequence of differing perceptions and experience of European organisations between the two Ministries. In the case of the Ministry of Defence it would be true to say their experience of Community Europe ranged from limited to non-existent. Conversely the Foreign Office, in particular through their work within the framework of EPC, had come to value and appreciate the experience of 'living and working together' with their counterparts throughout the Foreign Ministries of the Community. Thus as a consequence of the high degree of trust and friendship built up between the foreign policy elites of the EC, the Foreign Office was by inclination far more receptive to European ventures. In addition the

Ministry of Defence were anxious to protect their position of influence in IEPG which could be undermined within an organisation they perceived to be a vehicle for French interests.

Following the February memorandum announcing the French intention to seek to reactivate WEU, events proceeded with relative ease. On 12th June 1984 at a WEU Council meeting it was agreed to set up a Working Group 'to examine the prospects for reactivating WEU as the basis for a more assertive European presence in the field of defence and security'. This working group was instructed to complete its work in time for an 'extraordinary session' of the WEU. to mark the 30th anniversary of the WEU. This meeting was to be a 'joint meeting of foreign and defence ministers'. Thus in October 1984 the foreign and defence Ministers of WEU Member States adopted the organisation's 'certificate of re-birth' in the form of the **Rome Declaration**.[71]

In its aims and objectives the Rome Declaration bears a remarkable similarity, both in tone and content to the Dooge Committee's recommendations on defence and security [72]. The similarities between the two documents while evident are unsurprising given the relationships between those involved in the Dooge Committee and those involved in the formulation of the Rome Declaration. Rifkind for instance was a Minister in the Ministry of Defence, Van Eekelen too was Dutch Defence Minister at this time. While Faure, the personal representative of President Mitterrand on the Dooge Committee, credited with the authorship of the main elements of the provisions on defence and security, was in constant and close touch with Mitterrand who was an instrumental figure in the reactivation of the WEU. Thus the provisions of the Dooge Report in the sphere of defence and security (endorsed by the majority of the Dooge Committee), clearly reflect the consensus achieved in the formulation of the Rome Declaration.

Whilst reference to the individuals involved in both sets of negotiations does go some way in explaining the close correspondence between the two texts it also raises questions with regard to the intentions of the 'Seven' in virtually duplicating

the commitments of the Rome Declaration in the recommendations of the Dooge Report. In particular, why continue to pursue the EPC route when one of the primary reasons for WEU reactivation was frustration among the Seven, in particular FRG, at their inability to make progress on defence issues within the EPC framework ? Indeed any thoughts that by 1984-85, the 'footnote countries' would have softened their attitude on this issue were evidently unfounded. As noted,[73] the Republic of Ireland, Denmark and Greece had made their objections to any such developments abundantly clear. As Van Eekelen comments, the Seven did not harbour any illusions about the likelihood of an about-face on the part of the 'Footnote countries' on this issue.

> "...it was the aftermath of Stuttgart and the Danes, the Greeks and the Irish did not want to talk about defence, and that remained, ...it was clear that we could not go much further ... because of that the interest of the others in WEU was much greater at this time."[74]

Indeed the acceptance by the Seven of the inadmissibility of defence within the framework of EPC is largely confirmed in the draft proposals which followed the Dooge Report,[75] both the British **Draft Agreement on Political Co-operation**, the Franco-German **Draft Treaty on European Union**, and indeed the SEA itself, make no attempt to extend the remit of EPC beyond that agreed in the Solemn Declaration on European Union, that is to say, 'The political and economic aspects of security'. Thus in the strictest sense, the resistance of the 'Footnote countries' to the majority view of the Dooge Committee appears to have been successful.

The presence of such detailed defence and security provisions in the Dooge Report therefore requires explanation. The Seven in continuing to press the defence issue, when it was so obviously a non-starter in the context of EPC, can be seen to be serving notice on the 'footnote countries' that this was the direction the majority were intent on moving. The message they intended to convey was that, whilst it was preferable to move in this direction together and within the EPC framework, there were alternative frameworks available to the Seven. Indeed the specific reference to the 'strengthening' 76 of the Western European Union in the Final

Report can in some respects be regarded as a veiled threat to the recalcitrant three. The nature of the 'threat', if indeed 'threat' is the most appropriate word to use in this context, is one of a loss of prestige and influence. As Tsakaloyannis comments this is a possibility the 'footnote countries' should take care to avoid.

> "Despite the lack of enthusiasm for EPC displayed by the three non-WEU EC members, especially Greece and Denmark, they simply cannot afford to ignore the political implications which the reactivation might bring about. If the WEU becomes a more potent forum for the seven to discuss political and security issues and EPC is relegated to a rather consultative role then its non-members are going to be net losers. For it is one thing to have a low opinion of EPC when you are a member and another to be an outsider unable to influence decisions.
>
> In other words the reactivation of the WEU has presented Denmark, Greece and Ireland with a dilemma: either they reconsider their position in EPC or they may run the risk of being relegated to the second league."[77]

In the event the 'Footnote countries' were untroubled by the potential consequences of such a development and maintained their resistance. Though the threat of EPC's relegation remained implicit in the Single Act's provision that 'Nothing in this Title shall impede closer co-operation in the field of security between certain of the High Contracting Parties within the framework of the Western European Union or the Atlantic Alliance.'[78]

However, to return to the Western European Union, it can be said in tentative conclusion that in the 1984 reactivation the WEU was again performing its role as the 'Foster-Parent' of European integration. Whilst the revival of the European defence debate was triggered by external factors, the decision to employ the WEU as the framework for this debate was based on internal, intra-European and intra-Alliance considerations. At the intra-Alliance level the use of WEU boils down to the domestic political difficulties for France of even contemplating a return to the NATO structure, difficulties which were such that this was never a serious option. At the intra-European level, the preferred option of the great majority of Member States, that of EPC was deemed inadmissible following the failure of attempts to extend its remit in both the London Report and the Genscher-Colombo

initiative. While the stop-gap use of the bilateral Franco-German Treaty was, in the pursuit of a European defence forum, a vital but ultimately limited catalyst.

As did the formulators of the Luxembourg Report before them, those instrumental in the reactivation of WEU, chose the path of least resistance. As a consequence of the fact that the seven countries in favour of discussing defence issues in a European context also made up the full membership of the Western European Union, this provided the ideal solution to one of the most intractable problems of post-war European integration. Thus the troublesome child of European integration was found a temporary but familiar home.

Notes

1   The Pleven Plan, 24.10.50, Vaughan, R. (Ed), (1976),
        pp.56-58. Weigal, D. & Stirk, P. (Eds), (1992),
        pp.75-77.

2   The Netherlands and the EDC, Van der Harst, J.
        E.U.I. Working Paper No. 86/252, (1986), Florence,
        p.10.

3   Van der Harst, J. (1986), pp.42-43.

4   Europe in the Making, Hallstein, W., (London 1972),
        pp.316-317, Weigall, D. & Stirk, P., (1992), pp.85-
        86.

5   Van Eekelen, W. Future European Defence Co-
        operation: The Role of WEU,   European Strategy
        Group: Occasional Paper (Paris 1989), p.5.

6   Dulles, J.F. (December 1953) in : Marks, F, W
        Power and Peace: The Diplomacy of John Foster Dulles
        (Westport 1993) p.50. See also Cook, D Forging
        the NATO Alliance: 1945-1950 (London 1989) p258.
        Van der Harst, J. (1986) p.40.

7   'Protocols Modifying and Completing the Brussels
        Treaty', (23 October 1954), Protocol No.2, in Cahen,
        A., The WEU and NATO, (London 1989), pp.79-82.

8   Herriot, M. 'Speech to the National Assembly:
        Debate on the EDC', (29-30 August 1954) in Weigall,
        D. & Stirk, P. (1992), p.86.

9   'Protocol No.2 on Forces of Western European Union',
        (23 October 1954), Cahen, A. (London 1989), pp.79-
        82.

10   'Protocol No.2' (23 October 1954), Cahen, A.
        (1989), pp.79-82.

11   'Protocol No.3 on the Control of Armaments'. Cahen,
        A. (London 1989), pp.79-82.

12   Harrison, M. (Baltimore 1981), p.31.

13   Charlton, M.   (London 1983), p.151.

14   Van der Harst, J.   (Florence 1986), p.10.

15   Charlton, M.   (London 1983), p.141.

16   See Chapter Seven.

17   The original Brussels Treaty, (17 March 1948),
      specifically identifies the threat of a resurgent
      Germany. See Vaughan, R. (Ed), (1976), p.25.

18   Pijpers, A., 'WEU and EPC: Competition or
      Complementary?', in Tsakaloyannis, P. (Maastricht
      1985), pp.77-79.

19   See Chapter One.

20   See Chaper Two.

21   Cahen, A., (London 1989), p.5.

22   Cahen, A., (London 1989), p.5.

23   Wallace, W., 'Relaunching the WEU: Variable
      Geometry, Institutional Duplication or Policy
      Drift?', in Tsakaloyannis, P., (Maastricht 1985),
      p.41.

24   Van Eekelen, W.   (Paris 1989), p.14.

25   Van Eekelen, W.   Interview: 1992.

26   See Chapter Seven.

27   Thomson, J.A., "The LRTNF Decision", _International
      Affairs_, Vol.60, No.4, (1984), pp.601-14

28   _The Atlantic Fantasy_, Calleo, D.   (John Hopkins
      Press 1970), p.50.

29   Thomson, J.A., (1984), p.605.

30   Thomson, J.A., (1984), p.612.

31   Hoffman, M., 'From Conformity to Conformation: Security and Arms Control in the Thatcher Years', in Croft, S (ed). <u>British Security Policy: The Thatcher Years and the End of the Cold War</u>, (London 1991), pp.73-77.

32   Smith, G., <u>Democracy in Western Germany</u>, (Aldershot 1986), p.200. See also, Pulzer, P., 'Political Ideology', pp.90-91, and Paterson, W.E., 'Foreign and Security Policy', in Smith, G., Paterson, W.E., Merkl, P.H. (Eds), <u>Developments in West German Politics</u>, (London 1989).

33   Smith, G., <u>Democracy in West Germany</u> (1986) p.156.

34   The office of Foreign Minister is generally regarded as the domain reserve of the FDP in a coalition government reliant on FDP support.

35   Burgess, M., <u>Federalism and European Union</u>, (London 1989), pp.125-6.

36   Schultz, E., 'Unfinished Business: The German National Question and the Future of Europe', <u>International Affairs</u>, Vol.60, (1984), pp.391-402.

37   Neville-Jones, P., 'The Genscher-Colombo Proposal on European Union', <u>Common Market Law Review</u>, (1983), p.658.

38   Wyles, J. 'Political Co-operation in the European Community', <u>European Trends</u>: Special Report no.1 1981, p.14.

39   'Draft European Act', Genscher-Colombo Plan, (6.11.81), <u>Bulletin of the European Parliament</u>, 50/81, p.493.

40   'Draft European Act' <u>Bulletin of the European Parliament</u> 50/81, p.492.

41   Van Eekelen, W.   Interview: 1992.

42   Van Eekelen, W.   Interview: 1992.

43   Wallace, W. 'Foreign Policy: The Management
      Distinctive Interests', in Morgan & Bray (Eds), PSI,
      (1986), p.220.

44   Mitterrand elected President May 1981.

45   Lellouche, P. 'France and the Euro Missiles: The
      Limits of Immunity', Foreign Affairs, (Winter
      1983/4) pp.320-322.

46   It could however be argued that far from correcting
      a 'strategic imbalance' the deployment of Cruise and
      Pershing 2 created an imbalance in favour of the
      USA, giving them a potential 'first-strike' capacity
      not possessed by the Soviet Union.

47   Viviret, P., quoted in Howarth, J. 'Consensus of
      Silence: The French Socialist Party and Defence
      Policy under François Mitterrand', International
      Affairs, Vol.60, No.4, (1984), p.587.

48   Mitterrand, F. Speech to Bundestag, (January 1983).

49   See Chapter Two, pp.152-3

50   Smouts, M.C., 'The External Policy of François
      Mitterrand' International Affairs, Vol.59, No.2,
      (1983), p.161.

51   Lellouche, P., (1983/4), p.318.

52   See pp.142-49

53   'Franco-German Treaty', January 1963, TPU, (1964),
      pp.49-51.

54   TPU, p.49.

55   Wallace, W. 'Defence: The Defence of Sovereignty or
      the Defence of Germany ?' in Morgan & Bray (eds)
      (London 1986), pp.240-241.

56   Howorth, J., (1984), p.596.

57   Coker, C., 'European Security: A British View',
      <u>Journal of European Integration</u>, Vol.9, (1986),
      p.151.

58   Reagan, R. 'SDI Speech: 23 March 1983', full text
      of this speech reproduced in Barnaby, F. <u>What on
      Earth is Star Wars?</u>, (London 1986), Appendix 1,
      pp.163-166.

59   The SDI debate is covered in Barnaby, F. (London
      1986), see also Garwin, R.L., Gottfried, Kurt,
      Kendall, Henry, W. <u>The Fallacy of Star Wars</u>, (New
      York 1984).   Holme, H.H. 'Europe and Star Wars:
      Security Dependence or Independence', in <u>Europe:
      Dimensions of Peace</u>, Hettine, B. (Ed), (UNU, London
      1988), pp.55-83.   Bundy, M., Kennan, G.F.,
      McNamara, R.S., Smith, G., 'The President's Choice:
      Star Wars or Arms Control', <u>Foreign Affairs</u>, (Winter
      1984-5), Vol.63, No.2, pp.264-278.

60   Hoffmann, S., 'The USA and Western Europe: Wait and
      Worry', <u>America and the World</u> (1984), <u>Foreign
      Affairs</u>, (1984), p.639.

61   Brucan, S., 'Europe in the Global Security Game', in
      Hettne, B. (Ed), (UNU, London 1988), pp.20-22, also
      Holme, H.H., (London 1988), pp.55-83.

62   This was the standard phrase employed by French
      ministers and officials in their promotion of WEU.

63   See pp.172-174

64   Wallace, W., (1985), p.41.

65   <u>Europe</u>: Weekly Report. No.1029.

66   See for example Wallace, W. (1985); Tsakaloyanis,
      P. (1985); Van Eekelen, W. (1989); Coker, C.,
      (1986).

67   Coker, C., (1986), p.150.

68   Tsakaloyannis, P. 'Constructing a European Security
      Pillar: Domestic Constraints', in Tsakaloyannis, P.
      (Ed) <u>Western Security in a Changing World</u>,
      (Maastricht 1990), p.4.

69   Heseltine, M. <u>The Times</u>: 4-10-84.

70   Interview with Sir Derek Thomas, former Political
      Director at the Foreign and Commonwealth Office,
      (18th December 1992). This interview covered a wide
      range of topics relating to the period around the

Single European Act negotiations. The involvement
of this particular official in the various
initiatives during this period provided a
fascinating insight into the work and attitudes of
the FCO to European integration. The interview was
taped. I retain copies of the tapes.

71   'Rome Declaration', (27 October 1984), reproduced in
      <u>The Reactivation of WEU: Statements and Communiques
      1984-1987</u>, Secretariat-General of WEU, (1988), pp.5-
      15.

72   See <u>Dooge Report</u> pp.23-24.

73   See Chapter Three pp.142-9

74   Van Eekelen, W. Interview: 1992.

75   See Chapter 6.

76   <u>Dooge Report</u> p.23.

77   Tsakaloyannis, P., (1985), p.100. See also Brükner,
      P., 'European Political Co-operation: A Danish
      Perspective', in <u>Yearbook of European Law</u>, Vol.5,
      (1985), pp.191-202.

78   'Single European Act: Title 3, Article 30,
      Para.6c', <u>Bulletin of the European Communities</u>,
      Supplement 2/86, p.18.

CHAPTER FIVE

FROM DOOGE REPORT TO MILAN COUNCIL

As originally instructed, the Dooge Committee presented its Final Report to the Brussels European Council of March 1985. It had however been decided at the Dublin European Council of December 1984, not to make the Committee's findings the focal point of the Brussels Council, the Dooge Committee's findings would instead form the centerpiece of the Milan Council of June 1985, a decision confirmed at the Brussels Council 1.

An examination of the period of activity between the submission of the Dooge Report to the Brussels Council at the end of March and the Milan Council at the end of June, provides an interesting contrast to the generally held perceptions of the Member States, willingness to support further European integration. The central issue in this intervening period concerns the final recommendation of the Dooge Report, their recommendation that an Intergovernmental Conference (IGC) should be convened.

> "The committee proposes that a Conference of the Representatives of the Governments of the Member States should be convened in the near future to negotiate a draft European Union Treaty based on the aquis communataire, the present document and the Stuttgart Solemn Declaration on European Union and guided by the spirit and method of the draft Treaty voted by the European Parliament: ..."2

In the weeks following the Brussels Council, Mauro Ferri, who had been Prime-Minister Craxi's personal representative on the Dooge Committee, was dispatched on a round of visits to the capitals of the Member States in order to gauge the level of support for the convening of an IGC. Whilst it seems that the response to Ferri's enquiries was at best mixed 3, the Italian Government, as holders of the EC Presidency at this time, took the decision to promote the recommendations of the

Dooge Report, and in particular to make the convening of an IGC the central aim of their agenda for the Milan Council. In pursuit of this aim the Italian Government presented to their Community partners, on 21st May 1985, a **Preliminary Draft Mandate for an Intergovernmental Conference**. In so far as the main objectives are concerned the Draft Mandate is little more than a restatement of the objectives outlined in the Dooge Report, notably the 'creation of an integrated internal market', the 'promotion of common values of civilisation' and the 'pursuit of common external policies by strengthening the structures of Political Co-operation and by extending it to security'4.

In attaining these objectives the Draft Mandate outlined changes in the institutional framework which again closely reflect the conclusions of the Dooge Report, in respect of greater use of majority voting in the Council of Ministers, restoring the role of Commission as an effective 'initiator, executor and manager', and the 'formalisation of Political Co-operation'5. The exception to this was the provisions dealing with the role and powers of the European Parliament, which in the Italian Draft Mandate go beyond the recommendations of the Dooge Committee, reflecting a traditional Italian advocacy of a greater role for the European Parliament. As for the means of bringing about these changes the Draft Mandate outlines the aim, scope, composition and timetable for an IGC .

> "An intergovernmental conference with the task of negotiating a treaty leading gradually to European Union has been called. This treaty will not only cover present and future action by the European Communities, but also all forms of intergovernmental co-operation which are of considerable importance in the process of the building of the Union. ...The conference will present its conclusions before 30th November 1985, so as to enable the Heads of State or Government to adopt the necessary decisions at the European Council on 3 and 4 December 1985."6

Although the institutional and policy reforms outlined by the Draft Mandate broadly reflected the consensus of the Dooge Report, and were thus, on the whole, acceptable to the Member States, the method of bringing about these reforms, the

convening of an intergovernmental conference with the specific aim of negotiating a new treaty, was guaranteed to create difficulty.

Indeed the difficulty over this issue was presaged in the Dooge Report. In keeping with the transparency so evident throughout the Dooge Report, the Committee's final recommendation, that an intergovernmental conference be called, is subject to reservations entered by Rifkind, Papantoniou and Moller.

> "Mr Papantoniou and Mr Rifkind consider that the recommendations of this report should be the subject of consultations between the governments before the June European Council, so that decisions can be taken by the Heads of Government at that meeting.
> Mr. Moller shared their view, but pointed out that according to the Committee's terms of reference it was not its task to put forward recommendations on the conclusions which the European Council might draw from the report."7

Although the reservations of the Mr. Moller and Mr. Papantoniou should not be disregarded as irrelevant, in realistic terms it is the British reservation that is crucial in this matter. Essentially the British opposition turned on two arguments, firstly, that, whilst a degree of institutional and policy reform was necessary in order to reinvigorate the Community, these reforms could and should be carried out without recourse to the negotiation of a new Treaty. Secondly, the British took the view that the regular meetings of the European Council, which were not provided for in the Treaties, in effect constituted intergovernmental conferences, with the capacity to make the decisions necessary to promote the well-being of the Community. In this respect, Prime Minister Thatcher at the Milan Council pointed to the decisions taken at Fontainebleau and the successful conclusion of the enlargement negotiations as evidence of the capacity of the Community, in its then current form, to take major decisions. Indeed the British argued, that although the convening of an intergovernmental conference might well clarify the positions of the various Member States, an intergovernmental conference on the lines of that proposed by the Italian Draft Mandate would, at the end of the day, look to the Heads of State or Government for final approval. This would effectively replicate the work so

recently completed by the Dooge and Adonnino Committees, as well Cockfield's **White Paper** on the Single Market.

The British viewpoint on these issues was given definite form in the so- called **Howe Plan**, presented to the meeting of Foreign Ministers in Stresa on 8-9 June 1985, at which time it was finally confirmed that discussion of institutional matters should remain the priority of the Milan Council.

The **Howe Plan**, which began life as a projected **Milan Declaration**, was a package of proposals covering both Community related issues, in particular proposals relating to the process of decision-making in the Community, and proposals in the sphere of EPC. In the area of Community decision-making Howe made four proposals:

> "... more frequent use of majority decisions for the 'daily management' of the Common Market; - when the Treaty provides for unanimous decisions, considering that the decisions be adopted, even if there are one or two abstentions; - when the European Council has voted unanimously on a clear guide-line, considering that the competent Council of Ministers can take the decisions which arise from this guide-line, if necessary on a majority vote. - to oblige the State which invokes the defence of a 'vital interest' in opposing a decision, to justify this argument at the level of the Council of Ministers of Foreign Affairs."[8]

Clearly the specific aim of these particular proposals was to cure the paralysis in the Community decision-making process brought about by the Luxembourg Compromise of 1966,in effect it is a call for a return to the 'spirit of the Treaties'. In so doing Howe was by no means making new proposals. The proposal that the Council of Ministers could vote on issues in which the European Council had given a 'clear guide-line' had been proposed by the Dutch Prime Minister, at the Dublin Council of December 1984, a proposal which had the support of the British Prime Minister. While the proposal obliging Member States to justify 'vital interest'

vetoes to the General Council was proposed by Rikind in a footnote to the Dooge Committee's proposals9.

Whilst these proposals and those concerning EPC were by no means radical or new, they are noteworthy for a number of reasons, not least of these is the simple fact that they were a British initiative, a factor which, to an extent, took the other Member States by surprise. As Agence Europe comments in reporting the proceedings of the meeting of Foreign Ministers at Stresa.

> "Everyone at Stresa expected to hear the U.K. Minister follow Margaret Thatcher's speech and say no to any intergovernmental conference, to any change in Community rules, and to any abandoning of unanimity (a 'no' also pronounced by Francois Mitterrand a few weeks ago). There was much surprise when Howe took the initiative and occupied the ground left by France and Germany."10

It should be recognised that although these proposals may be viewed as a genuine attempt on the part of the British to resolve one of the most intractable problems of the Community, the underlying motive of these proposals and those concerning E.P.C, was to avoid the convening of a full blown IGC which, in the view of many in British circles, would lead to substantial and unnecessary institutional changes. The Howe Plan was thus a concerted effort to head-off any such developments, and was recognised as such by commentators.

> "It is certain and even a little too obvious, that Sir Geoffrey Howe has made a considerable effort at seduction,..."11

This however, suggests possible policy differences towards the European Community within the British Government, and in particular between Downing Street and the Foreign Office, or even more specifically between Margaret Thatcher and Geoffrey Howe. As noted above it came as some surprise that Sir Geoffrey Howe did not follow the lead of Prime Minister Thatcher and rule out all suggestion of reform, though he did repeat British opposition to the convening of an IGC.

Instead the package of proposals presented by Howe was, on the whole, viewed as a positive contribution to the debate.

This does not necessarily suggest that the Foreign Office in submitting the Howe Plan to the Foreign Ministers meeting at Stresa were adopting an independent line, that is to say initiating a policy change without the full approval of Downing Street. To make such a suggestion would be to go too far. Indeed when addressing this issue to a senior Foreign Office official involved in the submission of Howe's proposals, it was made abundantly clear that 'British government simply does not work like that'. It was stressed that although the Howe Plan was in the main a Foreign Office initiative, it was an initiative which had the been scrutinised and approved by Downing Street prior to its submission.

> "The British initiative on this was the result of a long process of correspondence between 10 Downing Street and the Foreign Office. ... Yes it was a Foreign Office initiative in the sense that the Foreign Office were looking for ways of making our negotiating stance more acceptable to the rest of the Community; so we were looking for positive things that would off-set some of the things that we were going to have to say on the other side of the balance which would look rather negative. But, no, it was not a Foreign Office initiative in the sense of somehow undercutting or going behind, or trying to undermine what the overall policy of the Government was. ... . The final version was certainly fully agreed between all the parts of the Government that had been involved."12

While strictly speaking it would be inaccurate to suggest that the Foreign Office pursued an independent policy on this matter, the existence of a great gulf between the Foreign Office and Downing Street on virtually all things European in this period of the Thatcher administration was confirmed. Presenting itself in clear differences in tone, style, presentation and emphasis, it was a gulf which de facto bordered on the edge of the Foreign Office and 10 Downing Street pursuing different and arguably contradictory policy goals. Indeed, while it was unsaid the distinct impression given was that, far from the Foreign Office deviating from 'Official' government policy, the Official line was constantly and systematically

undermined by Downing Street, by Prime Minister Thatcher herself and by her personal staff.

> "There was very often a difference in tone; even at press conferences where both Margaret Thatcher and Geoffrey Howe were present. When she would be putting her particular views, and lets call a spade a spade, her anti-European visceral instincts kept coming out into the open. ... This was one of the problems with Margaret Thatcher's governance; she would be persuaded in the process of rational argument to accept that Britain's interests would be best served by a certain course of action, she would agree to that against her own instincts, all of which were saying 'this is not what I think is ideal for Britain'. So when her spokesman or she herself were speaking in public, she would very often start off by drawing on the agreed form of words, but then one of the cleverer interviewers would get at her, and start stoking up her instincts, and then out it would all come. And over and over again having agreed to something she would then appear to contradict herself in her own statements. ... (Bernard Ingham) would be perfectly capable of injecting into the officially agreed form of words, what he knew to be the Prime Minister's own views. And that's why you got very different tones when briefings on the same subject came from No 10 and the Foreign Office. Even on subjects where there was probably most agreement; and there was no great disagreement on EPC for example ."13

Whilst it must be recognised that this view of the relationship between the Foreign Office and Downing Street is essentially an unofficial Foreign Office perspective, it is a view which finds further confirmation in the resignation speech of Sir Geoffrey Howe, who when referring to the difficulties put in the way by Downing Street to creating an effective British policy in the Community, suggested that negotiating in Europe was 'rather like sending your opening batsman to the crease only for them to find the moment the first balls are bowled that their bats have been broken by the team captain.'14

Although it would be difficult to judge with great accuracy how these apparently differing messages from London were interpreted in the capitals of the various Member States, one can speculate that, regardless of what appears to have been a genuine effort on the part of the Foreign Office to make a positive contribution to the resolution of long-standing Community problems, these and other proposals would have been treated with a high degree of scepticism. This scepticism it can be

suggested would range from those who saw in the Howe Plan nothing more than a British ploy to do nothing, while others, although recognising the proposals as a genuine attempt by the Foreign Office to make a positive contribution, were only too well aware of the capacity of the Prime Minister Thatcher to 'pull the rug' from any initiative at a moment's notice. Thus the Howe Plan was fundamentally handicapped by the knowledge of Prime Minister Thatcher's 'anti-European instincts'.

Notwithstanding this speculation, the Howe Plan was circulated to the Member States as the official and agreed British position on the resolution of the Community's difficulties. Thus the lines of the debate on the run-up to Milan were drawn: between the maximalist position of an IGC and a new Treaty of the Italian Draft Mandate; and the 'minimalist' return to the spirit of the Treaties advocated by the British in the Howe Plan.

Superficially it would be relatively easy to project this whole episode as one of British failure. The reservations to an IGC entered in the Dooge Report and the bare statistic of the 7-to-3 vote in favour of convening an IGC, appear to confirm preconceptions of the U.K, Denmark and Greece as the most un-communautaire and difficult of the Member States, whilst confirming the remaining Member States in their European vocation. Indeed based on this evidence one can again point to the Dooge Report as a clear indicator of the positions likely to be adopted by the various Member States on virtually every aspect of the Single European Act.

However, in this matter, the apparent transparency of Dooge, and the confirmation of the Milan vote tends to obscure the impact of Howe's proposals on the debate, and also obscures evidence of a growing reluctance on the part of two of the major actors, France and Germany, to support the convening of an IGC. Thus regardless of any initial scepticism over U.K. intentions, the Howe Plan was, in

general, quite well received, and it can even be suggested that in the period between its presentation at Stresa and the Milan Council vote in favour of convening an IGC, the 'seductive' efforts of Sir Geoffrey Howe were beginning to bear fruit. Indeed in the week prior to the Milan Council the normally well informed **Agence Europe**, confirming that 'few still recommend the convening of an Intergovernmental Conference', was confidently asserting that one of the few certainties of the Milan Council was that there would be no IGC to negotiate a new Treaty15.

Whilst the Howe Plan did obtain a relatively positive reception, this is not to suggest that it was welcomed with open arms, as evidence of changing attitude on the part of the British towards the Community. Rather it was welcomed in the absence of any similar proposals, as an escape route from the prospect of an IGC which would negotiate a new Treaty, a goal to which the Italian Presidency appeared to be particularly attached.

The determination of the Italian Presidency to succeed in their aim of convening an IGC at Milan is beyond doubt. What is questionable is the motivation behind the zealous pursuit of this goal. It is not the intention here to conduct an exhaustive investigation of the 'European' policy of the Italian Government; however , evidence appears to suggest that the pursuit of the maximalist position and specifically the convening of an IGC was motivated partly as a forum for inter-coalition rivalry between the Socialist Prime Minister, Craxi, and the Christian Democrat Foreign Minister, Andreotti. As Daniels notes ...

> "The political competition between Bettino Craxi and Giulio Andreotti was undoubtedly an important element in the Italian decision to force a vote on the issue of an intergovernmental conference. ... Craxi, exploiting to the full the high profile and close scrutiny of his role as President of the Council of Ministers, played a crucial role in securing an intergovernmental conference in the face of opposition from the governments of the U.K, Greece and Denmark. Andreotti, underlining his own Europeanist credentials, was responsible for promoting the Dooge report at a time when the Paris-Bonn axis was in some disarray. Not for the first time, Italy's diplomacy was rooted in domestic political considerations."16

The view that personal and party prestige dominated the behaviour of the Italian Presidency is somewhat underlined in the acrimonious aftermath of Milan when Craxi effectively washed his hands of the issue once the primary aim of an IGC had been achieved, and the Presidency handed on to the Luxembourg government.

> "One is left with the impression that behind the idealistic rhetoric about progress towards European Union, the Milan Summit has in fact succeeded only in postponing major decisions,..., and opened deep rifts between the Member States that are likely to be difficult to heal, and will in any case leave deep seated scars. ... Perhaps the most significant statement by Craxi following the Summit was that he had handed over the dossiers to the Luxembourg Presidency. In other words, the Italian Presidency has achieved its objective of an 'intergovernmental conference', despite the bitterness this has caused, and it is now left up to Luxembourg to try to sort out the details."17

The source of the post-Milan bitterness was rooted in the decision of Craxi to force the issue of an IGC to a vote, an unprecedented step in the context of the European Council. In pushing the issue to a vote, the 7-to-3 result in favour of an intergovernmental conference confirmed and reinforced existing preconceptions of the Member States' 'European' credentials. However, this vote masked a growing reluctance on the part of both France and West Germany to support the convening of a full-blown IGC Indeed there is little doubt that, by the time of the Milan Council, both Kohl and Mitterrand had come round to the view that it would be preferable to resolve the Community's difficulties without recourse to an IGC Thus had the question not been put to the vote, an IGC would not have been convened.

Given the relatively positive, that is to say, pro-European Union, coverage accorded to both Mitterrand and Kohl in the creation of the Single European Act, such a claim appears to be out of step with the 'founding father' image promoted by both figures. There is however sufficient evidence in the actions and statements of both Member States to support this contention. Indeed, even prior to the submission of the final report of the Dooge Committee, questions were being asked

of Kohl's commitment to thorough-going institutional reform, thus suggesting that the Chancellor's post-Fontainebleau enthusiasm for a new Treaty was on the wane18 . Perhaps the most damming indication of a gap between Chancellor Kohl's pro-European Union rhetoric and his actual willingness to participate in wholesale institutional reform, is found in the West German use of the 'vital interest veto', the so called Luxembourg Compromise, in May and June 1985.

Given the general consensus that the indiscriminate and generalised use of the veto was the greatest barrier to forward movement in the Community, and should therefore, with certain exceptions, be abolished, a view shared by the majority of the Dooge Committee, including Kohl's representative, it is surprising indeed to find West Germany invoking the Luxembourg Compromise.

The British position on the use of a vital interest veto did not call for the abandonment of the Luxembourg Compromise, but proposed that any Member State invoking the veto should be required to justify its decision at the level of the Council of Foreign Ministers.

On both occasions, the West German use of the Luxembourg Compromise, concerned agricultural issues, specifically the setting of cereal prices, the fine details of which are not relevant here. What is relevant is the timing of the vetoes. The first (17-5-85) fell on the eve of a meeting in London between Prime Minister Thatcher and Chancellor Kohl. Given the often 'holier than thou' approach adopted by German Governments to upholding both the spirit and letter of the Community Treaties is not difficult to imagine the damage caused to credibility of the German position by this incident, which was grist to the mill of the British campaign against the convening of an IGC, not to mention the personal embarrassment to Kohl.

"Mr Kiechle (German Agriculture Minister) could not have chosen a worse moment: on the eve of the Khol-Thatcher meeting when the Chancellor was

due to try to persuade the British Government to accept the conclusions of the majority of the Dooge Committee, which calls for the total abolition of the 'Luxembourg Compromise'. ...the Foreign Office is delighted at what happened at the Agriculture Council since it exposes 'German rhetoric' on European Union as hot air'."19

Surprisingly, given the open secret of a personal antipathy between Thatcher and Kohl, and taking into account the tendency of Prime Minister Thatcher to allow her 'anti-European visceral instinct' to show, Thatcher did not take the opportunity to exploit the Chancellor's embarrassment as a vindication of the British viewpoint 20.

The sensitive handling of Kohl's predicament by the British can be regarded as part of the attempt to draw the Germans into the British camp at a time when the West Germans were both vulnerable and receptive to British overtures. Notwithstanding the political embarrassment of the veto, the Franco-German relationship, so often regarded as the central and defining alliance in the Community, was undergoing a period of discord and tension. The source of this tension can be attributed to differences in the respective positions of the two countries in the Bonn Economic Summit of April 1985 (G7), and over the SDI and Eureka initiatives. The essence of the difficulties was the appearance, from the French viewpoint, that the Germans had given priority to their relations with the U.S.A. over those with France its closest continental partner. In these matters the German position closely corresponded to that of the British, thus it can be speculated that being more closely aligned to the British orbit in this period, the FRG would be more inclined to take British views into account than would normally be the case.

If, from the perspective of those in favour of an IGC, the timing of the FRG's use of the Luxembourg Compromise was judged inopportune, the second occasion on which the FRG resorted to the Luxembourg Compromise was arguably even more damaging to their cause. It was invoked just two weeks prior to the Milan Council

and on the same day that Portugal and Spain were signing the acts of accession to the Community.

Despite protestations to the contrary, the credibility of the German attachment to the abolition of the veto was in tatters. Given the fact that the FRG had invoked the Luxembourg Compromise over, what in the context of Germany's economic strength within the Community, was a relatively minor point, the decision to employ the veto was interpreted by many commentators as a clear signal on the part of the West German Government, of a shift away from its previously enthusiastic support for the maximalist position. The prognosis for the Milan Council looked extremely bleak. Indeed in a vitriolic editorial, under the heading 'Europe betrayed : from the German veto to the sinking of the Milan Summit', **Agence Europe** came within a hair's breadth of accusing the German Government of attempting to sabotage the Milan Council.

> "... Mr.Kiechle struck his blow - doubtless with his government's solidarity - two weeks before the meeting of a European Council the chief aim of which was up to yesterday (obviously this is no longer the case today) to take an important step towards European Union, ... One can ask oneself whether this gesture of exceptional gravity is not a precise political choice on the part of FRG, aimed at speeding the slide visible already for some time, towards transforming the Community into a 'free trade area', seen by important German circles as more in line with the German nation's interest. It is thus that in this specific case recourse to a 'very important interest' is only a pretext:... The German veto has created a new, intolerable situation and it is going to cause difficulties for the Italian government who, it is said is preparing a 'strategic retreat' in anticipation of the Milan European Council."21

Further indication of a shift in the German position can be observed in the comments of Foreign Minister Genscher in the week following the second German veto. Genscher re-affirmed his country's commitment to the abolition of the veto, but added that "...the British proposals relative to political co-operation and the number of occasions on which unanimity is required constitute a good basis for discussion."22

This is a clear indication of not only a significant shift in the German position and further evidence of their growing reluctance to embrace the maximalist viewpoint. The increasing attractiveness of Howe's proposals was largely due to the absence of a viable Franco-German alternative at this time, the absence of which can be attributed to the temporary rupture in Franco-German relations.

Irrespective of the reasoning behind the pronounced shift towards the U.K's viewpoint on the part of FRG, Foreign Office sources have suggested that these overtures were, up to the point of the actual vote on the IGC, successful. A Foreign Office Official in the British delegation to the Milan Council confirmed that on the evening prior to the vote, the Germans had indicated their support for British opposition to an IGC

> "The Germans had not been very keen on it (an IGC). I remember at the Milan Council, there was tremendous rage in the British camp, when we thought we'd kept the Germans on-board for opposing the idea of an IGC We had always felt that everything that was achieved in the Single Act could have been achieved without an IGC We thought when the thing finished at dinner on the Friday night (first day of the Council, at which time institutional issues were discussed), that it was virtually over, we still had the Germans. There must have been an Italian-German meeting after that, because by breakfast the next morning Genscher had gone round 180 degrees, and much to our surprise and rage came down on the side of the Italians; and all of a sudden we were saddled with an IGC I will never forget Margaret Thatcher's press conference afterwards; she gave an absolutely blistering performance !"23

Prime Minister Thatcher's post-Milan press conference was indeed something of a 'tour de force' in which she allowed her 'instincts' full rein. Indeed in describing Thatcher's disposition following the Council, her press secretary, Bernard Ingham was particularly graphic.

> "She had but one emotion - fury. The Richter Scale ceases to operate when it applies to the Prime Minister. It is a total volcanic eruption. Krakatoa has nothing on it."24

It can be assumed that in Thatcher's scathing references to the 'inconsistency and hypocrisy' of 'certain Member States', the West German delegation could count themselves included 25.

In the case of France, evidence of opposition to the convening of a full-blown IGC is by no means as hard as the evidence of West German reluctance. It does however indicate that France had drawn back significantly from the maximalist position Mitterrand had allowed himself to be associated with around the period of the Fontainbleau Council. Indeed as indicated 26, Mitterrand's speech to the European Parliament of 24-5-84, is, when examined closely, by no means as 'Europeanist' as is often claimed. Crucially, given the central importance accorded to the abolition of the Luxembourg Compromise, Mitterrand in this speech, while acknowledging the difficulties caused by the generalised use of the Luxembourg Compromise, did not support its abolition, rather he adopted a position which resembles very closely the stance of the British.

> "The French Government which was behind this compromise, has already proposed that it be used in only in specific cases. The more frequent practice of voting on important matters heralds a return to the Treaties. ..."27

Notwithstanding the actual content of the speech, Mitterrand entered the lists as the champion of the 'Europeanist' cause, an image he readily allowed himself to be portrayed. In this, as in the case of Craxi and Andreotti, Mitterrand courted the 'Europeans' for domestic advantage during a period of internal difficulty. The image of Mitterrand the committed 'European' was reinforced somewhat by the President's choice of Maurice Faure as his personal representative on the Dooge Committee. M. Faure had been a member of the Spaak Committee, a signatory of the Treaty of Rome, and was regarded generally as a strong advocate of European Union. As expected the 'Europeanist' inclined Faure took the side of the majority on the issues of voting in the Council of Ministers and of convening an IGC to

negotiate a new Treaty, thus raising expectations of a French lead in the advocacy of substantial institutional reform and the negotiation of a new Treaty.

Such a lead was not to materialise. Indeed one can observe a definite retreat from the rhetoric of 'European Union', and a clear attempt on the part of Mitterrand to dampen expectations of a great leap forward at Milan. Even prior to the meeting of Foreign Ministers at Stresa on 8-9 June 1985, Mitterrand had rejected any suggestion that the Luxembourg Compromise should be abolished. In attempting to dampen expectations the French adopted what can be described as a strategy of deflection and ambiguity, in which they attempted to give the impression that although they were enthusiastic 'Europeans', present circumstances and the behaviour of other Member States stacked the odds against a spectacular outcome to the Milan Council. The 'deflective' aspects of this strategy can perhaps be best observed in press statements surrounding a summit meeting between Mitterrand and Craxi in Florence 13-14 June 1985, a fortnight prior to the Milan Council, a meeting also coinciding with the second German veto.

> "... According to Mr.Vauzelle (Mitterrand's spokesman), France is approaching the Milan Summit 'with caution', not wanting to 'arouse great hopes' which might not materialise. Milan should however allow a 'major step to be taken in the European construction' as 'it seems impossible for us today to lower our arms'. But he immediately added that 'it is better to be modest in approach rather than fail in a more ambitious approach which would be contested by some of our principal partners'."28

In addition to this deflection and dampening-down of expectation there was in the French strategy an ambiguous and non-committal intimation that the French had a dramatic proposal which would save the Milan Council from the failure increasingly predicted by commentators. Mitterrand following his summit with Craxi, adopting a sphinx-like attitude, intimated that he had a surprise in store. 'On the eve of the Milan Summit, or during it, I will explain my position and make suggestions.29'

Was Mitterrand a sphinx with or without a riddle ? Was there any substance behind these intimations ? It is difficult to offer a definite conclusion. There had, since late February 1985, been suggestions that the French were on the verge of announcing a 'surprising initiative ... which will contribute to changing the European institutions.'30

What this 'surprising initiative' was or would be is unclear. Speculation over the content of the impending French initiative exercised the imaginations of the European press, prompting reports ranging from the suggestion that Mitterrand would call for a Europe-wide referendum on the conclusions of the Dooge Report, to the submission of radical proposals in the sphere of defence and security. Thus, if nothing else, a mood of expectancy was created. However, it would be difficult to suggest that the expectancy was in any way rewarded with definite proposals in the following months. Certainly the possible nature of the proposals intimated to be imminent by sources close to Mitterrand around the time of the Craxi-Mitterrand summit, fall a long way short of being 'surprising'. They are if anything suggestive of window-dressing to mask the projected failure of the Milan Council, and an indication of French reticence on the issue of an IGC

"... France is looking for 'possible institutional progress' without having to go by a new Treaty. This might mean (according to the AFP which claims to have it on good authority) a general political Declaration on Political Union, accompanied by limited progress in E.P. powers and probably the announcement of a Political Secretariat."31

However, something of a surprise was sprung on the very eve of the Milan Council, in the form of the Franco-German **Draft Treaty of European Union**. Was this Mitterrand's 'surprising initiative' of February ? If it was, then it must surely have been a grave disappointment to those who had pinned their hopes on Mitterrand's Europeanist rhetoric. The Franco-German draft masquerading under the misleading title of a **Draft Treaty of European Union** is little more than a

Treaty codifying EPC, and for the most part is virtually identical to the previously submitted British **Draft Agreement on Political Co-operation** 32.

Two questions arise when confronted with this draft. Firstly, why was it submitted so late in the day, and secondly what was the purpose of its submission ?

In answer to the first question, we are returned to the rift in Franco-German relations. This cooling of relations, which although temporary, occurred at a crucial juncture with respect to the debate on European Union and the question of an IGC, largely accounts for the absence of substantive French and German proposals in the period between the Brussels and Milan Councils. The timing of this rift can also lend weight to the view that Mitterrand was indeed on the verge of launching an initiative, and also account for its non-arrival. One can speculate that the emergence of differences between the French and German Governments shortly after Mitterrand's announcement of an impending initiative, resulted in the proposals being either abandoned or put on ice. To put forward substantive institutional proposals, without the full support of the German Government, particularly in view of expected British opposition, would be to guarantee failure. Accepting this invites the question; were the proposals in this 'surprising initiative' of the same scope and intent as those submitted to the Milan Council ? The Franco-German draft simply does not strike as a document which has been the subject of rigorous examination and debate. Rather the impression is of a hastily thrown together set of ideas, some of which may well have been the subject of preliminary discussion prior to the breach in Franco-German relations.

Support for the view that the decision to submit the Franco-German draft was almost literally a last-minute decision can be found in the comments of Mitterrand following the bilateral summit with Craxi on 13-14 June, suggesting that the rift in Franco-German relations was not yet healed. Referring to the German use of the

veto, Mitterrand appeared to rule out the possibility of a successful conclusion to the Milan Council.

> "I feel that in Milan the Italian Presidency should, under normal circumstances, lead us towards progress; this may appear presumptious, though, when heels are being dragged in Luxembourg. "33

Further informed evidence that the Franco-German Draft was a hurried and last-minute effort is provided by a British official who suggested that the Franco-German Draft was a consequence of a meeting between Kohl and Mitterrand immediately prior to the Milan Council.

> "The French and German initiative was never consulted about within their own governments. It was something that cropped-up at a Kohl-Mitterrand meeting before Milan. I think one French Official put it forward, and the Germans thought it was a good idea. It was done uncharacteristically without any serious preparation or thought. It was a silly document, it was not thought out at all."34

This leads directly to the question of the motivation behind its submission. In this respect two differing but connected possible explanations can be broached. Firstly a superficially petty explanation can be found in the irritation of finding the British occupying the ground normally the preserve of the French and German governments. Indeed in this respect British officials had gained the distinct impression that the French and German Governments had been wrong-footed by the British proposals 35. Secondly, the submission of the Franco-German draft can be viewed as a measure on the part of France and FRG to avoid the convening of an IGC and the discussion of substantive issues connected with the Treaties, such as the Luxembourg Compromise. But retaining their 'Europeanist' credentials behind the facade of the grandiose title **Treaty of European Union**. The evidence is far from conclusive. However the indications presented above of the growing reluctance of both France and West Germany to tread the maximalist path suggest that this assertion is plausible. Indeed according to news agency reports, this interpretation

of the intent of the Franco-German draft was, among informed political sources quite strongly represented.

> "Political sources are now wondering whether such an initiative might not in fact be designed to nip any effective revival of European Union in the bud ..."36

Why then, if both France and FRG were opposed to the convening of an IGC, did they support Craxi and vote in favour of an IGC ? The short and perhaps very obvious answer to this is that both Kohl and Mitterrand were 'hoisted on the petard' of their own pro-European Union rhetoric of the previous months. In this respect, and regardless of his motives, Craxi, in pursuit of the stated aim of the Italian Presidency, an IGC, outmanoeuvred everyone.

The great majority of reports on the eve of the Milan Council and indeed following the first day of the Council's proceedings were confidently predicting a compromise formula more closely aligned to the minimalist position promoted by the U.K. It would appear that this compromise would involve immediate agreement on the British proposals for decision-making in the Council of Ministers, and an agreement to convene an IGC with a strictly defined and limited mandate of examining modifications to the existing Treaties, rather than the full-blown negotiation of a new Treaty advocated by the maximalist camp. However, it seems that agreement on this compromise, which would have the advantage of 'immediate decisions' and the fulfilment of the primary aim of the Italian Presidency, an IGC, was undermined by the Greek Prime Minister Mr. Papandreou who refused absolutely to discuss further institutional reform if the Italian Presidency retained its insistence that an IGC be convened. Faced with this threat to the prestige and domestic credibility of the Italian Presidency, which had hung its colours very firmly to the mast of an IGC, Craxi took the totally unprecedented step of asking for a vote on the convening of an IGC

Thus from a position where it would appear that a limited compromise was likely, the agenda of the Council suddenly shifted to the simple question of Yes or No to an IGC, at which time the French and German support for 'immediate decisions' evaporated.

In pressing the issue to a vote Craxi was on reasonably safe ground in so far as the acquiescence of France and FRG were concerned. Craxi was only too well aware that Kohl and Mitterrand were undergoing a period of domestic vulnerability, and that both were very sensitive of their 'European' reputations. Thus Mitterrand and Kohl had backed themselves into a corner with their own rhetoric, and were very simply astute enough not to make common cause with the devil by voting with the British, who had for years been the convenient scapegoat for all of Europe's ills, a role previously held by the France of de Gaulle.

While Craxi's tactic was a personal success, the actual mandate of the IGC agreed by the Member States (including Britain) under the auspices of the Luxembourg Presidency, was in line with the limited and strictly defined compromise on the table prior to the vote on the IGC, and also with the broad outline of the Dooge Report. It can therefore be argued with some justification that the **Howe Plan** was a relatively successful exercise. Although unsuccessful in its aim of avoiding an IGC, it can claim to have played a significant role in re-defining the Community agenda towards the minimalist view. Indeed following the Milan Council, work began on initiating 'pragmatic' changes to the decision-making procedure in the Council of Ministers prior to any conclusions from the IGC

However, regardless of the actual events, the lasting impression of this period is of the U.K, along with Denmark and Greece, marginalised by the vote of the Milan Council. Both France and FRG emerged from Milan with their 'European`

credentials intact and enhanced, whilst the British had simply reinforced their negative image. This in diplomatic terms was unnecessary. Whilst it may be more apparent in hindsight, it should have been obvious to the British delegation, given their previous contacts with, and the recent actions of Paris and Bonn, that irrespective of their actions in voting for an IGC, France and FRG were not in the market for the full-scale institutional reform so feared by the British. Indeed once down to the real business of negotiation, the positions adopted by the French and German negotiators were on the whole very similar to those of the British. Voting for an IGC was simply a matter of presentation, of playing the 'European' game of perceptions and image. Milan was a lost diplomatic opportunity to remedy the generally negative perception of Britain in the Community.

Although in some respects this chapter may appear to diverge from the main themes of the thesis, some attention to the issues discussed above is vital for a greater understanding of where the various EPC proposals fit into the wider context of the factors leading to the Single Act negotiations. In this respect this chapter offers an interesting insight into the negotiating strategies of the major actors. In so far as the various proposals in the sphere of foreign and security policy are concerned, one can observe these proposals as negotiating tools to achieve other aims. Previous chapters have focussed on the pressures leading to the re-emergence of the 'European' defence debate, and the initial attempts to provide an institutional framework for this debate. In this brief three-month period we can observe these same ideas and proposals employed with the specific aim of avoiding an IGC with wide terms of reference and in consequence the avoidance of major institutional reforms.

Notes

1.   Bulletin of the EC 7/8 1985.

2.   Dooge Report. p.32.

3.   See Daniels, P. 'Italy: The Rhetoric and the
      Reality: Champions of the European Communities or
      Verbal Europeanism ?' pp.105-53 in Daniels,P. &
      Ritchie,E. Relaunching the European Communities:
      The Responses of   Britain, France and Italy to
      proposals for Institutional reform of the
      Communities in 1985. (1989 Unpublished).

4.   Preliminary Draft Mandate for an Intergovernmental
      Conference (21-5-85). Reproduced in Europe:
      No.ns.4093.   Also Daniels, P. (1989) pp.143-4.

5.   Preliminary Draft Mandate for an Intergovernmental
      Conference (21-5-85).

6.   Preliminary Draft Mandate for an Intergovernmental
      Conference (21-5-85).

7.   Dooge Report p.32.

8.   The Howe Plan. Reproduced in Europe: Weekly Report:
       No.1139.

9.   Dooge Report. p.27.

10.   Europe : Weekly Report. No.1139.

11.   Europe : No.ns.4114.

12   F.O. Official. Interview: 1992.

13.   F.O. Official. Interview: 1992.

14.   Howe, G. Resignation speech to the House of Commons
      (13-11-90). Reproduced in The Times (14-11-90).

15.   Europe: Weekly Report. No.1143.

16. Daniels, P. 'Italy Rhetoric and the Reality' (1989), pp.139-40 .

17. Europe: Weekly Report. No.1145.

18. Europe: No.ns.4028.

19. Europe: No.ns.4096.

20. Europe: No.ns.4096.

21. Europe: No.ns.4109.

22. Europe: No.ns.4112.

23. F.O. Official. Interview: 1992.

24. Ingham, B. The Times: 1-7-85.

25. Europe: Weekly Report. No.1145. See also The Times: 1-7-85, The Financial Times: 1-7-85.

26. See Chapter 3, pp.123-4.

27. Debates of the European Parliament 25-5-84 Nos.1-314/285-263.

28. Europe: No.ns.4109.

29. Europe: No.ns.4111.

30. Europe: No.ns.4041.

31. Europe: No.ns.4109.

32. See Chapter Six.

33. Europe: No.ns.4110.

34. F.O. Official. Interview: 1992.

35. F.O. Official. Interview: 1992.

36.   Europe: No.ns.4118.

CHAPTER SIX

THE SINGLE EUROPEAN ACT NEGOTIATIONS

Having had the 'baby' of the Milan Council thrust upon them in the final act of the Italian Presidency, the Luxembourg Presidency set about the business of establishing a definite mandate and timetable for the IGC. Meeting in the General Council on 22-23 July 1985, the Foreign Ministers unanimously agreed to the mandate set before them by the Luxembourg Presidency and formally convened the Intergovernmental Conference. Britain and her partners in opposition to the convening an IGC were brought on-board with the guarantee that what would be negotiated would be revisions to the present Treaties. There would be no new Treaty.

> "The Ministers for Foreign Affairs instruct a Working Party to prepare its proceedings concerning the revision of the Treaty. Each Member State will appoint its representative to the Working Party. The Chairman will be designated the President of the Conference."[1]

This Working Party was in fact made up of the Permanent Representatives of the Member States in Brussels and chaired by Mr.Dondelinger, Secretary-General of the Luxembourg Foreign Ministry. In the usual fashion the Working Party became known as the Dondelinger Group. In so far as European Political Co-operation is concerned the Foreign Ministers instructed EPC's Political Committee to draw-up a 'draft treaty', 'on the basis in particular of the Franco-German and United Kingdom drafts concerning political co-operation with a view to a common foreign and defence policy.'[2]

It is interesting to note that this instruction to the Political Committee was given in the context of a decision of the Council of Ministers, within the jurisdiction of the Community Treaties, in which EPC had no formal status. Whilst there may be an interesting legal point to consider here, the inclusion of EPC in the framework of the IGC can be regarded as something of a 'first-round' victory for

the Commission, who in the face of some opposition, had pressed the case for both the **'Unicite'** of the Treaty and of the Conference.

> "If there is a genuine desire to move towards European Union, it is imperative that the two areas of activity be combined. ... . Realistic conditions for osmosis between economic, social, financial and monetary affairs on the one hand and foreign policy on the other must be established. ... . If Community and political co-operation activities are to remain in a single institutional framework, it is essential that a single conference deal with both."[3]

Thus although the Foreign Ministers had established two distinct and separate groups to work through the Conference agenda, their conclusions would be considered together by the IGC, which, in its formal guise met at the level of Foreign Ministers.[4] However, while the Commission was successful in convincing the Council of Ministers of the need for a unified Conference, there was considerable doubt that the conclusions of the IGC would be embodied in a single document. Indeed the form of words found in the EPC aspects of the Single European Act would suggest that the Political Committee had worked on the assumption that what they were drafting was a conventional, and entirely separate Treaty document.

The Foreign Ministers set themselves the deadline of submitting their conclusions to the Luxembourg European Council scheduled for 2-3 December 1985. Given the range of issues to be discussed by the Conference, in particular the issues within purview of the Dondelinger Group the IGC would need to set a cracking pace in order to complete its work. But in the context of the issues to be discussed by the Political Committee, which also included the text of Title One of the Single European Act, there was less need for intense and fevered discussion. According to one participant,[5] the Political Committee, whilst focussing their efforts on the task of formulating a Draft treaty did not need to convene specific meetings to discuss the Treaty texts under consideration. The work on what was to become Title 3 of the Single European Act took place largely within the confines of the regular monthly meetings of the Political Committee. In addition there were the normal ad hoc meetings of the Political Committee that would take place in the

margins of other meetings at which the Political Directors were present such as the quarterly meetings of the Ministers for Foreign Affairs. There would also be regular bilateral contact between the various Political Directors via telephone and by personal visits to the various capitals, usually undertaken by the Political Director of the current Presidency team.

The reason for this lack of urgency among the Political Committee was very simply that most of the spade-work in this area had been done in the form of the U.K. and Franco-German drafts on Political Co-operation. What remained was to discuss and resolve the areas of difference in what (with one notable exception) were very similar texts.

Forming as they do the basis of negotiation for the final provisions of Title 3 it is necessary therefore to examine the texts in question, the British **Draft Agreement on Political Co-operation** and the Franco-German **Draft treaty of European Union**. Given the great similarity between the two texts it would be unnecessarily repetitive to examine both drafts article by article, this examination will therefore focus on the British draft agreement and will then proceed to draw out the major points of textual difference between this draft and the Franco-German draft.

The Draft Agreement on Political Co-operation

The **Draft Agreement on Political Co-operation** was submitted to the meeting of Community Foreign Ministers at Stresa on 8-9 June 1985. Although a self-contained text it formed part of the **Howe Plan**, a package of British proposals which had as its underlying objective, forestalling the convening of a IGC, which it was feared would lead to radical and unnecessary institutional reform. However, regardless of the underlying aim of the Howe Plan, the Draft Agreement on Political Co-operation was generally regarded as providing a firm basis for discussion.

Although the text is not designated a 'draft Treaty', the document is presented in the traditional Treaty format, containing a Preamble, nine Articles and three Annexes. The reasoning behind the reluctance to give their document treaty status can be attributed to the wish on the part of the British to avoid the trials and tribulations of ratifying a 'European' treaty in Parliament, as in the case of the 1983 **Solemn Declaration on European Union**, though as Nuttall has pointed out, this would not have been the case for all Member States had the Draft Agreement remained an 'Agreement'.[6] In addition the Foreign Office in formulating the document had in their calculations to take into account the limits of what Prime-Minister Thatcher would find acceptable. It should also be recognised that the avoidance of legally binding ties in favour of a pragmatic approach, forms an integral part of Foreign Office and British constitutional practice in general. Indeed this is an aspect of the British position recognised by Ripa di Meana in attempting to persuade the U.K. to accept the necessity of binding institutional change.

> "...in this country (the U.K.) politics do not so much concentrate on the desirable than on the necessary. It is my intention to show that the gap between the desirable and the necessary is narrower than people think."[7]

Regardless of the traditions of British political culture, the events of Milan and the mandate of the Luxembourg presidency had placed the British in what at the outset had been the situation they had sought to avoid, that of participation in an IGC. Though paradoxically, particularly in the case of EPC, they found themselves in a position of unaccustomed strength in the context of European negotiations, that is to say, negotiating a draft Treaty based largely upon their own Draft Agreement.

In content the Draft Agreement on Political Co-operation contains no surprises; it is not by any stretch of the imagination a radical document. It is, with one notable exception, a codification of the accumulated rules and practices of European Political Co-operation. The issues surrounding the question of EPC codification have of course been examined above.[8] However, in the context of this

debate, given that the pragmatic approach advocated by Mr Moller was also closely associated with, and advocated by the British, it is relevant to question whether or not the decision to submit the Draft Agreement on Political Co-operation represents a reversal of the British position on the approach to Political Co-operation.

Notwithstanding the pressing need to present a more positive profile of Britain in the Community, the justification and aim of the codifying exercise was, according to British Officials, not to set EPC in stone but rather to provide a basis for further development.[9] Indeed any lengthy discussion with British participants in the framework of Political Co-operation invariably reveals a genuine commitment and attachment to the process of European Political Co-operation.

> "EPC is a very useful process. One that journalists never understood, because it did not come out with dramatic new proposals; Europe was not out there threatening to send planes to bomb Libya or wherever, that was all left to the Americans! They (the press) felt that things like the Venice Declaration on the Middle East were just pieces of paper; but what they never saw was the real work of EPC. ...and for those of us involved, we attached a great deal of importance to the process. I felt that it was making a quite significant contribution to one of the original objectives of the British in joining the Community; and that was to find a way of expressing Europe's collective interests in an effective way, and although there were lots of areas we did not cover, defence for instance, there were some areas where EPC was quite something."[10]

Thus whilst the decision of the British Government to submit proposals to codify EPC was based to a large extent on an attempt to head-off the possibility of an IGC, the British commitment to the flexibility of the EPC process remained strong. As the examination of the Draft Agreement will show, there was no attempt to close-off the capacity of EPC to do 'something that it makes sense to do'.[11] The alternative side of this lack of restriction can also be viewed as means of ensuring that the capacity of Member States to act independently of their partners in EPC remained unimpaired. Indeed in submitting the draft for Prime Minister Thatcher's approval, retaining this capacity was regarded as essential if the document was to gain the Prime-ministerial nod!

> "We were very much constrained by what Margaret Thatcher would live with, and she would live with very little ! The draft that we put forward to her was sold to her on the basis that it did not actually add

anything to what had been done already; it simply formalised it, and she was prepared to live with that. If it had added to any significant degree of co-operation, or an additional role for the Commission, or a constraint on Britain's foreign policy dealings she would not have agreed."[12]

It can therefore be suggested that what was presented in the Draft Agreement on Political Co-operation was not the desirable nor the necessary, but rather the acceptable.

The Text of the Draft Agreement

Article One outlines the objectives of the agreement and thus the objectives of EPC. What is immediately apparent is the continued reticence of the British to make definite and binding long-term commitments in this area. While many take the view, and indeed many documents support the view, that the long-term objective of EPC is to create a common foreign policy, this document fails even to contemplate the possibility of such an outcome, confining itself to the objectives of '...regular consultations and exchanges of information... the alignment of their positions and particularly joint action.'[13]

Although joint action may suggest the possibility of a common policy it still falls short of such an aim and in reality simply conformed to the then current practice of EPC, thereby confirming the document as a consolidation and codification exercise. In addition it can also be seen to be something of a retreat from the objective of the 'systematic formulation and implementation of a common external policy'[14] agreed by the majority of the Dooge Committee including Prime-Minister Thatcher's personal representative, Mr Rifkind.

However if we are to locate the source of this hesitancy on the part of the British draft, we are again returned to their difficulty of the acceptability of the text to Prime Minister Thatcher, of what the P.M 'would wear'. In this case it would appear that the Prime Minister simply would not wear such a clearly stated objective. Indeed it was confirmed that the wording of the objective of EPC in the Title 3 of the Single European Act was a particularly difficult aspect of the

negotiation and also the last issue to be resolved. Central to this difficulty was Prime Minister Thatcher's strident opposition to the formulations proposed by other Member States, which in the view of Thatcher suggested a level of commitment and constraint Britain was not prepared to accept.[15]

Article Two is a four-part article outlining the areas in which EPC should operate. Again these 'areas of activity' are nothing more than a consolidation of EPC rules and practices, the most notable aspect in the context of this thesis being the commitment to 'consult on all important questions of Foreign Policy including the political and economic aspects of security'.[16]

This in itself was by no means a breakthrough. The commitment to consult on the 'political aspects of security' having being made in the **London Report** of 1981, followed very quickly by the commitment to extend this to the 'political and economic aspects of security' in the 1983 **Solemn Declaration on European Union**. However, this aspect of Article Two should be read in conjunction with Article Eight which deals with the specifics and extent of this commitment. In essence Article Eight is a distillation of the recommendations of the Dooge Committee's report in the sphere of defence and security.[17]

Given the absence of any reservations to this aspect of the Dooge Report on the part of Mr Rifkind, it can be therefore be suggested that its recommendations represent a reasonably accurate reflection of the extent to which the British were prepared to travel on the defence and security road. Thus the lack of ambition and innovation evident in Article Two cannot be attributed to British reluctance to address this issue, but rather is a reflection and recognition of the difficulties presented by the 'foot-note countries'. Article Eight thus presents the possibility of an escape route for those Member States prepared to move beyond the restrictive formula of the 'political and economic aspects of security'.

> "The Member States agree that closer co-operation on security matters is an essential component of the effort to develop Europe's external political identity. The aim of such co-operation shall be to maximise the contribution which Member States can make to the objectives of the organisations specifically established to guarantee

Western Security, in particular the North Atlantic Treaty Organisation and Western European Union."[18]

Although not explicit, the inference that can be gleaned from this paragraph is the possibility of employing other institutional frameworks for the realisation of 'European' defence and security ambitions. Thus, by virtue of WEU's reactivation, the divisive potential contained in the defence and security issue can be seen to have been neutralised. Indeed, as argued above[19] the WEU's reactivation was in many respects a direct consequence of the frustration of the majority of Member States at their inability to widen the remit of EPC beyond the 'political and economic aspects of security' in the face of the resistance of the 'footnote countries'. However, in keeping with the U.K.'s strong attachment to NATO and the Atlantic Alliance, any intensification of security co-operation is subordinated to the overarching presence of the Atlantic Alliance.

Article Three is an extremely brief article subordinating the work of EPC to the European Council and may be accorded the character of an 'iceberg'. Its bulk lay below the surface in the form of the referral to Annexes.

> "The work of European Political Co-operation shall be carried out under the general guidance of the European Council. The structure is set out in Annexes 1 and 2, which may be amended by unanimous agreement."[20]

Annexes One and Two are actually of equal length to that of the nine Articles of the Draft Agreement. Annex One under the self-explanatory heading; **The Structure of Political Co-operation** is a nine-paragraph section outlining the mechanics of the Co-operation machinery. Paragraphs **A** to **F** are simply a re-statement of the then current procedures of EPC, and can be located in the various EPC reports. For example, paragraph **C** outlining the frequency of Foreign Ministers' meetings[21] has its antecedents in the 1973 **Copenhagen Report**.

> "Henceforth, the Foreign Ministers will meet four times a year. They may also, whenever they consider it necessary to consult each other on specific subjects between meetings, meet for that purpose when they happen to come together on other occasions."[22]

In the context of this thesis the most notable aspects are found in paragraphs **G** and **H** of Annex One.

> " The Presidency shall be assisted by a small Secretariat based in the main place of work of the Communities. The office space and services shall be provided by arrangement with the Council Secretariat. The Head of the Secretariat shall be appointed by agreement among the Member States."[23]

In providing for the creation of a Permanent Secretariat the Draft Agreement returns to one of the most contentious and sensitive areas of the whole 'European Union' debate. The formulators of the Draft Agreement were of course well aware of the sensitivity of the issue in question, and were at pains to ensure that their intentions in proposing a Permanent Secretariat were not misunderstood. Indeed the specific reference to a 'small secretariat based at the main place of work of the Communities', was deliberately designed to deflect two of the issues, size and location, which were to re-emerge with the submission of the Franco-German draft treaty. In addition, Annex Two entitled **The Functions of the Political Co-operation Secretariat** makes it abundantly clear that the structure proposed would be a purely subordinate body, whose task would be to provide little more than administrative support.

> "The Secretariat shall:
> (a) Advise the Presidency as necessary of the conduct of Political Co-operation, in particular on maintaining coherence between the external policies of the Communities and the policies agreed in European Political Co-operation; (b) provide support for Political Co-operation meetings - including as necessary the preparation of texts, keeping of records and preparation of conclusions; (c) assist the Presidency in the preparation of texts to be issued on behalf of the Member States including replies to European Parliament questions; (d) keep a Political Co-operation archive; (e) prepare, and update as necessary, a full codification of Political Co-operation rules and practices."[24]

In mapping out the role and function of the Secretariat the Draft Agreement rests on reasonably secure ground, and simply reflects and amplifies the majority viewpoint found in the report of the Dooge Committee.[25] Thus once again the Dooge report finds itself as the most useful of reference points for any study of the Single European Act and of the negotiating positions of the Member States.

Negative reaction to the British proposal for a Permanent Secretariat was limited, and largely confined to the President of the European Commission, who

saw in the British proposal for a Permanent Secretariat a potential rival to the Commission, precisely the argument used during the Fouchet period in opposition to the proposals for a Political Commission.

> "We refuse a Community of two pillars, one economic and the other political, for one cannot separate the two aspects, or reduce the Commission's role in external commercial policy or create institutional rivalry. The creation of a second pillar would be a fundamental mistake; the Commission as a whole is opposed to it. If one needs a secretariat for political co-operation, it must be entrusted to the European Commission itself, which will know how to exercise it with discretion and competence."[26]

It should perhaps be noted that the comments of the Commission President were made prior to the submission of the Franco-German **Draft Treaty on Political Union**. Following the submission of the Franco-German draft which contained proposals for a large and active Political Secretariat, those involved in the IGC report little or no objection from the Commission to a secretariat based on the British model.[27]

In respect of the major themes pursued throughout this thesis there is little else of note contained within the text of the **Draft Agreement on Political Co-operation**. With respect to what could be described as one of the secondary themes pursued throughout this thesis, that of the status of the Commission in the Political Co-operation framework, Article Four appears to reduce the status of the Commission within EPC.

> "..., unless in any particular case all Members agree to the contrary, the Commission shall be invited to all meetings of Political Co-operation."[28]

Although it may be regarded as a relatively minor point to make, the fact that since the 1981 **London Report**, the Commission had attended all meetings of EPC as of right, this apparently positive proposal represents a diminution of the Commission's status, containing as it does the possibility of exclusion from meetings of Political Co-operation. This perhaps reflects Prime Minister Thatcher's antipathy towards the Commission, as an institution which should at every turn be curtailed, and undermined.

All-in-all, the **Draft Agreement on Political Co-operation** is a truly unremarkable and uncontroversial document, it does not in any sense purport to be anything other than a codification exercise. The same cannot be said of the Franco-German document accompanying the U.K.'s Draft Agreement to the IGC

The Draft Treaty on European Union

Presented on the very eve of the Milan European Council, the Franco-German **Draft Treaty on European Union** was the surprise package of the Council, and also the source of great anger and suspicion. These reactions were based largely on the timing of the submission and of its content. The speculation surrounding the timing of the submission has been discussed elsewhere,[29] what follows is an examination of the relevant content of the proposals.

The first point to make is the discrepancy between its title and content. Styling itself a **Draft treaty on European Union**, and employing the aspirational language so often associated with Community documents, the Preamble of the Franco-German document attempts to place itself on the same footing as the Community Treaties and offers the impression that what is to follow is an all-embracing Treaty of European Union.

> " - moved by the will to continue the work begun on the basis of the Treaties setting up the Communities and to transform without delay the whole of the relations among their States into a European Union, ...resolved to implement European Union through, on the one hand, the European Communities operating through their own rules and, on the other hand, Political Co-operation among the States Signatory, and to provide it with the necessary means of action,..."[30]

The fiction of an all-embracing document is however very swiftly shattered in Article 1 of the Treaty proper in which a much more limited objective is sought, that of 'the progressive implementation of a European foreign policy'.[31] Indeed in reaction to the submission of the Franco-German document, British spokesmen were at pains to allege that '90% of it was taken from the British proposal on Political Co-operation'.[32]

It was also pointed out by British spokesmen that, in some areas such as the voting procedure in the U.N., the British Draft Agreement was more ambitious than the proposals of the Franco-German document.

On first impressions Article One appears to be an area where, in comparison to the U.K. draft, one could identify a more positive and forward-looking approach to the long-term aims of EPC. The use of the phrase 'European foreign policy' when compared to the circuitous phraseology of the U.K. draft's objectives of 'regular consultations and exchanges of information etc',[33] immediately sets an aspirational tone. Whilst it can be accepted that the tone of a document such as this can in some respects be as vital as the content, it should also be recognised that in the context of Community-related documents, a great deal of energy is often expended in pursuit of a phraseology acceptable to all Member States, resulting in a situation in which very often, ambiguity is all.

In this respect the phrase 'European foreign policy' is a case in point. It can be taken to mean everything and nothing. Does it imply the pursuit and implementation of common policy, common positions, joint action, common action etc? Article 2 holds the answer to this question in a form of words which in effect places the aspirations of the nascent 'European Union' on the same level as the commitments made by Article 1 of the U.K draft, that is to say joint action and common positions.

> "1. The Signatories undertake : - to consult and inform each other on a regular basis on all important questions of foreign policy of importance to them all. - to achieve among themselves a wide identity of points of view and to harmonise their positions with a view to joint actions in international relations. 2.- Such consultations will take place before the signatories take up their final position. 3.- The fixing of common positions will constitute a reference point for their policies. In order to widen this area of activity, they will continue to identify progressively the principles, interests and objectives they have in common."[34]

The pursuit of a Common foreign policy does not appear at this stage to be on the Franco-German agenda.

Article Eight is a four-paragraph article dealing with security issues, and covers much the same ground as the corresponding Article in the U.K. draft. In some respects this Article is more restrained than its U.K. counterpart, while in others it makes explicit the implicit intimations of the U.K. draft. In this respect the most relevant aspects are the references to the WEU. Whereas the U.K. draft identifies NATO and WEU as the appropriate bodies for European security co-operation, intimating in a rather heavy-handed manner that EPC's potential role in this sphere has become peripheral and secondary as a consequence of the objections of the 'footnote' countries, the Franco-German draft explicitly creates the possibility, in the security sphere, of the development of a two-speed Europe or Europe of variable geometry, providing that ...

> "Those Signatories who wish to co-operate more closely in the field of security will do so in the Western European Union, respecting the role of the Alliance and their specific situation and strategies within it."[35]

Although paragraph 3 of this same article opens the future possibility of extending security co-operation beyond the confines of WEU and of extending its present membership, this represents a clear signal of French and German impatience with the limitations of EPC and of their preparedness to abandon EPC as the preferred vehicle for the further development of 'European' defence ambitions.

Article Ten, along with Article 11, provides by far the most contentious aspect of the Franco-German draft, the creation of a Secretariat-General under the direction of a Secretary-General.

> "The Presidency of Political Co-operation will be held by the Signatory State which holds the Presidency of the Communities. It will be assisted by a Secretariat-General of the Council of the European Union permanently installed in the main place of work of the Community."[36]

Although the U.K. draft and the Dooge Report both propose the creation of a Permanent Secretariat, their proposals are clearly intended to ensure that any Secretariat is restricted to a purely supportive, administrative role, and crucially under the control of EPC. Fully aware of the sensitivity of this issue, the U.K.

draft consigned the proposals for the Permanent Secretariat to the confines of an Annex of the Draft Agreement proper, thus denying the Secretariat any sense of independent institutional status. The Franco-German draft, however, places the status of the Secretariat on an entirely different footing. While the Secretariat of the U.K. draft can be seen to be a creature of EPC, the Secretary-General of the Franco-German draft enjoys the status of being the Secretariat-General of the re-named European Council; the 'Council of the European Union'. While it recognised that the draft provides that the Secretariat-General will be under the direction of a Secretariat-General, specifically charged with responsibilities to EPC[37] the potential for the expansion of the role and function of the Secretariat-General is evident. Suspicion that such an expansion was in the minds of the formulators of the Franco-German draft, was to an extent borne out in the submission by the French of an **Act of European Union** at the November meeting of the IGC, a draft which in consolidating EPC and the Community Treaties provided that ...

> "The Council of the European Union shall be assisted, in as far as necessary by a Secretariat (executive, permanent, general)...."[38]

The fate of the French **project for a European Union** will be discussed below. However, while the form of Secretariat proposed by the French **Act of Union** can be traced to its predecessor, the Franco-German **Draft Treaty on European Union**, the antecedents of the Secretariat-General and its accompanying Secretary-General are located very firmly in the Fouchet proposals of 1961-62.

The 'Secretariat-General of the Council of the European Union' had its direct counterpart in the Fouchet proposal for the creation of the institution of a 'European Political Commission'. Although the status of the Political Commission within the institutional frameworks outlined by the various Fouchet Plans was the subject of slight variation, there is little doubt that the Secretariat-General of the Franco-German draft bears the mark of Fouchet.[39] It is notable however that the inclusion of the office of Secretary-General in the draft Treaty proposed by the

'Five' was of German origin, and was very strongly opposed by the French delegation, whilst the delegations of the Netherlands and Luxembourg preferred not to commit themselves either way on the question of a Secretary-General, a point made clear in the explanatory report accompanying the final Joint Draft of the Fouchet Committee.[40]

However, to return to the Franco-German **Draft Treaty on European Union**: although not given the specific guarantees of independence outlined by the draft of the 'Five' in the Fouchet negotiations[41] the status of the Secretary-General proposed by the Franco-German draft did accord the Secretary-General a potentially high profile.[42] Though it is unclear whether or not the office of Secretary-General would be allowed to develop a significant autonomous executive role or whether it would simply be a figure-head which remained the creature of the Council of the European Union.

In proposing the creation of an overarching Secretariat , the Franco-German draft had once again raised the spectre of Fouchet and with it the objections that had accompanied the proposals for a Political Commission. These objections had centred around fears for the rights and jurisdictions of the Community institutions, in particular the European Commission.[43] In this respect, and basing his opposition on the threat to the 'unity of the institutions' the President of the European Commission, Jacques Delors, was at the forefront of opposition to the proposals, using every opportunity to voice his concerns, which were initially directed towards the British proposal for a small Permanent Secretariat, and were intensified on the submission of the Franco-German proposals.

> "...we arrived in Milan with the idea of maintaining the unity of the institutions; hence our hostility to any political secretariat outside the existing Community institutions. Why ? Not out of any petty jealousy of our perogatives but simply because it was necessary to avoid two risks in future: the first is the possibility of a clash between two institutions which had to draw a line, on what basis I know not, between on the one hand economic and social matters, and on the other hand, political issues; the second risk is that one day, if agreement could not be reached on how the Community should be developed, some States might be tempted - as they already have been

- to opt for political co-operation instead of dealing with the real problems of the Community."[44]

Although virtually alone in his blanket opposition to the creation of any form of permanent administrative support for EPC, in so far as opposition to the Secretariat-General of the Franco-German draft is concerned, Delors could count himself, and the Commission, in the majority camp, indeed there was universal opposition to the Franco-German proposals in this area, confirming the continuing sensitivity of this particular issue.

As for the remaining Articles of the Franco-German **Draft Treaty on European Union** there is little to note. They amount to a codification of the rules and practices of EPC, and with the exception of the Secretariat proposals differ only in minor textual variations from the British **Draft Agreement on Political Co-operation**. Thus the discussions of the Political Committee in the context of the IGC would inevitably revolve around a limited number of issues; the objectives of EPC, the security mandate of EPC and the creation of a Secretariat. Indeed even within the context of these issues there was really only one substantive issue, that of the Secretariat, the other two being a question of gaining agreement on the particular wording of the final proposals.

In addition to the British and Franco-German drafts there were two other submissions for the Political Committee to consider. The first of which was submitted by the Dutch on 26 July 1985, the second an Italian draft was presented on 13 September 1985. Both texts are presented in draft treaty form, and are in effect revised and amended versions of the U.K. and Franco-German drafts. Below are the textual details of the relevant articles.

Article One of the Dutch draft, in stating the aims of EPC, employs the text of the Dooge Report 'The objective of EPC must be the gradual implementation of a common external policy'.[45] Article One of the Italian draft meanwhile, calls for 'the systematic formulation and implementation of a common foreign policy'.[46] Thus both texts, though not radical departures, are a little more adventurous and more specific than their U.K. and Franco-German counterparts.

Article Eight deals with the security mandate of EPC. Both the Dutch and Italian versions of this article rely heavily on the text of the Franco-German draft with a number of additions which serve to strengthen the commitment to security co-operation. The Dutch draft in particular is almost identical to the Franco-German draft, the only difference of note being the omission of the reference to the 'political and economic aspects of security'. The Dutch draft replaces this reference with a general commitment to 'Increase co-ordination of their positions in the field of security',[47] rather than the restrictive formula of the Stuttgart Declaration.

The Italian version of Article 8, again using the Franco-German text as its base offers a more detailed outline of the commitment to security co- operation, encompassing elements of the recommendations of the Dooge Report and the Rome Declaration. However, while the Italian draft's proposals in this area are more detailed than the corresponding articles of the other drafts under consideration, it does not in any sense depart from the overall emphasis of closer security co-operation and the possibility of employing 'other forums' to pursue European security ambitions.[48]

On the crucial and sensitive issue of a Permanent Secretariat, the Dutch draft deals with these aspects in an Article 10, while the Italian draft employs the British formula of Annexes outlining the 'Structure of Political Co-operation' and the 'Duties of the Secretariat of Political Co- operation'. Although the Dutch draft uses the text proper to deal with this issue it in no sense replicates the proposals of the Franco-German draft. In a four-paragraph article outlining the structure of Political Co-operation, a single short paragraph is given over to the provision of a purely administrative permanent secretariat. Leaning heavily on the circumspect proposals of the Dooge Report and the U.K. draft, the Dutch text is arguably even more tentative, thus reflecting the long-standing Dutch suspicion of a political secretariat.

> "A Secretariat, based in the main place of work of the Communities,
> shall assist the Presidency on administrative matters and the

preparation and implementation of the political work of European Political Co-operation."[49]

In the case of the Italian draft, the Annexes dealing with the form and functions of the Secretariat are almost identical to those found in the British draft. In Annex 1 'The Structure of Political Co-operation', the only difference in respect of the Secretariat is a slight elaboration of the mandate of the Head of the Secretariat and of the size and form of the Secretariat.

> "...he (Secretary-General) will have a mandate for... number of years. The core group of officials of the Secretariat will be composed by the Troika of Political Co-operation extended to five Presidencies."[50]

Similarly the only change made to Annex 2 of the British draft by the Italian version is a slight elaboration of paragraph **A** on the issue of coherence and reflects the Italian pre-occupation with enhancing the role of the Community institutions vis-a-vis EPC.

> "It will (the Secretariat) ... ensure close co-operation with the Commission and the European Parliament, as well as links with the Council Secretariat in relation to European Political Co-operation."[51]

With respect to the status of the European Commission in EPC, the Dutch draft deals with this in Article 3 stating simply that, 'the Commission will take part in the proceedings of Political Co-operation'.[52]

The Italian draft covers the status of the Commission in Article 4 dealing with coherence between the external policies of the Community and the policies established in EPC, as do the British and Franco-German drafts. Again the Italian draft differs only in its elaboration of the relationship between the two areas, rather than in any substantive difference with either the U.K. and Franco-German texts.[53]

Thus with four very similar drafts before them, excepting of course the highly contentious aspects of the Franco-German draft, the bulk of the Political Committee's work in the context of the IGC had been done. What remained was largely a question of ironing out the textual nuances in a form acceptable to the more pedantic of the Member States, and of course, resolving the thorny issue of the size and nature of a Secretariat.

Within the context of the deliberations of the Political Committee it would appear that the most active and influential participants were also those who had made prior submissions to the IGC; the UK, France, FRG, Italy and the Netherlands. Indeed in this aspect of the IGC negotiations it is arguable that the British were the most influential participants. This can be attributed to the U.K. finding itself in that most unusual situation, of leading the majority view in opposition to particular aspects of Franco-German, and later to French proposals, which were anathema to the great majority of Member States and to the Commission. Indeed British officials involved in the negotiations confirm that their efforts in the negotiations were directed towards steering the discussions away from what they regarded as rather outlandish and ill-conceived proposals.

> "What we kept trying to do on the British side was to bring
> discussion back to what seemed a realistic basis, which for us was
> our own Treaty. And in fact the final version of Title 3 was not very
> far distant from our original draft. That was partly due to the fact
> that when we were in the chair we were able to steer things away
> from other undesirable Treaties."[54]

Whilst one can agree that the final version of Title 3 does resemble very closely the British **Draft Agreement on Political Co-operation**, it must be recognised that the perceived ability of the U.K. delegation to steer the negotiations towards the British viewpoint on certain issues was by no means an uphill struggle, they were for the most part attempting to convert the converted. One need only look to the Dutch and Italian drafts for confirmation of this. In addition Denmark and Greece were said by British officials to have played a very useful 'negative' role, in so far as their reluctance to consider any extension of EPC's mandate let alone support the creation of a large overarching secretariat, led them to stubbornly oppose any radical proposals for EPC,[55] thus leaving the Franco-German proposals for a Political Secretariat isolated.

Notwithstanding Franco-German isolation on the question of a Secretariat the **Draft Treaty on Political Co-operation** presented to the formal meeting of the IGC, on 19th November 1985 can, on the major issues discussed, be said to reflect

the weight of opinion found in all four drafts submitted to the IGC for consideration.

In considering the wording of Article 1, the Committee had four variations from which to choose. Ranging from the rather woolly British commitment to 'regular consultations and exchanges of information ...the alignment of their positions and particularly, joint action' at one end of the scale, to the more forthright and ambitious Italian objective of, 'the systematic formulation and implementation of a common foreign policy' at the other. The difficulty over the wording of this aspect of the November draft is reflected in the decision to submit an intermediate, compromise position. Opinion, as expressed in the four drafts clearly favoured a clear statement of objective, or at least the impression of clarity. This immediately ruled out the rambling British version as a feasible option. Equally the implications of the Italian 'common foreign policy' and the Dutch 'common external policy' were unacceptable to the majority. Thus the decision was taken, in typical Community fashion, to use the ambiguous Franco-German wording of a 'European foreign policy', with the added option of the Dutch text's 'external'.

> "The High Contracting Parties, members of the European Communities, set out as their objective the formulation and implementation together of a European external/foreign policy."[56]

Although this was to become something of a difficult issue, due mainly to the reservations of Prime Minister Thatcher (the Danish and Greek participants also had difficulties in this respect), the similarity of the **November Draft** to the corresponding article in Title 3 is demonstrative of the Political Directors' familiarity with the limits and restrictions placed upon their counterparts. The frequency of meetings between Political Directors either in the monthly meetings of the Political Committee of EPC or in the margins of other Community-related meetings is regarded by its participants as one of the greatest assets of the Political Co-operation framework. As a consequence the Political Directors have gained an intimate knowledge and appreciation of the aspirations and constraints of the their

partners. In this respect the negotiation of what was to become Title 3 was no different.[57]

Evidence of the almost entirely symbolic nature of the dispute over the precise phrasing of Article 1, can be observed in Article 2 which deals with the actual level of the commitment of Member States within the context of EPC. The result was a text which is a combination of all four submissions, and which in effect did not add substantively to the current level of commitment to EPC. It was simply a codification and consolidation of current practice and the limits of their aspirations.

> "The High Contracting Parties shall undertake (to provide solidarity in all areas covered by the present Treaty) to mutually inform and consult each other on all foreign policy matters of general interest in order to ensure that they can exercise their combined influence in the most effective manner, through consultation, convergence of their positions and the undertaking of joint action. Consultations shall take place before the High Contracting Parties decide on definitive positions. Each High Contracting Party ... shall fully take into account the positions of other partners, and duly consider the value of adopting and putting into practice joint European positions. ... Determining joint positions shall constitute a point of reference for the High Contracting Parties. ... "[58]

Given the record of opposition and obstruction to the development of EPC's security mandate among a number of Member States and the equal determination of other Member States to develop a 'European' security identity, most recently evident in the report of the Dooge Committee, one might well have expected the agreement of a joint text in this area to be one of the most difficult of hurdles to overcome. This however, was not the case. Agreement of the text of Article 8, was achieved with relative ease. Article 8, which is a three-paragraph Article, is based on the Franco-German text, which was also largely taken up by both the Dutch and Italian drafts.

> " 1. The High Contracting Parties believe that closer co-operation on European security questions is such as to make an essential contribution to the development of Europe's foreign policy identity. They are prepared to co-ordinate their positions to a greater extent on the political and economic aspects of security.
>
> 2.The High Contracting Parties are resolved to preserve the technological and industrial conditions necessary to their security.

> They are striving for this purpose both at national level, and, where indicated in the relevant institutions and bodies, including the European Economic Community. 3. The provisions of the present Treaty are not an obstacle to the existence of closer security co-operation between certain High Contracting Parties in the Western European Union and Atlantic Alliance."[59]

Agreement on this particular version of Article 8 presented no great problems for the British, who in the corresponding article of the U.K. Draft Agreement had expressed very similar aims in respect of increased security co-operation. The difference between the U.K. version of this article and the version found in the Franco-German draft lies mainly in the clarity with which the aims are expressed. This is particularly the case in respect of the paragraph 3 allowing for security co-operation in WEU and the Alliance. It was therefore possible for the British to bend to the will of the majority without actually adjusting their basic position on security co-operation. Indeed in accepting the Franco-German based form of wording, the British were able to effect a slight change of emphasis to paragraph 3. The Franco-German draft (para 2 art 8), while recognising the status of the Atlantic Alliance, emphasised the possibility of closer security co-operation in WEU. The version submitted by the Political Committee removes this emphasis, thus recognising British sensitivity over the status of the Alliance.

In explaining the absence of the spirited objections by the 'footnote counties' that had become the norm in this issue one can point to two differing but complementary developments. Firstly, as suggested above, one could argue that those Member States in favour of increased security co-operation had given up the EPC framework as a lost cause. In this respect, although all four submissions to the IGC offer the impression of forward movement they do not commit the EPC framework to move beyond the Stuttgart formula, realising that to go beyond this restrictive formula was to invite the objections of the footnote countries. Thus the references to the reactivated WEU sidestep direct confrontation over this issue by providing a possible escape route for those Member States who were willing and able to increase security co-operation.

Secondly the inclusion of the references to the WEU in the draft submissions to the Political Committee, can be regarded as a clear indication that the majority would no longer be frustrated by the reservations of three of the Community's smallest Member States. The implied threat within the various drafts was the promotion of WEU as the primary focus for foreign policy co-operation among the Member States. Thus by implication the devaluation of the EPC framework and with it the increased international influence realised by the smaller Member States as a consequence of their participation. Indeed Peter Bruckner, a Head of Department in the Danish Foreign Ministry, writing before the results of the IGC were known, acknowledged the message to be found in the reactivation of the WEU.

> "The revival of WEU did not pass unnoticed among the smaller Community countries outside WEU. ... .The Danish Foreign Minister saw the new developments as a signal to those Member States of the Community which so far have been hesitant to reinforce co-ordination on security policy issues within EPC. Moreover, the Danish Social Democratic Party - now in opposition but retaining a decisive influence on Danish security policy - seems to realise that countries like Denmark would be faced with a dilemma if the European security discussions were given better conditions of growth in a forum like WEU. Indeed, whether they accept such a development - or perhaps even welcome it with satisfaction - these countries would run the risk, over time, of being deprived of the opportunity to exert influence on the European security policy debate."[60]

The message was it seems received loud and clear by the 'foot-note countries', who given the absence of radical proposals within the EPC framework raised no serious objections to the references to WEU and the Atlantic Alliance.

The Political Committee, ever in search of agreement, were therefore able to reach compromise solutions on the form of words to be employed in the difficult areas of the 'objective' of EPC and its security dimension, with relative ease. The difficulties centred on semantics rather than substantive changes. This was not the case in that most sensitive of issues, the creation of a Permanent Secretariat. On this issue the Political Committee adopted the strategy of their predecessors in the Fouchet Committee. Unable to reach agreement they submitted two versions of the

Articles dealing with the proposals to create a Secretariat. The first version broadly reflected the structure envisaged by Annex 1 of the British **Draft Agreement on Political Co-operation** and that of the Dutch and Italian drafts, as well as the Dooge Report. The creation of a Secretariat was dealt with in the final paragraph of the first version of Article 10.

> "A secretariat set up in Brussels helps the Presidency in preparing and implementing European Political Co-operation activities and administrative questions. It operates under the Presidency's authority."[61]

Article 11 of the first version, dealing with the status of the Head and officials of the Secretariat ensures that the members of the Secretariat remain under the control of national governments by conferring upon them the same diplomatic status as that enjoyed by the Permanent Officials of the Member States working in the Community.[62]

The second version of Articles 10 and 11 are specifically designated as an 'Alternative version of Articles 10 and 11', thus indicating its minority status within the Committee. It is identical to the corresponding articles in the Franco-German Draft Treaty and seeks to establish an overarching Secretariat-General of the Council of the European Union, to be headed by a Secretary-General responsible for European Political Co-operation.

This alternative version is clearly a minority view. Opposition to the Franco-German proposals in this area was, as indicated above, universal. Evidence to support this is most evident in the drafts submitted by the U.K., the Netherlands and Italy. Add to this the strident opposition to such developments in the Dooge Committee on the part of the 'footnote countries', the opposition expressed by the Benelux countries on the submission of the Franco-German draft to the Milan Council,[63] and one is presented with a solid block of opposition to the Franco-German proposal.

It can also be speculated that although the German delegation continued to support the Franco-German proposals in this area, their support for what was

primarily a French draft was lukewarm. Evidence to support such speculation though limited and circumstantial is based primarily on the previously mentioned submission of an **Act of European Union** to the IGC by the French Foreign Minister M.Dumas on 19th November. This draft, which strengthened suspicions that the original Franco-German proposal for a Secretariat-General held the potential for infinite expansion, did not enjoy the status of being a joint Franco-German document, thereby suggesting that the hastily repaired Franco-German alliance of the Milan Council was not yet restored to its former stature. The coolness of Franco-German relations at this time can perhaps be gauged from the statement of the Catherine Lalumiere, the French Secretary of State for European Affairs, on the submission of the French draft.

> "There will be no Franco-German documents on this reform. ...France when it spoke of 'joint proposals' meant only work co-ordination and not necessarily the writing of a joint text."[64]

In addition, participants in the work of the Political Committee have indicated that the French and German representatives on the Political Committee, faced with the strong opposition from the other Member States, failed to mount a strong defence of their proposals for a Secretariat-General.[65] Given the potential influence that a fully mobilised and motivated Franco-German alliance could bring to bear on the outcome of any Community-related issue, one would expect that their combined strength would enable them to extract some kind of concession from their Community partners. Their failure to do so, and the extremely late submission of an unsupported Treaty draft does tend to suggest that the French were becoming somewhat isolated in their ambitions to create an overarching Secretariat-General. This is a view further reinforced by the ease with which the French draft was dropped by the Political Committee meeting later in November, when the French proposal was apparently 'disposed of without too much difficulty'.[66]

Given the strident universal opposition to the Franco-German proposals on this matter, the decision of the French Government to follow these with proposals

reinforcing those rejected by the majority is nothing short of bewildering, and leads one to question the objective of the French actions.

Could this be the long awaited 'surprising initiative' indicated by Mitterrand in February of 1985 ? One thing is sure: had this French draft been accepted it certainly would have changed the institutional balance of the Community, though not in the direction favoured by the federally-inclined supporters of the EUT who had placed so much faith in the French President. Although styled an **Act of European Union**, its similarity to the EUT lies only in its grandiose title. If anything it represents a step away from integration as it is understood by those in favour of increasing the role and jurisdictions of the 'supranational' institutions of the Community, and increases the jurisdiction of the Member States in those areas which were universally recognised, if sometimes challenged, as being the province of the Community institutions. In short this document is intergovernmentalist in design and intent. Given the advance notice of Mitterrand's preferences found in his much (mis)quoted speech, to the European Parliament[67] the content of both the Franco-German and French drafts should really have come as no surprise to those in the maximalist camp. Indeed their expectations of Mitterrand must be regarded as little more than wishful thinking.

Two possible explanations for French behaviour present themselves. Firstly was it as the Dutch Foreign Minister suggested inspired simply by 'presidentialism' on the part of Mitterrand?[68] Given Mitterrand's taste for the melodramatic last-minute grand gesture, this cannot be discounted. But why risk one's reputation on a project almost certainly doomed to failure?

Secondly the 'eleventh hour' circumstances of its submission and the content of the **Act of European Union** suggest that it would be possible to mount very similar arguments to those put forward with respect to the last- minute submission of the Franco-German draft to the Milan Council.[69] However, in the absence of substantive evidence to confirm or refute these explanations such an exercise would be purely speculative.

Whatever the motivation behind the French draft, its rapid rejection as a subject for serious consideration by the Political Committee clearly indicates the strength of opposition to the creation of an overarching Secretariat. However, notwithstanding the strength of opposition to the Franco-German Secretariat-General, the joint **November Draft** submitted by the Political Committee retained both versions of the Secretariat, suggesting that the Political Committee had abdicated responsibility for the final decision in this matter to their political masters.

The IGC had reached the home straight, and for the Political Committee at least, the race to the finishing line of the Luxembourg Council, scheduled for 2-3 December 1985, had become a canter. Their work, with the exception of semantic detail and confirmation of French acceptance of the form of Permanent Secretariat preferred by the overwhelming majority of the Member States, was complete. The issues outstanding, alongside a number of difficulties encountered by the Dondelinger Group, were left to the European Council to untangle. In the course of an intense Luxembourg Council devoted almost entirely to the conclusions of the IGC, they were largely resolved.

One issue to remain unresolved at the Luxembourg Council was the issue of the form in which the conclusions of the IGC would be presented. Although the IGC at the formal level of the Foreign Ministers of the Member States met as a single conference, at the level of Working Groups, the IGC was in many respects two conferences, working towards the realisation of two distinct goals, based on the Mandate agreed by the Member States at the Council meeting of July 22-23 1985. For their part the Dondelinger Group were concerned with issues relating to a 'revision of the Treaty'.[70] While the Political Committee worked and presented their conclusions based upon the instruction to prepare a 'Draft Treaty ... concerning political co-operation, with a view to a common foreign and security policy'.[71] Thus although the Commission in particular had from the outset lobbied very strongly for the results of the IGC to be enshrined within a single text,[72] and had successfully gained acceptance of the principle that a single Conference would

deal with both Community and EPC issues, there was no initial consensus on combining the results of the IGC in a single text. It was not until the meeting of Foreign Ministers on 16-17 December 1985 that textual 'unicite' was finally and unanimously accepted.

Credit for the final unified structure of the **Single European Act**, can arguably be claimed by both the Commission and by France. The Commission prior to the first meeting of the IGC had tabled a paper outlining their view on the framework within which the results of the Conference could be contained. This proposed framework made up of a preamble, a section dealing with common goals, and two self-contained Titles, one dealing with revisions to the Community Treaties, the other with Political Co-operation. Understandably, agreement on a final framework, prior even to the first meeting of the IGC, let alone agreement on substantive content, was regarded by many participants as rather presumptuous and was set aside.

Although rejected almost immediately on the basis of its content, the French **Act of Union** did attempt to unify Community and EPC matters within a single framework. When stripped of its contentious content it was identical in structure to that advocated by the Commission in their September paper, containing as it did a Preamble and three sections, the first, entitled 'The European Union' dealing with common provisions, a second section encompassing the Community Treaties and the third with EPC. Thus the paper presented by the Presidency and agreed upon at the Ministerial meeting on 16-17 December 1985 was based on the Commission framework and the basic structure of the French **Act of European Union**, stripped bare of the French insistence of a Secretariat at every turn. The **Single European Act** was born.

The Single European Act

The unified text is made up of a Preamble, four Titles and a Final Act. Of primary concern here are the provisions of Title 3, **Provisions on European Co-**

operation in the sphere of foreign policy, though some aspects of Title 1 **Common Provisions** do have a bearing on the status of EPC and will therefore be examined.

Title 3 does in fact appear in the form of a single article; Article 30 to be precise, though this is subdivided into 12 paragraphs and numerous sub- paragraphs. The most immediate and striking difference between Title 3 and the other provisions of the SEA is the form of address used in reference to the participants in the Political Co-operation framework. Whereas Articles 1 and 2 refer to its participants as either the Member States or use the collective term of 'the Community', Title 3 is distinguished in referring to its participants as the **High Contracting Parties**. The use of this phrase gives Title 3 the appearance of being a conventional free-standing intergovernmental treaty, bearing no relationship to the other constituent parts of the SEA. To an extent this can be explained away as a consequence of the factor of deadlines and the instructions of the original mandate to the IGC. The Political Committee had been instructed to draw up a 'draft treaty on Political Co-operation', and this is precisely what they produced.

Although the issue of the 'unicite' of the texts had always been in the background, it was by no means a foregone conclusion. Thus the Political Committee worked on the assumption that their efforts would result in the conclusion of a specific Treaty on Political Co-operation. Indeed in terms of the Luxembourg Presidency and the timetable of the IGC, agreement on the unity of the texts was very much a last-minute decision. In this respect it may be argued that the time factor militated against the re-working of the agreed text of the Treaty on Political Co-operation. However while the pressure of deadlines can be taken account of in explaining the decision to paste, without alteration, a free-standing treaty document into a wider text, it would be naive to attribute this decision to the time factor alone. A simple re-phrasing of the text to give the appearance of a cohesive whole may well have been a time-consuming chore, but it was by no means an impossible task in the time available.

However to begin to do so risked the emergence of unnecessary, and potentially insurmountable difficulties. In particular, to replace the phrase 'High Contracting Parties' with a more Community-orientated phraseology risked the complete rejection of the Single European Act by some of the more reluctant Member States, in particular Denmark, who in agreeing to the principle of textual unity felt it had gone as far as it possibly could. Given the particular difficulties of the Danish Government in respect of foreign policy and defence and security issues,[73] it was therefore necessary to demonstrate a clear division between the rights and jurisdictions of the Community and those of EPC. Political Co-operation could not be seen to be falling under the spell of the Community institutions. Indeed the inclusion of the provisions on EPC in the SEA were a prominent factor in the decision to seek the approval of the population via a national referendum. Thus the decision to retain the phrase 'High Contracting Parties' within a textual unity can be regarded as a sensible compromise between those who wished to demonstrate a growing convergence between the two frameworks and those who required that a distance between the frameworks be maintained, and be clearly observable.

This compromise between the two strands of opinion can also be seen in Article 1 of Title 1, the opening paragraph of which, while identifying two separate frameworks also offers the impression of a convergence between the two by claiming a common goal.

> "The European Communities and European Political Co-operation shall have as their objective to contribute together to making concrete progress towards European unity."[74]

While the common objective of **European Unity** is a typically ambiguous term which has no agreed meaning, it does create the sense of a common link between the two areas. However paragraphs 2 and 3 of Article 1 clarify any confusion of competences that may be implied by the opening paragraph, by clearly identifying the authority under which each framework operates.

> "The European Communities shall be founded on the Treaties establishing the European Coal and Steel Community, the European Economic Community, the European Atomic Energy Community and on the subsequent Treaties and Acts modifying or supplementing them.
> Political Co-operation shall be governed by Title 3. The provisions of the Title shall conform and supplement the procedures agreed in the reports of Luxembourg (1970), Copenhagen (1973), London (1981), the Solemn Declaration on European Union (1983) and the practices gradually established among the Member States."[75]

This clear separation of competences and jurisdictions is further reinforced in Article 3 of Title 1, which states ...

> "The institutions of the European Communities henceforth designated as referred to hereafter, shall exercise their powers and jurisdiction under the conditions and for the purpose provided for by the Treaties establishing the Communities and by the subsequent Treaties and Acts modifying or supplementing them and by the provisions of Title 2.
>
> The institutions and bodies responsible for Political Co-operation shall exercise their powers and jurisdiction under the conditions and for the purposes laid down in Title 3 and in the documents referred to in the third paragraph of Article 1."[76]

The sense of separate identities is however balanced by Article 2 which creates, or rather recognises, a common institutional link in the form of the European Council which brings 'together the Heads of State or of Government of the Member States and the President of the Commission of the European Communities...'.[77]

Thus the European Council, a political fact since the European Summit of 10th December 1974 when French President Giscard d' Estaing declared the 'death of the European summit and the birth of the European Council',[78] now enjoyed full institutional status within the framework of a Treaty document encompassing both the Communities and EPC. However, while recognising the existence and composition of the European Council, and the regularity of its meetings, Article 2 is a blank. There is no attempt whatsoever in Title 1, or indeed anywhere else in the Single European Act, to outline the powers, functions and jurisdictions of the European Council.

It is indisputable that the European Council prior to the formulation of the Single European Act de facto sat at the apex of both the Community and the EPC

frameworks. Yet, anyone unfamiliar with the operation of the Community, presented with the text of the SEA, would be at a loss to explain the status and function of the European Council. As any detailed study of the negotiations surrounding the formulation of the SEA will show, detailed proposals for the future role of the European Council in the European process are conspicuous by their (almost) total absence.[79] In this respect the report of the Dooge Committee is a case in point. The Dooge Report expends little more than four lines in its recommendations for the future of the European Council.

> "The trend towards the European Council's becoming simply another body dealing with the day-to-day business of the Community must be reversed. Heads of State or Government should play a strategic role and give direction and political impetus to the Community. For this purpose two European Council meetings a year should suffice."[80]

Given that the European Council, a body with no, or at least dubious, institutional status had emerged as the major decision-maker in the Community, the failure to clarify its status in the 'European' process must count as one of the surprising aspects of the SEA. Explaining the absence of such an extrapolation returns the debate to that which consumed much of the Fouchet negotiations, that of maintaining the rights and jurisdictions of the Community institutions in the face of the creation of a Council of the Union.[81] In short, the absence of any significant text on the role of the European Council is a case of 'letting sleeping dogs lie'. Despite the political fact of the European Council's overarching status, it remained too sensitive an issue for many Member States to take further than simple recognition of its existence and entry to the Treaty framework. This is not to suggest that discussion of the role of the European Council was avoided, indeed the lack of text on the European Council in the Dooge Report reflects what may best be described as an agreement to disagree. This was an issue which, perhaps as much as the issue of a Permanent Secretariat, revived memories of the Fouchet episode. As Van Eekelen notes in describing the Dutch position on the role of the European Council in the Dooge Committee:

"There was a fair amount of discussion on the European Council. ...Several countries, including my own, were not at all keen on the European Council, we accepted the European Council as a 'fire-side' chat, but not really as a new and leading organ of the Community. Our main concern was, and still is, that the European Council would become some kind of superstructure which has a Community part, an intergovernmental part and maybe an economic and monetary part ... and in this the Fouchet experience played a part, did we want to have such a superstructure or not ? We and the Belgians and by and large Luxembourg held a negative view of this role for the European Council. We felt it would erode the role of the Treaties and of the Commission. ...in this Faure was quite constructive, maybe because he had Fouchet in the back of his mind. He was not too imposing of his views, he did not push too far !. In so far as I had instructions from my Government, that was one of my main instructions; to maintain the present structure of the Community and build on that, as we think that is the best structure we can imagine.

In the Netherlands we have never liked the European Council very much, I think by now we have realised that it is necessary sometimes to decide a thorny issue, but we were always were afraid that it would become a 'court of appeal' and that if that were to develop, then nothing would be done any more in the normal Council meetings, all the difficult issues would be booted upstairs!..."[82]

Although M. Faure was, it appears, sensitive enough not to press the point, the overarching superstructure for the European Council was very much on the French agenda and appeared in both the Franco-German **Draft treaty on European Union** and the French **Act of European Union**. Both of these were ultimately rejected in the text of the SEA in a formula which acknowledged the presence of the sleeping dogs, but did not attempt to wake them from their sleep nor to identify their breed!

Given the reluctance of the formulators of the SEA to spell out the role and functions of the European Council, it is surprising to note that the 1983 **Solemn Declaration on European Union** has no such qualms, and presents a clear statement of the European Council's status vis-a-vis the Communities and EPC.[83] The most striking aspect of this exposition was its similarity in form and style to the text of the various Fouchet proposals for a 'Council of the Union'.[84]

It would be stretching a point to suggest that the authors of the Single European Act avoided the formalisation of the Solemn Declaration's provisions on the European Council simply because of its similarity to the Fouchet texts. But it can be argued that the objections to such a detailed account of the European

Council's status were based on very similar arguments to those expressed during the Fouchet negotiations, that is to say, fears for the rights and jurisdictions of the Community institutions, in particular those of the European Commission. Indeed as indicated by Van Eekelen,[85] the battle lines between the Member States on this issue mirrored those of the Fouchet negotiations.

Despite the hard political reality of the European Council as the overarching body described by the 1983 Solemn Declaration, and advocated by the French **Act of Union**, the continuing sensitivity of a number of Member States on this issue necessitated a retreat into ambiguity. We are left therefore with nothing more than an acknowledgement of the European Council's existence within a formal Treaty framework; a tentative admission of parenthood. Indeed, Title 1 (Common Provisions) can in many respects be regarded as an acceptance of a family relationship between the European Council, the European Communities and EPC. In the case of European Political Co-operation it is a recognition of the 'illegitimate child' of European integration.

However, to return to the text of Title 3: given the attention paid to the Treaty drafts considered by the IGC the content of Title 3 offers no surprises. It is in most respects a series of semantic compromises between the various drafts, reflecting the weight of opinion between the Member States on each issue, which, for the most part, had been ironed out in the joint **November Draft** of the Political Committee. Thus the differences between the November Draft and the finished product found in Title 3 are minimal, and largely confined to a reshuffling of the order of the text rather than textual change. There are however a small number of omissions and minor textual adjustments worthy of note. Article 3 of the November Draft, provided that...

> "The work of Political Co-operation shall become the general responsibility of the Council for European Union/The European Council. The Council for European Union/The European Council shall set out the general political guide-lines for Political Co-operation."[86]

The omission of this particular article can be attributed to the same reasoning as that lying behind the absence of a detailed account of the role and function of the European Council. Sleeping dogs, it seems, must be allowed to lie. In so far as the reshuffling of the order of the text is concerned, Article 4 of the November Draft, dealing with consistency between the external policies of the European Community and EPC, appears in Title 3 as 'Paragraph 5'.

> "The external policies of the European Community and the policies agreed in European Political Co-operation must be consistent. The Presidency and the Commission, each within its own sphere of competence, shall have special responsibility for ensuring that such consistency is sought and maintained."[87]

The retention of this article granting 'special responsibility' to the Commission in the sphere of Political Co-operation, alongside the provision that the 'Commission shall be fully associated with the proceedings of EPC',[88] is a quite significant breakthrough, particularly in light of the British Draft Agreement's attempt to reduce the status of the Commission in EPC. This attempt must of course be viewed in the context of the Prime Minister's instructions to resist any attempt to enhance the role of the Commission in both the Community and Political Co-operation frameworks.

The **Final Article** of the November Draft becomes Paragraph 12 of Title 3, and is also subject to omission and change. The **Final Article** of the November Draft, in what it was imagined would be a separate, free-standing treaty, is a three-paragraph Article. Paragraph 1 contains the usual formalities with respect to Treaty ratification by the 'High Contracting Parties'. As part of a unified text these ratification provisions were clearly unnecessary and therefore did not appear in Title 3. Less understandably Paragraph 2 guaranteeing respect for the rights and jurisdictions of the existing Community Treaties,[89] was also omitted; given the concerns expressed by a number of Member States over the rights and jurisdictions of the Community Treaties, concerns which reflect those of the Fouchet negotiations,[90] it is surprising to find this element omitted. Particularly so when

the U.K. draft agreement, and the Dutch and Italian drafts contain similar provisions, thus providing the basis for its inclusion in the November Draft.

Only paragraph 3 of the **Final Act**, providing for a review of the Treaty finds its way into Paragraph 12 of Title 3. This is also subject to a slight alteration. Where the November Draft provides for a review of the Treaty, 3 years after coming into force, Title 3 extends this to 5 years.[91]

Of the more sensitive issues, only Article 8, dealing with the provisions on the 'security' mandate of EPC, is subject to movement, and finds itself as Paragraph 6 of Title 3. In so far as textual change in this area is concerned there is little to report. The changes that do appear are minor, and amount to a tidying-up of the edges. The only notable, if not unexpected change, was the omission of the reference to the European Community, in sub paragraph 2, outlining the resolve of the High Contracting Parties to 'maintain the technological and industrial conditions necessary for their security'.[92] Thus the potential difficulties surrounding this highly sensitive issue had been headed-off well in advance of the final stages of the IGC. It was, for the moment at least, a dormant issue.

Although the final form of Paragraph 1 of Title 3 bears a great similarity to that found in Article 1 of the November Draft, agreement on the precise form of words was one of the most difficult aspects of the negotiation. The difficulty in agreeing an acceptable form of words can largely be attributed to the reluctance of the British delegation to accept any formula or form of words which surrendered or implied the surrender of the U.K's right and capacity to undertake independent action in the international arena.[93] The consequence of this resistance, in which the U.K. was supported by Denmark and Greece, was the further dilution, of what was already an ambiguous and non-committal form of words.

Whereas the November Draft had as the 'objective' of EPC the 'formulation and implementation of a European external/foreign policy',[94] Title 3 reduces this from an objective to an 'endeavour'. The High Contracting Parties would now 'endeavour to jointly formulate and implement a European foreign policy'.[95]

Prime Minister Thatcher in reluctantly accepting this form of words was persuaded that the substantive aspects of the commitments to EPC, did not in any sense undermine the U.K.'s capacity for independent action. Thus she was persuaded that acceptance of Paragraph 1 was a purely presentational issue which would allow the U.K. greater leverage in other areas of negotiation. Indeed the provisions of Paragraph 2, which are largely unchanged from those found in Article 2 of the November Draft[96] clearly do not place binding and enforceable constraints on the actions of Member States. Indeed it would have been difficult for Prime Minister Thatcher to object to Paragraph 2 as it draws much of its content from the provisions of the U.K.'s **Draft Agreement on Political Co-operation.**[97]

> "(a) The High Contracting Parties undertake to inform and consult each other on any foreign policy matters of general interest so as to ensure that their combined influence is exercised as effectively as possible through co-ordination, the convergence of their positions and the implementation of joint action. (b) Consultation shall take place before the High Contracting Parties decide on their final position. (c) In adopting its positions and in its national measures each High Contracting Party shall take full account of the positions of other partners and shall give consideration to the desirability of adopting and implementing common European positions.

> In order to increase their capacity for joint action in the foreign policy field, the High Contracting Parties shall ensure common principles and objectives are gradually developed and defined. The determination of common positions shall constitute a high point of reference for the policies of the High Contracting Parties.

> (d) The High Contracting Parties shall endeavour to avoid any action or position which impairs their effectiveness as a cohesive force in international relations or within international organisations."[98]

With regard to that most contentious of issues, the creation of a Permanent Secretariat, it will be recalled that the Political Committee's November Draft contained two versions of Articles 10 and 11, the first version being preferred and supported by the overwhelming majority of the Member States, whilst the second, specifically designated an 'alternative version' had the support of France and arguably the lukewarm support of FRG. Given the weight of opinion and the strength of feeling this issue was able to mobilise among the Member States, the majority view prevailed. Thus Paragraph 10:(g) establishing the Secretariat is

virtually identical to that proposed by the majority in the November Draft, as is Paragraph 11 dealing with the status of the Secretariat's members.

> "A Secretariat based in Brussels shall assist the Presidency in preparing and implementing the activities of European Political Co-operation and in administrative matters. It shall carry out its duties under the authority of the Presidency."[99]

> "As regards privileges and immunities, the members of the European Political Co-operation Secretariat shall be treated in the same way as members of the diplomatic missions of the High Contracting Parties based in the same place as the Secretariat."[100]

Whilst the majority view with respect to the size, the subordinate role and administrative nature of the Secretariat could be assumed from the brevity and location of the text dealing with its creation, there remained an element of ambiguity about the Secretariat. The bare bones of the text specify neither the size, the internal structure, nor the exact role of the Secretariat, and could therefore be subject to differing interpretations.

Indeed participants in the negotiations have confirmed that they were conscious of this ambiguity, but also concerned not to elevate the status of the Secretariat to something akin to a full institution of the Community, by outlining its precise structure and role in a Treaty document. The inclusion of precise technical detail was also regarded as unnecessarily cumbersome. In addition it would also be difficult to amend and add to, when the need arose, thus negating one of the great strengths of EPC, its flexibility.[101]

The solution to these difficulties was found in the decision to adopt the approach found in the U.K.'s **Draft Agreement on Political Co-operation**, that of an Annex. On 28th February at the Hague, at which time the final signatures were put to the **Single European Act**, the Foreign Ministers meeting in EPC adopted what are in effect a series of Annexes to Title 3 of the SEA. Claiming one of the longest and most tortuous headings on record, it is styled as the **Decision adopted by the Ministers, meeting in the framework of European Political Co-operation on the occasion of signing the Single European Act.**

Relative to Title 3 the 'Decision' is a lengthy and detailed document which fills in the fine detail of the operation and structure of EPC, and covers much the same ground as the Annexes to the British 'Draft Agreement'. The 'Decision' is composed of a brief introductory preamble and five detailed and self-contained sections - 1. Relations between European Political Co-operation and the European Parliament. 2. Co-operation of Member States' Missions and Commission Delegations in Third Countries and International Organisations. 3. European Political Co-operation Secretariat: Responsibilities and Organisation. 4. Venues for European Political Co-operation Meetings. 5. Use of Languages in European Political Co-operation.

Whilst each section holds interesting aspects, the primary concern here is with the detail of Section 3 covering the 'responsibilities and organisation' of the Secretariat. In format this section is made up of a short Preamble and four sub-sections.

The overall impression of this section, which in substance draws heavily on the content of the U.K's 'Draft Agreement', is one of a concerted effort to hammer home the message that the Secretariat is a subordinate and ancillary body with no independent function. One of the great fears, that the Secretariat would operate under the authority of the European Council and would thus develop into an overarching body with jurisdiction in the area of the Community Treaties, is dealt with immediately in the Preamble. The Secretariat would be the creature of Political Co- operation alone .

> "The Secretariat of European Political Co-operation shall act under the authority of the Presidency. It shall assist the Presidency in preparing and implementing European Political Co-operation activities and in administrative matters."[102]

In outlining the functions of the Secretariat the initial message of subordination to the Presidency found in the Preamble is reinforced in the tone of the language employed in the detailed exposition of the functions of the Secretariat.

The Secretariat would 'assist' the Presidency and 'work with' the other subordinate areas of the Co-operation framework

> "The Secretariat shall:
> (a) assist the Presidency in the organisation of European Political Co-operation meetings, including the preparation and circulation of documents and the drawing up of minutes; (b) work with the European Correspondents Group in the preparation of conclusions and guide-lines and in carrying out any other task entrusted to the group by the Political Committee; (c) assist the Chairmen of Working Groups as regards procedures and precedents and the drafting of oral reports and studies; (d) assist the Presidency in the preparation of texts to be published on behalf of the Member States, including replies to parliamentary questions and resolutions as defined in item 7 sub-paragraph 2, of Chapter 1 on relations between European Political Co-operation and the European Parliament; (e) maintain the European Political Co-operation archives and assist the Presidency in preparing the six monthly compilation of European Political Co-operation texts. (f) keep up to date the body of European Political Co-operation working practices; (g) assist the Presidency, where appropriate, in contacts with third countries."[103]

In so far as the other great bone of contention in this debate is concerned, that of the size of any Permanent Secretariat and the status of its Head, the solution agreed by the Member States reflects the pragmatic and evolutionary pattern evident throughout the development of EPC. The Secretariat would, as the great majority of reports and Draft Treaties from the Dooge Report onwards have emphasised, be 'small'. Indeed the text which in substance is taken from the Italian Draft, simply extends the current Troika arrangements to five, and gives it a permanent seat.

> "The Secretariat shall be composed of five officials. Following on from the support team arrangements, the Presidency-in-Office of European Political Co-operation together with the two preceding and the two following Presidencies shall each second an official for a period covering five Presidencies. The status of the officials of the Foreign Affairs Ministries on temporary secondment to the Secretariat shall be identical to that of members of the diplomatic missions in Brussels to which they shall be administratively attached."[104]

As for the headship of the Secretariat there would be no high-profile Secretary-General, though the text in providing for the appointment of a 'Head of the Secretariat' is rather ambiguous in so far as the role of the holder of this position is concerned. Limiting itself to the brief provision that the 'The Head of

the Secretariat shall be appointed by the Foreign Ministers under arrangements to be agreed between them'.[105]

Although the text does not spell out in fine detail the precise nature of the Head of the Secretariat's functions, majority opinion on this issue was strong enough to ensure that the Head of the Secretariat would not emerge as a high-profile figure. Indeed the absence of detail on the role of the Head of the Secretariat and the provision that the arrangements for position would be agreed by the Foreign Ministers, tends to emphasise the low profile sought by the great majority of Member States. In this respect one can observe a convergence of views between those concerned to preserve the rights and jurisdictions of the Commission, and those of Prime Minister Thatcher.

> "There were good reasons for resisting a large Secretariat, with a high profile Secretary-General. ...,we certainly did not want to be building up a parallel Commission, or even a parallel Council of Ministers Secretariat. This is one of the things that blended in very strongly with Margaret Thatcher's views. She would not have been content to see a major, non-governmental figure, a kind of Commission-role figure, capable of putting forward initiatives."[106]

Thus when the Foreign Ministers, with the aid of the Political Committee, actually came to the point of choosing the first Head of the Secretariat this convergence of views meant they were able to ensure that the appointee would remain a marginal almost invisible figure.

> "We restricted very carefully the role of the Head of the Secretariat,... we limited his ability to talk to the press or to other diplomats. He was very much the handmaiden of the Presidency. In choosing the first Head of the Secretariat, Jannuzzi, we set his rank very carefully, and briefed him very carefully on what his responsibilities were. We wanted to keep him very low profile, so that he did not in any way compete with the Council Secretariat, or let alone with the Commission."[107]

Thus this contentious issue, which in one way or another had simmered for quarter of a century had, for the moment at least, reached a conclusion. The Member States now had a Permanent Secretariat to assist them in the co-ordination of their foreign policies, in pursuit of a 'European foreign policy'. With the exception of France, and possibly FRG, the body created was to the satisfaction of

all involved. The British in particular who, since the London Report of 1981, had pressed for a secretariat on the lines of the body created by the Single European Act, were particularly pleased with the result, and can be regarded as crucial to its creation in the form finally agreed by the Member States.

> "We were very happy with the Secretariat as it came out. We would not have been happy with the much bigger more muscular secretariat that the French popped up with near the end."[108]

The only other aspect of Section 3 worthy of note is found in the brief Preamble, and connects to the wish to avoid the perception of the Secretariat emerging as a competitor to the European Commission. The Preamble provides that the Secretariat 'shall assist the Presidency in ensuring the continuity of European Political Co-operation and its consistency with Community positions'.[109]

Given the 'handmaiden' status attributed to the Secretariat, it would appear entirely appropriate that they would 'assist' the Presidency in this pursuit of the long-standing aim of ensuring consistency between the actions of EPC and the Community, which in paragraph 5 of Title 3 confers a joint responsibility on the EPC Presidency and the Commission. It seems however that this 'assistance' was a cause of concern among a number of Member States, due in the main, according to Nuttall[110] to the U.K.'s preference for including this aspect in the body of Title 3. Those opposed to this inclusion were of the view that a specific reference to the Secretariat in this role would undermine the role of the Commission. British preference for this was therefore successfully resisted and was relegated to the 'nuts and bolts' detail of the 'Decision'.

With the final signing of the **Single European Act** on 28th February 1986 European Political Co-operation in the form of Title 3 finally took its place in the formal Treaty structure that had its beginnings in the ECSC Treaty of 1951. Despite this however, it has been suggested that the inclusion of what started life as a free-standing conventional intergovernmental Treaty on Political Co-operation, is at best a limited, presentational development which adds nothing to the wider goals of European integration.

It would be difficult to dispute the criticisms levelled at Title 3. Firstly, Title 3 is little more than a codification of existing practices, and therefore does nothing to advance the process of integration. Secondly, although contained within a 'unified' Treaty document the provisions of Title 3, are hermetically sealed from 'contamination' by the institutions of the Community. Thirdly, regardless of the objectives and rules established by EPC the absence of any means of enforcement renders their realisation wholly dependent on the goodwill of the Member States.

Indeed the voluntary aspect of EPC can be seen to have been the major bone of contention for the critics of the Political Co-operation process, who in general would regard EPC as representing a backward step in the integration process.

> "In order to make progress towards the objective accepted by all the Member States (with varying degrees of enthusiasm and in many cases attached conditions), ie. that of European Union, the conclusion of an ad hoc treaty on 'intergovernmental co-operation' in the field of each State's foreign policy is completely superfluous. ... The possibility of a 'European foreign policy' remains a verbal whim."[111]

In raising this point we are returned to the sphere of the contentious theoretical debates surrounding the concept and measurement of post-War European integration, and with into the crucial stage of attempting to locate the Single European Act in a conceptual and theoretical framework.

Notes

1   Bulletin of the E.C. 7/8 - 1985.

2   Bulletin of the E.C. 7/8 - 1985.

3   Bulletin of the E.C. 7/8 - 1985.

4   The Commission was represented by its President
     (Delors) and the Commissioner with special
     responsibility for institutional affairs, Ripa di
     Meana.

5   F.O. Official. Interview: 1992.

6   Nuttall, S., (Oxford 1992), p.245.

7   Europe: No.ns.4099.

8   See pp.141-42 .

9   F.O. Official. Interview: 1992.

10   F.O. Official. Interview: 1992.

11   F.O. Official. Interview: 1992.

12   F.O. Official. Interview: 1992.

13   Article One: 'Draft Agreement on Political Co-
     operation'. Hereafter cited as 'Draft Agreement'.

14   Dooge Report, p.21.

15   F.O. Official. Interview: 1992.

16   Article Two: 'Draft Agreement'.

17   Dooge Report, pp.23-24.

18   Article Eight: 'Draft Agreement'.

19   See pp.198-99.

20   Article Three: 'Draft Agreement'.

21   Annex One: 'Draft Agreement'.

22   Copenhagen Report.

23   Annex One: 'Draft Agreement'.

24   Annex Two: 'Draft Agreement'.

25   Dooge Report, p.22.

26   Delors, J., Press Conference, Europe: No.ns.4118.

27   F.O. Official. Interview: 1992.

28   Article Four: 'Draft Agreement'.

29   See pp.224-26 .

30   Preamble: 'Franco-German Treaty on European Union',
      (hereafter cited as 'F/G Draft Treaty').

31   Article One: `F/G draft Treaty`.

32   Europe: No.ns.4119.

33   Article One: 'F/G Draft Treaty'.

34   Article Two: 'F/G Draft Treaty'.

35   Article Eight: 'F/G Draft Treaty'.

36   Article Ten: 'F/G Draft Treaty'.

37   Article Ten: 'F/G Draft Treaty'.

38   Act of European Union: Article Five. Reproduced in
      Europe: No.ns.4208.

39   TPU, p.20.

40   TPU, pp.35-39.

41   TPU, p.20.

42   Article Ten: 'F/G Draft Treaty'.

43   See Chapter One.

44   Debates of the European Parliament: No.2-328/43,
      9.7.85.

45   Article One: Netherlands Draft on European
      Political Co-operation. Reproduced in Europe:
      No.ns.4153. Hereafter cited as 'Dutch Draft'.

46   Article One: Italian Draft on European Political
      Co-operation. Reproduced in Europe: No.ns.4163.
      Hereafter cited as 'Italian Draft'.

47   Article Eight: 'Dutch Draft'.

48   Article Eight: 'Italian Draft'.

49   Article Ten: 'Dutch Draft'.

50   Annex One: 'Italian Draft'.

51   Annex Two: 'Italian Draft'.

52   Article Three: 'Dutch Draft'.

53   Article Four: 'Italian Draft'.

54   F.O. Official. Interview: 1992.

55   F.O. Official. Interview: 1992.

56   Article One: 'Draft Treaty on Political Co-
      operation': 19 November 1985. Hereafter cited as
      'November Draft'. This document is reproduced in
      Europe: No.ns.4206.

57   F.O. Official. Interview: 1992.

58   Article Two: 'November Draft'.

59   Article Eight: 'November Draft'.

60   Brückner, P., 'European Political Co-operation: A
      Danish Perspective', in Yearbook of European Law,
      5.1985, (1986), p.201.

61   Article Ten: 'November Draft'.

62   Article Ten: 'November Draft'.

63   Europe: No.ns.4120.

64   Europe: Weekly Report, No.1178.

65   F.O. Official. Interview: 1992.

66   F.O. Official. Interview: 1992.

67   Mitterrand, F. <u>Debates of the European Parliament</u>,
      (24.5.84).

68   Europe: No.ns.4208.

69   See pp.224-8.

70   <u>Bulletin of EC 7/8-1985</u>, p.8.

71   <u>Bulletin of EC 7/8-1985</u>, p.8.

72   See for instance, <u>Bulletin of EC 7/8-1985</u>, pp.9-10.

73   See pp.145-46   .

74   Article One: 'Single European Act': Bulletin of the
      European Community Supplement 2/86', p.7.   Hereafter
      cited as 'SEA'.

75   Article One: 'SEA'.

76   Article Three: 'SEA'.

77   Article Two: 'SEA'.

78   Giscard d'estaing, V..., Press statement 10 December
      1974 in Defarees, P.M., 'Twelve Years of European
      Council History', <u>The European Council 1974-1986</u>,
      (Eds) Hoschet, J.M. and Wessels, W., (Maastricht
      1988), p.35.

79   In this respect the European Parliament's 'Draft
      Treaty Establishing the European Union', (Luxembourg
      EP 1984), provides the exception to the general
      rule.

80   <u>Dooge Report</u>, p.25.

81   See Chapter One

82   Van Eekelen, W. Interview: 1992.

83   'Solemn Declaration on European Union', <u>Bulletin of
      EC 6-1983</u>, pp.25-26.

84   See <u>Towards Political Union</u> (Luxembourg 1964)

85.   Van Eekelen, W. Interview: 1992.

86   Article Three: 'November Draft'.

87   Title Three: Article 30, Para 5: 'SEA', p.18.

88   Title Three: Article 30, Para 3: 'SEA', p.18.

89   Final Article: 'November Draft'.

90   See Chapter One.

91   Article 30, Para 12: 'SEA', p.19.

92   Article 30, Para 6b: 'SEA'.

93   F.O. Official. Interview: 1992.

94   Article One: 'November Draft'.

95   Article Thirty: Paragraph One: 'SEA'.

96   Article Two: 'November Draft'.

97   See Article Two: 'UK Draft Agreement on Political
      Co-operation'.

98   Article Thirty: Paragraph Two: 'SEA'.

99   Article Thirty: Paragraph Ten G: 'SEA'.

100   Article Thirty: Paragraph Eleven: 'SEA'.

101   F.O. Official. Interview: 1992.

102   'Decision adopted by ministers meeting in the
      framework of European Political Co-operation on the
      occasion of the signing of the Single European Act'.
      Reproduced in Nuttall, S., 'EPC and the Single
      European Act', Yearbook of European Law (5) 1985,
      (1986), pp.223-226. Hereafter cited as 'Decision'.

103   Section III: 'Decision', pp.225-6.

104   Section III: 'Decision', p.226.

105   Section III: 'Decision', p.226.

106   F.O. Official. Interview: 1992.

107   F.O. Official. Interview: 1992.

108   F.O. Official. Interview: 1992.

109   Section III: 'Decision', p.225.

110   Nuttall, S., (Oxford 1992), p.225.

111   Europe: No.ns.4154.

CHAPTER SEVEN

CONCLUSION: THE DYNAMICS OF FOREIGN POLICY CO-OPERATION

The Single European Act marks out the beginning of one of the most active phases of development in the history of post-war European integration. It is said to have been responsible for the injection of a new dynamic into a virtually moribund Community.[1] The evidence to support the contention of a new dynamic is largely beyond dispute and arguably most evident in the signing of a **Treaty of European Union** at Maastricht on 10 December 1991, the so-called Maastricht Treaty.

This new-found institutional and policy dynamism brought with it a concomitant resurgence in attempts to explain the integration process from a theoretical perspective. In this respect a number of theorists have attempted to revise and resurrect neo-functionalism.[2] Typical of these efforts is that of David Mutimer who argues that the neo-functionalist concept of 'spillover' is the most useful conceptual tool in examining and explaining the economic and political effects of the Single European Act.[3]

Whilst the neo-functionalist revival has provided a number of useful and worthwhile insights, the overwhelming majority of these studies concentrate their fire on the economic, technical and technological aspects of the Single Act, while those which address institutional developments invariably concentrate on changes to the original institutions found in the Treaties of Paris and Rome. Notwithstanding a few isolated exceptions, none have made serious attempts to encompass the developments leading to the inclusion of EPC within the SEA. Indeed in this respect Mutimer performs the remarkable feat of discussing the 'political integration of Europe' without once mentioning EPC or any aspect of Title Three of the Single Act.[4]

One of the few attempts to apply aspects of neo-functionalism to the Single Act's EPC provisions is provided by Kirchner[5] who in considering the prospects for an EC security policy argues that the SEA contributes to the creation of a 'common security policy' by promoting the 'necessary economic conditions' and through the strengthening of EPC. In particular Kirchner argues that the inclusion of the **economic** aspects of security alongside the **political** aspects in the text of Title Three, not only indicates a strengthening of EPC but 'reflects the functional logic of spillover'.[6]

In so-far as the promotion of the 'necessary economic conditions' is concerned, Kirchner's line of argument, although coherent, is highly speculative. It is based on the possibility of linkages between the goals contained in Title Two of the SEA and the commitment to 'maintain the technological and industrial conditions necessary for ... security' found in Title Three[7] the outcome of which is expressed in neo-functionalist terms:

> "...if the internal market of 1992 is to become a reality, then common policies on arms, research, production and procurement will be greatly enhanced by virtue of the link with industrial policy. The functional logic of a gradual build-up from a common industrial policy to common economic, political and security policies seems to capture the evolution most appropriately."[8]

The assumption of an underlying functional logic in these projected developments is apparent, yet Kirchner's evidence to support the existence such clear linkages is almost entirely speculative. 'Common EC military production could have its starting point in a common industrial policy', while an 'EC entry point into the defence arena could be through the various industrial and information technologies programmes'.[9] Thus although there may scope for the development of such linkages in the various provisions of the Single Act, it should be recognised that Kirchner is engaging in a prescriptive exercise with little empirical foundation.

With regard to the strengthening of EPC found in the consideration of the economic aspects of security alongside the political aspects of security, Kirchner's identification of this as a significant incremental development in the remit of EPC is

highly questionable. Firstly, the formula employed in Title Three is that found in the 1983 **Solemn Declaration on European Union.**[10] Thus on purely chronological grounds the argument to support the presence of a 'logic of spillover' in the Co-operation mechanism is flawed. Insofar as the explicit boundaries of EPC consultation are concerned, the status quo prevails. Secondly, far from representing evidence of functional logic, this formula is indicative of the long-running resistance of the three 'footnote' countries to the extension of EPC's security mandate,[11] the consequence of which was the decision of the majority of member states to upgrade their contacts within a non-EC framework, that of WEU. Thus, rather than strengthening EPC, the decision to proceed via the lowest common denominator, that of the Stuttgart formula, and the concomitant decision to employ the reactivated WEU as a forum to discuss security-related issues, weakens rather than strengthens EPC.

Given the combination of continuing emphasis on underlying economic and technical determinism and clearly mistaken assumptions of 'spillover', one may conclude that neo-functionalism as a means of explaining the developments leading to and including the SEA is of little use.

From a different perspective an interesting attempt to provide a theoretical account of European integration is provided in the work of Andrew Moravcsik.[12] Discounting the attempts to revive neo-functionalism, Moravcsik posits an approach to European integration described as a 'Liberal Intergovernmentalist Approach'. This approach rejecting unicausal explanations combines theories of 'preferences, bargaining and regimes' to provide 'plausible accounts for many aspects of the major decisions in the history of the EC in a way that is sharply distinct from neo-functionalism'.[13]

Moravcsik's argument stresses the development of European integration as the consequence of intermittent intergovernmental bargains in which domestically derived national preferences, modified or augmented by cost-benefit calculations,

and the relative bargaining power of Member States form the basis for agreement.[14]

In so far as the role of institutions is concerned, contrary to the neo-functionalist emphasis on supra-national institutions and the agenda-setting role of their officials, Moravcsik's approach relegates these to a subsidiary position arguing that the supranational institutions of the Community enhance and strengthen the Member States control over their domestic agenda, 'permitting them to attain goals otherwise unachievable'.[15]

Given Moravcsik's emphasis on integration as a series of intergovernmental bargains and the relegation of supranational actors to a subordinate role, liberal intergovernmentalism would at first sight appear to offer fertile ground for the development of a theoretical approach encompassing consideration of EPC and related developments. However, in this respect appearances are deceptive. Indeed, in his attempt to subject the integration process to a cost-benefit analysis Moravcsik admits to the inadequacy of this approach in analysing areas such as EPC which, in cost-benefit terms, is 'near impossible to calculate'.[16]

The root cause of this inadequacy is to be found in the underlying foundations of liberal intergovernmentalism which is heavily grounded in modern theories of international political economy.[17] Thus while Moravcsik's combination of theories of preferences, intergovernmental bargaining and regimes does in many respects offer an appealing characterisation of the central developments of 'Community-based' integration, it shares in the neo-functionalist inability to provide an adequate account for developments in certain elements of post-war European integration. In short liberal intergovernmentalism runs aground on the rocks of those areas traditionally identified as high politics.

This is not to suggest that the traditional characterisation of low and high politics remains valid in an economically interdependent world, where many issues traditionally defined as low politics occupy central positions in both domestic and international politics. To maintain such a position would be to fly in the face of the

empirical evidence. Rather it is to suggest that regardless of the increased status and importance of economic and technological issues, there remains a small core of state functions which have proved extra-ordinarily resistant to the integrative tendency seemingly present in other areas of state activity. Correspondingly these areas have also proved to be highly problematic to the various attempts to build a satisfactory theory of European integration. In this respect foreign policy and in particular defence policy as the ultimate bastions of state sovereignty must be regarded as occupying a separate and distinct status.

While it will be argued that integration has taken place in the foreign policy and defence fields both in a Community-related context and in extra-Community context, it is integration of a qualitatively different character to that which has taken place within the confines of the original Treaties of Paris and Rome. Herein lies the problem for those concerned to construct a theory of European integration. Notwithstanding the economic roots and the determinism found in the great majority of studies, it is essentially a problem related to the criteria of measurement. In this respect, and despite the methodological difficulties experienced, the measurement of European integration revolves around variations of neo-functionalist definitions. The classic definition was provided by Haas.

> "Political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states. The end result of a process of political integration is a new political community, superimposed over the pre-existing ones."[18]

Although this definition has been subjected to a wide range of revisions and variations, the pivotal assumption of the granting of supranational jurisdiction to a central organ remains for many theorists the yardstick by which all European integration is measured. Judged by this criterion, one must conclude that the Co-operation framework of EPC has exhibited little or no integrative tendencies. It remains in this respect an instrinsically intergovernmental body and by implication, does not advance the goal of creating an 'ever closer union'. Thus Co-operation

between governments or government departments, no matter how close, does not, in the absence of a supranational intermediary, amount to integration.

While the necessity of a clear set of criteria by which to evaluate any given process is accepted, such judgements[19] indicate the persistence of an underlying normative bias against developments which do not proceed via the Community route. The net effect of this bias has been to close-off a fuller appreciation of the processes and potential contained in developments which have taken place outside the strict confines of the Community Treaties. This is particularly the case with the development of the EPC mechanism. Indeed using any one of the numerous variations of Haas' definition of integration, the evolution of EPC would barely register as integration. Yet despite the absence of the prevailing indicators, close inspection of the EPC mechanism reveals a deep level of integration among its participants. While this is not apparent in the restrained nature of the various EPC reports, nor has it issued in the adoption of de jure 'common policies' or in the emergence of supranationality in its institutional structure, it is nonetheless firmly embedded in the operation of EPC.[20]

Integration between the various participants in the Co-operation process was perhaps best exemplified in the now abandoned Troika arrangements. This system emerged as a compromise between the pressing need to provide an efficient administrative back-up for the Presidency of EPC and the extremely sensitive issue of a permanent secretariat. In practice the Troika system led to officials seconded from the foreign ministries of Member States working on a daily basis within the physical confines of the Presidency's foreign ministry. The passing of the Troika system in favour of a permanent secretariat was much regretted by many participants in the EPC process[21] who, reflecting the functionalist tenet of faith, regarded the experience of 'living and working together' provided by the Troika system as a trust-building measure par-exellence, which served to strengthen the collegiate nature of EPC.

Based as it was on a voluntary non-binding agreement, the level of trust and co-operation required for the successful operation of the Troika system and other aspects of the EPC process would be extremely difficult to quantify using the standard measures of integration which require the hard evidence of legally grounded commitments to 'common policies' and elements of institutional supranationality, none of which were present in the EPC framework during the period under discussion. However, to reject the deep levels of co-operation and trust developed between the participants within the EPC framework as unquantifiable or even counter-integrative is to ensure that attempts to develop a satisfactory theoretical account of post-war European integration remains beyond the reach of integration theorists.

This is not to suggest that there is a ready-made answer to this extremely problematic issue. Indeed, writing in 1992 Christopher Hill commented that 'it is possible to argue that the experience of 'European foreign policy' over the last 20 years or so has been so unique that the search for one theory to explain its evolution is doomed to fail and that we must fall back on history'.[22]

Happily, Hill does not abandon all hope of developing a single explanatory theory, but suggests that there are 'certain ideas and arguments which might be useful in the construction of a wider theory'.[23] Central to Hill's approach are the concepts of 'actorness' and 'presence'.[24] 'Actorness' as a concept focuses on the degree to which the EC has become a 'genuine international actor'. The concept of 'presence' concentrates on external perceptions of the EC, that is to say, the degree to which third parties view the EC as an independent international actor.

While the central thrust of Hill's argument is, 'to look at the functions which the Community might be fulfilling in the international system',[25] the concept of actorness presents itself as a potentially useful theoretical tool with which to assess the institutional evolution of EPC's objectives, the range of its activities and its relationship with Community institutions and external policies. Employing actorness as a tool to measure not simply the superficial evidence of the EPC

reports, but the actual day-to-day operation of the Political Co-operation framework, will reveal the emergence of an increasingly complex and 'integrated' policy-community, which would be difficult to explain using the usual and rather simplistic characterisation of the EPC framework as intergovernmental. Whilst it would be nonsense to suggest that EPC is in any sense supranational, the web of linkages between foreign ministries, the external relations elements of the European Commission, the Embassies of the Member States in third countries etc, from which a European position on foreign policy issues emerges, combine to make EPC far more than a purely intergovernmental organisation. Thus, in organisational and operational terms there may be grounds to argue that EPC is sui generis.

However if one is concerned to uncover the presence of an underlying incremental or integrative logic in the development of EPC, leading perhaps towards the emergence of an all-encompassing European foreign and defence policy under the control of a common agency, the concept of actorness will prove to be of little more than descriptive worth. Indeed, Hill is of the view that the evidence for the existence of an underlying automicity lies in the realms of 'wish fulfilment'.[26] Equally, in accounting for the factors leading to the inclusion of EPC in the framework of the SEA and related developments in the defence sphere, Hill's otherwise perceptive attempt to pre-theorise is of limited use.

In this respect a more appropriate explanatory framework may be found in recourse to a more traditional theoretical model. As identified above[27] the primary motivating factor in the initiation of the various European proposals in the foreign and defence sphere is found in the resurgence of the 'European' security debate in the early 1980's. This debate was rooted in the emergence and identification of genuinely felt national security concerns.[28] These concerns and the various institutional responses tend to suggest that a realist perspective may provide a more satisfactory account of this period than the attempts to make use of the models more usually associated with European integration.

In positing an explanation based on realist assumptions of national security and relative power, this is by no means to suggest that a realist paradigm can provide the elusive all-embracing single theory. Rather, a realist lens provides the essential clarity required to understand and explain the underlying impetus for the wish, on the part of the principal actors,[29] to upgrade the level and nature of co-operation in the foreign policy and defence spheres. A bald realist framework cannot however, adequately encompass all aspects of the developments touched upon in this study.

Nevertheless, while this study does not and cannot lay claim to hold the key to the development of a convincing and comprehensive explanatory framework, it has perhaps uncovered some of the difficulties and pre-conceptions that need to be overcome in the development of a satisfactory theoretical understanding of the place of foreign policy and defence/security co-operation in the wider context of post-war European integration.

To this end one must concur with Moravcsik's observation that 'unicausal explanations of European integration,..., are at best incomplete and at worst misleading'.[30] This indicates a need to develop a multi-layered theory, perhaps drawing upon elements of pre-existing models in much the same fashion as Moravcsik has amalgamated various theories of international political economy to come up with 'liberal intergovernmentalism'. In this respect the contributions of both Hill, with his concept of actorness, and Moravcsik's stress on theories of inter-state bargaining combined with realist assumptions about national security may well provide a basis for further development. Secondly there is a pressing need for integration theorists to accept and accommodate the idea that integration may be possible within the confines of broadly 'intergovernmental' settings. Acceptance of this would of course require significant adjustments in the nature and criteria of measurement employed by integration theory. The failure, thus far, to do so to any significant degree can in many respects account for the paucity of theoretical

treatments of the most significant institutional developments since the signing of the Treaty of Rome - E.P.C and the European Council.

Meanwhile, in the continued absence of an adequate single explanatory framework are we, as Hill has suggested, to 'fall back on history'? While this may be an appropriate route to follow, it should be recognised that there is an intrinsic relationship between history and theory; how we choose to describe history will always have theoretical implications. Indeed this is apparent in the general conclusions to be drawn from the themes and trends to emerge in the course of this thesis.

Understanding the Legacy of Fouchet

The debate between intergovernmentalism and supranationalism has set the tone and parameters for the study of European integration for many years. Indeed the original motivation to embark upon this thesis was to examine the apparent struggle between two contrasting and contesting visions of Europe, a struggle which appeared to be at its fiercest over the issue of a 'European' foreign and defence identity. However, as this study has progressed it has become increasingly clear that the characterisation of the search for this identity in these terms is something of a blind alley which will not increase our understanding of the issues to any significant degree. In short, supranationalism in foreign policy and defence has never seriously been on the agenda of the Member States during the lifetime of the Treaty of Rome.

Yet commentators and theorists alike continue to explain their observations in the terms of a struggle between intergovernmental and supranational goals. Casting the progress and development of the European foreign and defence debate in these terms does have an appealing logic and simplicity, but as this study has shown it has been something of a 'phoney war'; we have been receiving reports from the scenes of battles that were never actually fought. This is by no means to

suggest that the debate has no place in the study of European integration as a whole, rather that its place in the study of efforts to create a European foreign and defence identity is, by and large, a rhetorical irrelevance, which serves to obscure more than it clarifies.

The prime example of this was seen in the negotiating position adopted by the Netherlands throughout the Fouchet negotiations.[31] Examination of these negotiations has shown that the supranational stand-point adopted by the Dutch in their opposition to the Fouchet proposals was a rhetorical device which formed the superficial front-line of a strategy designed to protect the 'cornerstone of Dutch policy';[32] the maintenance of the position of the Atlantic Alliance, and in particular the U.S., as the guarantor of European defence. Moreover it should also be re-stated that while objecting to the absence of supranationality in the Fouchet proposals the Dutch did not at any point during the negotiations propose supranational alternatives. The Dutch of course were not alone in this omission, none of the participants in the Fouchet negotiations were in any sense inclined to back proposals of a supranational character. Indeed in all subsequent developments in this policy area there is a marked absence of substantive supranationally inclined proposals. In creating the EPC mechanism in 1970, supranational ambition was largely confined to peripheral rhetoric and played no part in the actual negotiation of the Luxembourg Report,[33] while in the negotiations and reports leading to the inclusion of EPC in the Single European Act, even the rhetoric of supranational ambitions in foreign and defence policy had long been abandoned.

In this respect we are brought to perhaps the clearest point to emerge in the course of this thesis; the sheer persistence of a basic core of ideas about the form of a European foreign and defence identity. From the Belgian and Italian proposals of 1969,[34] the creation of the EPC mechanism in 1970, through to the reactivation of WEU in 1984 and Title 3 of the Single European Act, each of the proposals and reports examined in the course of this study bear the unmistakable imprint of Fouchet.[35] Of particular importance is the Single European Act, which in bringing

both EPC and the European Council into the framework of the Community Treaties institutionalises the basic elements of the Fouchet proposals.

Thus the Single European Act establishes the 'Europe of de Gaulle', but not a 'Gaullist Europe'. Whilst the relevant provisions of the Single Act mirror the basic institutional structure advocated by de Gaulle in the Fouchet proposals, it is a Europe in which the role of France as the predominant actor envisaged by de Gaulle is much diminished. Indeed the steady, though relative, decline of French influence among its Community partners has been one of the strongest themes running throughout this thesis. This decline has been charted from its beginnings in the Fouchet negotiations and the realisation that the agenda of the Committee was slipping from French grasp.[36] In marked contrast to the positive and flexible stance which had characterised the French position at the opening of the negotiations, the French response to this realisation issued in the adoption of an aggressively rigid negotiating position which contributed significantly to the breakdown of negotiations. Thus one may conclude that, unable to control the direction of the negotiations, French strategy was deliberately destructive in its intent. Indeed from this point onwards one can observe a definite negative and reactive trend in French European policy, reflecting their declining ability to take the lead in the promotion of European projects. Thus French influence has been seen to be exercised more successfully in either opposition, or in reaction to non-French enterprises.

The inability of the French to dominate the European foreign and defence debate is in many respects related to a further theme to emerge, that of British participation as the pre-requisite to the success and credibility of any European venture in the foreign policy and defence spheres. Throughout the post-war period, the success or failure of the many and varied attempts to make progress in the foreign policy and defence fields has hinged on the participation or non-participation of Britain. Britain's close relationship with the U.S.A. in defence matters and underlying fears of French, German or Franco-German domination of Western

Europe have all been contributory factors in the decision on the part of various Member States of the Community to insist on the guarantee of British participation as the price of their involvement. In this respect the successful establishment of EPC in 1970 was in no short measure a direct consequence of the acceptance of the principle of British entry to the Community on the part of France.[37] Indeed EPC is an area of Community-related activity in which Britain has proved to be an extremely positive and influential force, contrasting markedly with its overall image as one of the more difficult and disruptive Community States.

However, to return to the major theme of this thesis: this study has clearly shown that there exists among the overwhelming majority of Member States a broad consensus on the institutional character of a European foreign and defence identity. Whilst there are number of issue areas which have been, and in some respects remain, constant barriers to full agreement, it is nevertheless a consensus which has demonstrated a remarkable degree of persistence. This however is not to conclude that the line between the Fouchet proposals and the inclusion of the EPC mechanism in the Single European Act is evidence of an inexorable deterministic logic at work. Whilst EPC had emerged as the preferred vehicle for further progress in the development of a European foreign and defence identity, the use of the reactivated WEU as a means of advancing the collective security ambitions of the majority of Member States was a clear indication that they were not inextricably tied to a Community-related route. Indeed the pattern of progress and development in this sphere has been guided by the combination of pragmatic responses to situations of crisis, the political constraints and ambitions of various Member States, and the wider context of Western Europe's relationship with the U.S.A. Yet while the pattern of development has been subject to a number of differing and conflicting pressures the form of the response has remained fundamentally that proposed in the Fouchet Plans.

Notes

1   See for example:
     Lodge, J., 'The Single European Act: Towards a New
     Euro-Dynamism?', <u>Journal of Common Market Studies</u>,
     24, (1986), pp.203-23. Taylor, P., 'The New
     Dynamics of EC. Integration in the 1980's', in
     Lodge, J. (Ed), <u>The European Community and the
     Challenge of the Future</u>, (London 1989), pp.3-25.
     Feld, J.W. & Mahant, E.E., 'New Efforts for European
     Union: Hopes, Progress and Disappointments',
     <u>Journal of European Integration</u>, Vol.10, No.1,
     (1986), pp.39-58. Bulmer, S., & Scott, A. (Eds),
     'Introduction: Economic and Political Integration a
     Decade On', <u>Economic and Political Integration in
     Europe: International Dynamics and Global Context</u>,
     (Oxford 1994), pp.1-10.

2   Mutimer, D., '1992 and the Political Integration of
     Europe: Neo-Functionalism Reconsidered', <u>Journal of
     European Integration</u>, (J.E.I) Vol.13, No.1, (1989),
     pp.75-101. Kirchner, E.J., 'Has the Single European
     Act opened the door for a European Security Policy
     ?', <u>JEI</u>, pp.1-14. Feld, J.W. & Mahant, E.E.,
     (1986), pp.39-58. Sandholtz, W & Zysman, J '1992
     : Recasting the European Bargain' in <u>World Politics</u>
     vol.42 no.1 (1989).

3   Mutimer, D., <u>JEI</u>, (1989), p.78.

4   Mutimer, D., <u>JEI</u>, (1989), p.75-101.

5   Kirchner, E.J. <u>JEI</u>, (1989), pp.1-14.

6   Kirchner, E.J. <u>JEI</u> (1989), p.8.

7   Article 30, Para.66, SEA, <u>Bulletin of EC</u>. Supplement
     2/86, p.18.

8   Kirchner, E.J., <u>JEI</u> (1989), p.13.

9   Kirchner, E.J., <u>JEI</u> (1989), pp.8-10.

10   'Solemn Declaration of European Union', <u>Bulletin of
     EC</u> 6-1983, 1.4.2, p.25.

11   See pp.142-49.

12   Moravcsik, A., 'Preferences and Power in the
     European Community: A Liberal Inter-Governmentalist
     Approach', <u>Journal of Common Market Studies</u>, Vol.31,
     No.4, (1993), pp.473-524. Also published in Bulmer,
     S.K. & Scott, A. (Eds), (Oxford 1994), pp.29-80.

13   Moravcsik, A.,' 'Preferences and Power in the European Community' <u>JCMS</u>, (1993), p.518.

14   Moravcsik, A., 'Preferences and Power in the European Community' <u>JCMS</u>, (1993), pp.480-517.

15   Moravcsik, A., 'Preferences and Power in the European Community' <u>JCMS</u>, (1993), p.516.

16   Moravcsik, A., 'Preferences and Power in the European Community' <u>JCMS</u>, (1993), p.494.

17   Moravcsik, A., 'Preferences and Power in the European Community' <u>JCMS</u>, (1993), p.474.

18   Haas, E.B., <u>The Uniting of Europe</u>, (London 1958), p.16.

19   For example see pp.273-74.

20   This was a point heavily stressed in interviews with Van Eekelen, W. (1992), and F.O. Official (1992). See also Nuttall, S. (1992), pp.312-313.

21   Van Eekelen, W. Interview: 1992. F.O. Official. Interview: 1992. See also Nuttall, S. (1992), p.179.

22   Hill, C., 'The Capability-Expectations Gap' (1994). in Bulmer, S. & Scott, A (eds) (Oxford 1994) pp.104-105.

23   Hill, C., 'The Capability-Expectations Gap' (1994), p.104.

24   Hill, C., 'The Capability-Expectations Gap' (1994), pp.106-107.

25   Hill, C., 'The Capability-Expectations Gap' (1994), p.104.

26   Hill, C., 'The Capability-Expectations Gap'(1994), p.120.

27   See Chapter Four pp.174-202.

28   See Chapter Four pp.174-202.

29   France, FRG and UK.

30   Moravcsik, A., ` Preferences and Power in the European Community` (1993), p.482.

31   See Chapter One.

32   Bodenheimer, S.J., (1967), p.153.

33   See Chapter Two.

34   See Chapter Two.

35   The parameters of this thesis preclude an
      examination of the 1992 Maastricht Treaty and the
      post-1989 political environment. However, it would
      appear that pattern of developments and the choice
      of institutional vehicles observed throughout this
      thesis remain consistent. In particular this can be
      seen in the use of WEU as the means to resolve the
      problem of defence.

36   See Chapter One.

37   See Chapter Two.

BIBLIOGRAPHY

Official Publications

European Community Documentation

Ad Hoc Committee for Institutional Affairs : Report to the European Council
(Brussels, 29-30 March 1985).
Ad hoc Committee on Institutional Affairs : Interim Report to the European Council
(Dublin, 3-4 December 1984).
Anglo-Italian Declaration on Europe (28-4-69) Bulletin of the EC Vol.1 no.6
(1970)
Bulletin of the EC no 12   (1969).
Bulletin of the EC no.3   (1970).
Bulletin of the EC no.4   (1969).
Bulletin of the EC no.5   (1969).
Bulletin of the EC no.6   (1969).
Bulletin of the EC no.7   (1969).
Bulletin of the EC no.8   (1969).
Bulletin of the EC no.1   (1970).
Bulletin of the EC no.2   (1970).
Bulletin of the EC no.7/8 (1985).
Debates of the European Parliament Nos.2-328/43 inclusive (9-7-85).
Debates of the European Parliament Nos 2-331/86-122 inclusive (23-10-85)
Debates of the European Parliament Nos 2-333/122-128 inclusive (11-12-85).
Debates of the European Parliament Nos 2-334/196-207 inclusive (16-1-86).
Debates of the European Parliament Nos.1-314/285-263 inclusive (24/25-5-84).
Decision adopted by the ministers meeting in the framework of European Political
Co-operation on the occasion of the signing of the Single European Act.
Reproduced in Nuttall, S. `EPC and the Single European Act' Yearbook of
European Law (1985).
Document on the European Identity published by the Foreign Nine Copenhagen, 14-
12-73. (Press and Information Office of the Federal Republic of Germany, Bonn
1988).
Draft European Act (6-11.81) Bulletin of the European Parliament 50/81.
Draft Treaty Establishing the European Union European Parliament (February
1984).
Draft Treaty on Political Co-operation (19 November 1985). Submission by the
Political Committee of EPC meeting in the context of the IGC. Reproduced in
Agence Europe No.ns.4206.
European Trends Special Report no.1 (1984).
European Union : Report by Mr, Leo Tindemans to the European Council. Bulletin
of the EC 1/76.
Interim Report on the Progress of Deliberations in the National Parliaments on the
Draft Treaty Establishing the European Union. Committee on Institutional Affairs,
Rapporteur, Mr. H J Seeler. European Parliament Working Documents Doc A 2-
16/85 (1985/86).
Report by the Foreign Ministers of the Member States on the Problems of Political
Unification Bulletin of the EC Vol.3 no.1 (1970).
Report on European Political Co-operation London, October 1981 (London
Report). (Press and Information Office of the Federal Republic of Germany, Bonn
1988).

Report on the European Parliament's Position on the Deliberations of the European Council on the European Union. Rapporteur Mr.Lambert Croux, PE Doc A 2-17/85 (9-4-85).
Report on the follow-up to the Milan Summit as regards European Union. Committee on Institutional Affairs, Rapporteur, Mr. A Spinelli. European Parliament Working Papers Doc A 2-77/85 (1985-86).
Second Report on European Political Co-operation on Foreign Policy Copenhagen July 1973 (Copenhagen Report). (Press and Information Office of the Federal Republic of Germany, Bonn 1988).
Security Co-operation in the European Community : Selected Research Papers : European Parliament (1-8-89 Luxembourg)
Single European Act Bulletin of the EC Supplement 2/86 (1986).
Solemn Declaration on European Union Bulletin of the EC 6-1983.
Towards Political Union General Directorate of Parliamentary Documentation and Information (Luxembourg 1964)

Other European Institutions

A Retrospective View of the Year In Europe: 1961 Parliamentary Assembly of the Western European Union (WEU) (1962).
A Retrospective View of the Year in Europe: 1962 (WEU 1963).
A Retrospective View of the Year in Europe: 1963 (WEU 1964).
A Retrospective View of the Year in Europe: 1969 (WEU 1970).
European Yearbook 1960 Council of Europe (Strasbourg 1961).
European Yearbook 1961 Council of Europe (Strasbourg 1962).
European Yearbook 1962 Council of Europe (Strasbourg 1963).
European Yearbook 1963 Council of Europe (Strasbourg 1964).
European Yearbook 1969 Council of Europe (Strasbourg 1970).
General Policy of the Council of Europe Council of Europe Working Papers Rapporteur, Mr. Macmillan 9-5-62 Doc 1420.
General policy of the Council of Europe Council of Europe Working Papers Rapporteur, Mr. Pflimlin 14-9-62 Doc 1479.
NATO Yearbook 1960-65.
Note by the Executive Secretary to the National Security Council on NATO in the 1960s' NSC 6017 (November 1960, Washington).
Official Report of Debates : 1969 Consultative Assembly of the Council of Europe. Vol.1 (Strasbourg 1970).
Rome Declaration' (27-10-84) The Reactivation of WEU : Statements and Communiques 1984-87 Secretariat-General of WEU (1988).

National Documentation

Franco-German Draft Treaty On European Union. Reproduced in Nuttall, S. `EPC and the Single European Act' Yearbook of European Law (1985).
French Government : Act of European Union. Reproduced in Agence Europe No.ns.4208.
Italian Government : Preliminary Draft Mandate for an Intergovernmental Conference (21-5-85). Reproduced in Agence Europe No.ns.4093.
Italian Government : Draft Treaty on European Political Co-operation. Reproduced in Agence Europe No.ns.4163.
Netherlands Government : Draft treaty on European Political Co-operation. Reproduced in Agence Europe No.ns.4153.
Parliamentary Debates : House of Commons Official Report (Hansard) 1959-1963.
Parliamentary Debates : House of Commons Official Report (Hansard) 1967-1971.
Parliamentary Debates : House of Commons Official Report (Hansard) 1984-1986.

Parliamentary Debates : House of Commons Official Report (Hansard) 1990.
U.K. Government : Draft Agreement on Political Co-operation. Reproduced in
Nuttall, S `EPC and the Single European Act' Yearbook of European Law (1985).
White Paper : CMND 1565 HMSO November 1961.

Miscellaneous Documents

Brittan, Sir, L The European Community and the Gulf Crisis Speech to the
International Union of Lawyers, Strasbourg, 10 September 1990. Text supplied by
the Office of Sir Leon Brittan, Vice President of the Commission of the European
Communities (Brussels 1990).
Brittan, Sir, L. A European Security Community ? Speech to the British Atlantic
Group of Young Politicians, Lancaster House, London 17 May 1990. Text
supplied by the Office of Sir Leon Brittan, Vice President of the Commission of the
European Communities (Brussels 1990).
Pompidou, G : Press Conference 21-1-71. `Collection of Miscellaneous Texts on
Intstitutional Issues' European Documentation Centre: Durham.
Public Papers of the Presidents John, F Kennedy 1961-62 (Washington).

Interviews

Dr. W Van Eekelen, Secretary-General of Western European Union, 9 December
1992. Taped interview of two hours duration. I retain copies of the tapes.

Sir D Thomas. Deputy Under Secretary of State for Europe and Political Director,
Foreign and Commonwealth Office 1984-87. Taped interview of two hours
duration, 18 December 1992. I retain copies of the tapes.

Books

Allen, D. Rummel, R. Wessels, W.(eds) European Political Co-operation
(London 1982).
Archer, C Organizing Europe : The Institutions of Integration (Arnold 1994).
Aron, R. Peace and War (Weidenfield and Nicholson 1966).
Barber, J & Reed, B (eds). European Community : Vision and Reality (London
1973).
Barnaby, F. What on Earth is Star Wars ? (London 1986).
Barston, R.(ed) The Other Powers : Studies in the Foreign Policies of Small States
(London 1973).
Beloff, M. The United States and the Unity of Europe (London 1963).
Bodenheimer, S J. Political Union : a Microcosm of European Politics 1960-66
(Leiden 1967).
Buchan, A. NATO in the 1960s (London 1963).
Bulmer, S & Scott, A (eds) Economic and Political Integration in Europe :
Internal Dynamics and Global Context (Oxford 1994).
Burgess, M. Federalism and the European Union : Political Ideas, Influences and
Strategies in the European Community, 1972-1987 (Routledge 1989).
Burrows, B. The Security of Western Europe (London 1972).
Buzan, B. People, States and Fear (Brighton 1983).
Cahen, A. The Western European Union and NATO (London 1989).
Calleo, D The Atlantic Fantasy (John Hopkins Press 1970).

Calleo, D. Beyond American Hegemony : The Future of the Western Alliance (New York 1987).

Camps, M. Britain and the European Community (Oxford 1964).

Camps, M. European Unification in the Sixties : From Veto to Crisis (New York 1968).

Carr, E H. The Twenty Year Crisis : 1919-1939 (London 1939).

Charlton, M. The Price of Victory (London 1983).

Claude, I J. Swords into Plowshares : The Problems and Progress of International Organization (Third Edition) (London 1964).

Coker, C. The Future of the Atlantic Alliance (London 1984).

Coombes, D. Politics and Bureaucracy in the European Community : A Portrait of the Commission of the EEC (London 1970).

Cosgrove, C. & Twitchet, K.(eds) The New International Actors (Basingstoke 1970).

Coudenhoeve-Kalergi, R N. Europe Must Unite (Glarus-Switzerland 1939).

Croft, S.(ed) British Security Policy : The Thatcher Years and the End of the Cold War (London 1991).

Cromwell, W C. Forman, N. & Joffe, J Problems of the Atlantic Partnership : National Perspectives (Bruges 1969).

Crozier, B. De Gaulle : The Statesman (London 1973).

Davidson, I Britain and the Making of Europe (London 1972).

De Gaulle, C. Memoirs of Hope (London 1971).

De Menil, P. Who Speaks for Europe ? (London 1977).

Elazar, D J. Exploring Federalism (Alabama 1987).

Etzioni, A. Political Unification (New York 1965).

Forsyth, M. Unions of States : The Theory and Practice of Confederalism (Leicester 1981).

Fursden, E. The European Defence Community : A History (London 1980).

Garwin, R L et al The Fallacy of Star Wars (New York 1984).

George, S. An Awkward Partner : Britain in the European Community (Oxford 1990).

George, S. Britain and European Integration Since 1945 (Oxford 1991).

George, S. Politics and Policy in the European Community (Oxford 1985).

Greenwood, S. Britain and European Co-operation Since 1945 (Oxford 1992).

Grosser, A. The Western Alliance : European-American Relations Since 1945 (Macmillan 1980).

Haas, E B Beyond the Nation State : Functionalism and International Organization (Stanford 1964).

Hallstein, W. Europe in the Making (London 1972).

Hallstein, W. United Europe : Challenge and Opportunity (Oxford 1962).

Hanrieder, W F. Germany, America and Europe : Forty Years of German Foreign Policy (Yale 1989).

Hanrieder, W F. West German Foreign Policy 1949-1963 (Stanford 1967).

Harrison, M. The Reluctant Ally : France and Atlantic Security (Baltimore 1981).

Harrison, R J. Europe in Question (London 1974).

Heller, F H. & Gillingham, J R.(eds) NATO : The Founding of the Atlantic Alliance and the Integration of Europe (New York 1992).

Herriot, E. The United States of Europe (London 1930).

Hettne, B.(ed) Europe : Dimensions of Peace The United Nations University : Studies on Peace and Regional Security (London 1988).

Hill, C. National Foreign Policies and European Political Co-operation (London 1983).

Hinsley, F H Power and the Pursuit of Peace : Theory and Practice in the History of Relations between States (seventh edition) (Cambridge 1987).

Hodges, M.(ed) European Integration (London 1972).

Hoffmann, S. America and the World (Foreign Affairs 1984).

Holland, M. European Community Integration (New York 1992).

Holland, M.(ed) The Future of European Political Co-operation (London 1991).

Horne, A. Macmillan, 1894-1956 (Basingstoke 1988).

Ifestos, P. European Political Co-operation : A Framework for Supranational Diplomacy ? (Aldershot 1987).

Ionescu, G.(ed) The New Politics of European Integration (London 1972).

Jenkins, R. European Diary (London 1989).

Jervis, R. Perception and Misperception in International Politics (Princeton 1976).

Kissinger, H. The Troubled Partnership (New York 1965).

Kitzinger, U. Diplomacy and Persuasion : How Britain Joined the EEC (London 1973).

Kolodzeij, E A. French International Policy under De Gaulle and Pompidou : The Politics of Grandeur (Cornell 1974).

Lacouture, J. De Gaulle : The Ruler (Harvill 1992).

Lambert, J Britain in a Federal Europe (London 1968).

Lerner, D & Aron, R.(eds) France Defeats The EDC (MIT 1957).

Lieber, R J. British Politics and European Unity (London 1970).

Lindberg, L N. & Scheingold, S. Europe's Would-be Polity (Englewood-Cliffs 1970).

Lindberg, L N. & Scheingold, S. Regional Integration : Theory and Research (Harvard 1971).

Lindberg, L N. The Political Dynamics of European Integration (Stanford 1963).

Lipgens, W. A History of European Integration : Vol.2 1945-1947 (Oxford 1982).

Little, R & Smith, M Perspectives on World Politics (second edition) (London 1992).

Lodge, J.(ed) The European Community and the Challenge of the Future (Pinter 1989).

Louw, M H H.(ed) National Security : A Modern Approach (Pretoria 1978).

Mackay, R W G. Towards A United States of Europe (London 1961).

Macmillan, H. At The End of the Day : 1961-1963 (Bsingstoke 1973).

Macmillan, H. Pointing the Way : 1959-1961 (Basingstoke 1972).

Macmillan, H. Riding The Storm : 1956-1959 (Basingstoke 1971).

Mitrany, D. A Working Peace System (London 1943).

Mitrany, D. The Functional Theory of Politics (London 1975).

Monnet, J. Memoirs (New York 1978).

Moon, J. European Integration 1950-1963 : A Study in Issue Change (Aldershot 1985).

Morgan, R. & Bray, C.(eds) Partners and Rivals in Western Europe (London 1986).

Morgan, R. The United States and West Germany 1945-1973 : A Study in Alliance Politics (Oxford 1974).

Morgenthau, H. Politics Among Nations (New York 1966).

Mowatt, R C. Creating the European Community (London 1973).

Neustadt, R E. Alliance Politics (Columbia 1970).

Newhouse, J. Collision in Brussels : The Common Market Crisis of 30 June 1965 (London 1967).

Newman, B. The New Europe (London 1944).

Nugent, N. The Govenment and Politics of the European Community (London 1989).

Nuttall, S J European Politcal Co-operation (Oxford 1992).

Nutting, A. Europe Will Not Wait : A Warning and a Way Out (London 1960).

Palmer, J. Europe Without America ? The Crisis in Atlantic Relations (Oxford 1988).

Park, W. Defending the West : The History of NATO (Brighton 1986).

Pentland, C. International Theory and European Integration (London 1973).

Pickles, W. Britain and Europe : How Much Has Changed ? (Oxford 1967).

Pryce, R. The Political Future of the European Community (London 1962).

Pryce, R. The Politics of the European Community (London 1973).

Pryce, R.(ed) The Dynamics of European Union (London 1989).

Reynolds, C. The World of States (Brighton 1992).

Reynolds, P A. An Introduction to International Relations (second edition) (New York 1980).

Rosenthal, G G. The Men Behind The Decisions : Case Studies in European Policy-Making (Lexington 1975).

Schaetzel, J R. The Unhinged Alliance : America and the European Community (London 1975).

Schmitt, H A. The Path to European Union : From Marshall Plan to the Common Market (Louisiana 1962).

Serfaty, S France, De Gaulle and Europe : the Policy of the Fourth and Fifth Republics Toward the Continent (Baltimore 1968).

Sherwin, N.(ed) NATO's Anxious Birth (London 1985).

Sloan, S. NATO's Future (Basingstoke 1986).

Smith, G Politics in Western Europe (fourth edition) (London 1984).

Smith, G. Democracy in Western Germany (Aldershot 1986).

Smith, G. Patterson, W E. Merkl, P H.(Eds) Developments in West German Politics (London 1989).

Smith, J. The Origins of NATO (Exeter 1990).

Smith, M. Western Europe and the United States : The Uncertain Alliance (London 1984).

Spaak, P H. The Continuing Battle : Memoirs of a European 1933-66 (London 1971).

Spinelli, A. The Eurocrats (Baltimore 1966).

Spinelli, A. The European Adventure : Tasks for and Enlarged Community (London 1972).

Steel, R The End of Alliance : America and the Future of Europe (New York 1964).

Taylor, P. When Europe Speaks With One Voice : The External Relations of the European Community (London 1971).

Tint, H. French Foreign Policy since the Second World War (London 1972).

Tsoukalis, L The European Community : Past, Present and Future (Oxford 1983).

Tugendhat, C. Making Sense of Europe (London 1986).

Twitchett, C & J.(eds) Building Europe : Britain's Partners in the EEC (London 1981).

Urwin, D W. The Community of Europe (London 1991).

Van Der Beugel, E H. From Marshall Aid to Atlantic Partnership (New York 1966).

Vaughan, R.(ed) Post-War Integration in Europe (London 1976).

Vital, D The Inequality of States : A Study of the Small Power in International Relations (London 1967).

Voorhoeve, J J C. Peace Profits and Principles : A Study of Dutch Foreign Policy (The Hague 1979).

Wallace, W. & Webb, C.(eds) Poicy-Making in the European Community (Chichester 1983).

Weigall, D & Stirk, P The Origin and Development of the European Community (Leicester 1992).

Weil, G L. A Foreign Policy for Europe ? (Bruges 1970).

Wheare, K C. Federal Government (fourth edition) (Oxford 1963).

Williams, P M.(ed) The Diary of Hugh Gaitskell : 1945-1956 (London 1983).

Willis, R F. France, Germany and the New Europe 1945-1963 (Oxford 1965).

Wilson, H. The Labour Government, 1964-1970 : A Personal Record (London 1971).

Zurcher, A. The Struggle to Unite Europe : 1940-58 (New York 1958).

Newspapers, News Agencies and Weekly Magazines

Agence Europe Weekly Report. January 1984-July 1987 inclusive.
Agence Europe Daily Bulletin: Political Day. January 1981-July 1987 inclusive.
Fact (London). September 1952-December 1953.
Fact (London). January-December 1954.
International Herald Tribune (New York). January 1959-February 1963 inclusive.
Keesings Contemporary Archives. 1959-63 inclusive.
Keesings Contemporary Archives. 1968-72 inclusive.
Keesings Contemporary Archives. 1980-87 inclusive.
The Economist (London). January 1959-February 1963 inclusive.
The Economist (London). January 1968-December 1972 inclusive.
The Economist (London). January 1980-July 1987 inclusive.
The Financial Times (London). January 1959-February 1963 inclusive.
The Financial Times (London). January 1968-December 1972 inclusive.
The Financial Times (London). January 1980-July 1987 inclusive.
The Times (London). January 1959-February 1963 inclusive.
The Times (London). January 1968-December 1972 inclusive.
The Times (London). January 1980-July 1987 inclusive.
The Times (London). November 1990.

Journals

Beyen, J W. `United Europe : Federal or Supranational ?' Internationale Spectator (April 1965).
Bruckner, P. European Political Co-operation : A Danish Perspective' Yearbook of European Law Vol.5, (1985).
Bundy, M. et al `The President's Choice : Star Wars or Arms Control' Foreign Affairs (Winter 1984-85)
Coker, C 'European Security : A British View' Journal of European Integration Vol.9 (1986).
Feld, J W. & Mahant, E E. `New Efforts for European Union : Hopes, Progress and Disappointments' Journal of European Integration Vol.10, No.1 (1986).
Haas, E. `The Uniting of Europe and the Uniting of Latin America' Journal of Common Market Studies Vol.5 (1967).
Heath, E. `Realism in British Foreign Policy' Foreign Affairs Vol.48, No.1 (1969/70).
Hurd, D. `Political Co-operation' International Affairs Vol.57, No.3 (1981).
Howarth, J. `Consensus of Silence : The French Socialist Party and Defence Policy under Francois Mitterrand' International Affairs Vol.60, No.4 (1984).
Johnson, C. `De Gaulle's Europe' Journal of Common Market Studies Vol.1 (1963).
Kirchner, E J. `Has the Single European Act opened the door for a European Security Policy ?' Journal of European Integration Vol.10, no.1 (1986).
Lellouche, P. `France and the Euro-Missiles : The Limits of Imunity' Foreign Affairs (Winter 1983/4).
Lodge, J. `The Single European Act : Towards a New Euro-Dynamism ?' Journal of Common Market Studies Vol.24 (1986).
Meenan, K. `The Work of the Dooge Committee' Administration Vol.33, (1985).
Moravcsik, A. `Preferences and Power in the European Community : A Liberal Inter-Governmentalist Approach' Journal of Common Market Studies Vol.31, (1993).
Mutimer, D. `1992 and the Political Integration of Europe : Neo-Functionalism Reconsidered' Journal of European Integration Vol.13, No.1 (1989)
Nau, H. `Integration to Interdependence' International Organisation Vol.33 (1979).
Neville-Jones, P. `The Genscher-Colombo Proposal on European Union' Common Market Law Review (1983).
Nuttall, S J `EPC and the Single European Act' Yearbook of European Law Vol.5, (1985).

Pickles, D. `The Decline in Gaullist Foreign Policy' International Affairs Vol.51 (1975).

Puchala, D J. `Of Blind Men, Elephants and International Integration' Journal of Common Market Studies Vol.10 (1972).

Sandholtz, W & Zysman, J '1992 : Recasting the European Bargain.' World Politics Vol.42 no.1 (1989).

Schultz, E. `Unfinished Business : The German National Question and the Future of Europe' International Affairs Vol.60, No.4 (1984).

Smouts, M C. `The External Policy of Francois Mitterand' International Affairs Vol.59, No.2.(1984).

Thompson, J A. `The LRTNF Decision' International Affairs Vol.60, No.4 (1984).

U.K. Government `Europe : The Future' Journal of Common Market Studies Vol.23 (1984).

The following Journals have also been consulted and have been of value to an overall understanding of the periods and issues covered in the course of this thesis.

Comparative Politics
Government and Opposition
Political Quarterly
Political Studies
The World Today
West European Politics

Occasional Papers and Working Papers

Action Committee for the United States of Europe. Statements and Declarations : 1955-1967 PEP Chatham House : European Series No.9 (1969).

Andreotti, G. European Union : One Character in Search of an Author 8th Jean Monnet Lecture, Florence 23-11-85. (EUI Florence 1985).

Bieber, R. Jacques, J P & Weiler, R H H.(eds) An Ever Closer Union : A critical review of the Draft Treaty Establishing European Union Commission of the EC/European University Institute Florence. (Luxembourg 1985).

Daniels, P & Ritchie, E. Relaunching the European Communities : The Responses of Britain, France and Italy to Proposals for Institutional Reform of the Communities in 1985 University of Newcastle upon Tyne 1989 (Unpublished).

Delors, J. The Single European Act : A Moment of Truth 9th Jean Monnet Lecture, Florence 21-11-86. (EUI Florence 1986).

Hoschet, J, M & Wessels, W (eds) The European Council 1974-86 EIPA (Maastricht 1988)

Jansen, M History of European Integration : 1945-1975 Occasional Papers of the Europa Institute, no.1 (Amsterdam 1975).

Laursen, F & Vanhoonacker, S (eds) The IGC on Political Union : Institutional Reforms, New Policies and the International Identity of the EC EIPA (Maastricht 1992).

Mayne, R. The Institutions of The European Community PEP Chatham House : European Series No.8 (1968).

Morgan, A. From Summit to Council : Evolution in the EEC PEP Chatham House : European Series No.27 (1976).

Palmer, M. The Prospects for a European Security Conference PEP Chatham House : European Series No.18 (1971).

Silj, A. Europe's Political Puzzle Occasional Papers in International Affairs No.17. Harvard University Center for International Affairs (1967).

Spinelli, A. Towards The European Union 6th Jean Monnet Lecture, Florence 13-6-83. (EUI Florence 1983).

Thorn, G. European Union or Decline : To Be Or Not To Be 7th Jean Monnet Lecture, Florence 24-5-84. (Florence 1984).

Tsakaloyannis, P.(ed) The Reactivation of the Western European Union : The effects on the EC and its Institutions (Maastricht 1985).

Tsakaloyannis, P.(ed) Western Security in a Changing World EIPA (Maastricht 1990)

Van der Groben, H. The European Community, The Formative Years : The struggle to establish the Common Market and the Political Union European Perspectives Series : Commission of the EC. (Luxembourg 1987).

Van der Harst, J. The Netherlands and the European Defence Community EUI Working Paper no.86/252 (Florence 1986).

Van Eekelen, W. Future European Defence Co-operation : The Role of WEU European Strategy Group : Occasional Paper, (Paris 1989).

Wallace, H. National Governments and the European Communities PEP Chatham House : European Series No.21 (1973).

Warley, T, K Agriculture : The Cost of Joining the Common Market PEP Chatham House : European Series No.3 (1967).

Weiler, J H H. `Supranationalism Revisited - A Retrospective - The European Communities after 30 Years' in, Maihofer, W.(ed) NOI SI MURA : Selected Working Papers of the European University Institute (Florence 1986).