For analysis.

THE CRISIS OF EUROPEAN SUPRANATIONALITY

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Grave doubts once expressed about the future of the nation-state may now apply rather to the future of supranationality. Is the end of the European Community clearly in view? And with it, is this also the end of supranationality?

Several theories have been propounded as to how, within the EEC, supranationality must erode the sovereignty of its member-states--by superimposing on them a State-like structure; by changing their administrative and even political institutions so that the States as such become less autonomous; or by taking over some State functions.

At least since World War I, the nation-state had been by common consent the basic political unit. Over a hundred of them are now listed as members of the United Nations. The assumption that all of the civilized world is or will be divided into such units has, no doubt, helped give rise to the academic distinction made between internal and external politics, internal politics being conducted within nation-states, external politics being carried on, it is alleged, in a void outside their institutional structure. In so far as the distinction between internal and external politics can be maintained, it defines the nation-state as a unit even more sharply.

That something was happening to this autonomous (and in a sense isolated) entity, the nation-state, is attested by the proliferation

of hundreds of international organizations since World War II. In the world system of nation-states, international organizations must appear as a new kind of "actor", and it was not impossible to imagine that some of them were or would become political systems more highly evolved than nation-states and, perhaps, not just coexist with but replace them. Those which became supranational could be expected to duplicate the aspects of the nation-state that make it the kind of political entity it is: the authority and effectiveness of the government; the sovereign power over peace and war; and something to parallel "national consciousness" in the minds of the nation-state's individual citizens.

Such expectations may have been exaggerated, and international organizations may never in fact attain such a status. Even so, they may help to fill out the void of international politics by supplementing the powers of the State and by providing an institutional structure to facilitate communication for the playing-out of conflicts of power, which would formalize the distinction between internal and external politics. On the other hand, if supranationality should succeed we would expect power-politics to be eliminated within each supranational constellation of States.

We may begin by distinguishing, within the spectrum of international organizations, between those which are composed of nation-state members and those which are not. Such groupings as ILO, the Comintern, the World Council of Churches and the Boy Scouts vary in the intensity of their political commitment. About them one might argue that even when their founders had hoped they might erode the States from within, they have had very slim chances of doing so in the context of the well-established nation-states of the West. In another type of international organization--NATO, the Warsaw Pact, SEATO, the EEC and the UN--members are representatives of governments and not merely

nationals of countries. These organizations are more likely to become supranational, for two reasons: they have occasionally at their disposal some of the resources of the member-states (military in NATO, economic in the EEC, and,--to a much lesser extent--economic and military, in the UN). They also assume some of the functions of the State: defensive in NATO, economic in the EEC, security and diplomatic in the UN. Only the Paris Treaty establishing the ECSC has in fact employed the term 'supranational': the Euratom and Rome Treaties have set up entities which were often said to be supranational in intent. NATO, despite the unanimity of the early years, is in Stanley Hoffmann's words essentially "a hegemonic alliance"(1) and for that reason will be mentioned but not separately discussed. The UN is another candidate for supranationality (and the only possible candidate for a world government) but is clearly not supranational now. Unlike the European institutions, all the other international organizations were created to serve the ends of the national states, not to supersede them. Siotis glosses too lightly over this question of intent.(2)

We may now attempt to define supranationality: a supranational organization is one which (a) bypasses the nation-state's authority and deals directly with the citizen: which (b) takes over some functions traditionally exercised by the nation-state; and (c) is in the position to originate decisions not only on behalf of the State but despite it.

It is item (c) which seems to have been responsible for the recent discord in the EEC. From it we have learnt that an agent of a supranational organization--in this case the EEC Commission--cannot yet afford to take political initiatives in face of the nation-state. The still-unresolved conflict of interest between the EEC's national members is evidence that the organization is still an arena of power politics, unmodified by the supranational framework.

If in the realm of high politics cooperation between states cannot succeed, then perhaps the pattern for supranationality that we should look for is one, e.g. the Zollverein, in which the stronger dominates the weaker members, culminating in the peaceful conquest of the weaker by the stronger in the name of unity.

The basic questions, however, about the future of supranationality also concern directly the future of nation-states. Why are they joining together in international organizations? Is it because they find through collective effort an easier way to fulfill their national aspirations?--because through the institutions which at times appear to be supranational they merely find a new dimension for the exercise of national power?--or because they can no longer separately survive?

This paper will discuss the EEC as the most explicit instance from which we can draw conclusions as to future prospects for supranationality.

The debate about the nation-state within the European Economic Community is both implied and explicit. It is explicit because the Community is said to be in some respects already supranational: it has been implied in the struggle about the form that the future political institutions of the Community should take, and by the internal manoeuvres for power and prestige of the members and institutions of the Community both within and outside it. But until the crisis of mid-1965 only a careful scrutiny could show that Hallstein was glossing over certain stubborn facts when he claimed that the EEC was "a new corporate entity" in which problems were resolved by a

new constitutional system, and not by the old system of a precarious balance of power between strictly sovereign states.(3)

The founders of the ECSC, the first Community in Europe, had imagined that the transfer of these limited economic functions to a 'supranational' institution, independent of governments, would have far-reaching political consequences: it would be the first step to "the European federation" and would lead to "the elimination of the age-old opposition between France and Germany"(4). Likewise, in the two Communities created by the Rome Treaties of 1957, surrender by nation-states of constitutional powers in the economic sphere was intended by their architects to lead to a further surrender of powers in the political sphere, and thus to recreate the "political framework in which the sovereign is placed"(5).

This doctrine of integration automatically "moving from the economic to the military and political domains" has been referred to by Stanley Hoffmann as "the procedural illusion" of Jean Monnet.(6) This "illusion", though certainly open to theoretical objections of the sort that Hoffmann mentions, became powerful propaganda material in the hands of the EEC Commission and other champions of supranationality in Europe.

The question of procedure therefore was given by its founders an important place in the Rome Treaty: the States have not only surrendered a measure of their sovereignty in that the Treaty deprives them of the ability to extend "political...control over most of...(their) national economy"(7); they have also committed themselves to take measures as yet unknown, to be decided by procedures which depend on the progressive elimination of cases where a unanimous vote would be required. But what if at the crucial moment one or more of the States should resist?

The experience of the Zollverein no doubt inspired the hope that economic might lead to political union. On the other hand, the successfully operating customs union formed in 1948 by the Benelux countries need not, as the experience has shown, by itself lead either to economic or to political union.

From the beginning, then, it was evident that a number of difficult questions had to be answered:- could the European Common Market progress beyond a simple customs union, which by itself could infringe only marginally upon the internal cohesion of the typical member-state?; would the customs union, under the procedural provisions of the Rome Treaty, necessarily transmute itself into an economic union, which would then through an equally irresistible procedure become political?(8)

In the upshot, would the so-called supranational Communities take over some if not all the attributes of nation-states by assuming their administrative functions; or would they prove to be (as de Gaulle is nowurging) no more than convenient instruments for solving certain problems of sovereign autonomous nation-states? Would administrative and economic processes vested in institutions and treaties be adequate to taking over from the nation-states as geographic and historical entities, through an appeal to distant advantage and future increase of commonly-enjoyed power?

Let us look at the administrative sectors first. Hallstein was of course claiming a great deal for the Community's institutions: "The Community is run first and foremost by its Institutions", though he added that "there are other agents that play a part...in...integration. The first of these are the Member States and their Governments...but the Member States and their officials are drawn into the new European arrangements while these are still being elaborated."(9) Once again a hint of determinism!

Soon, the supranational element of the Communities--the High Authority of the ECSC and the two Commissions--were to be strengthened not only by the passage of the Community to Stage III in January 1966, but also by the merger of the three Commissions into a single one, as from 1 January 1966.(10)

At present the European Assembly, another possible supranational authority, is no more than a quasi-parliamentary body of little power. It is not likely to obtain the powers it wants to introduce legislation, or to have a say in appointing the individual members of the executive. The French have blocked its demands for direct suffrage. The Assembly's other claim--the right to exercise budgetary control over the three Communities--has been the occasion of the latest and most severe crisis in the EEC, and was undoubtedly the most extreme measure so far attempted to further supranationality.

The Council of Ministers is not a supranational body since its members are delegates of governments and since it has the right to adopt or reject the proposals framed by the Commission, as well as to draft its own policies. Yet in order for the qualified majority rule to operate as intended, the Council would have to be seized of 'Community spirit'--an indicator of their willingness to align their foreign policies and subordinate their several economic interests to the common one.

The frequent political interventions by the Commission have seemed to imply that even its members were not convinced that the 'momentum' generated by the administrative process envisaged in the Rome Treaty and by progressive integration of national economies would of itself deprive nation-states of their separate independence.

Conceded that there need not be a progression from economic to political union even by the methods prescribed in the Rome Treaty: yet once economic integration gathers momentum, the participating nation-states will find it far harder to withdraw.--"But the Treaty does not make economic integration automatic"?--An obvious rejoinder is that the voting procedures implied in the Third State will make it essential for any nation-state willing to oppose the economic and even the political drive of a determined Commission to resort to a political action of which de Gaulle's latest demarche is an example.

While then, as Siotis reasonably contends "... it would be very difficult to conclude that the structures and the functioning of the European executives are actively preparing the way for the realization of... a political union"[11], one ought to notice that this leaves out of account that the Commission may take political initiative--as indeed it recently has done.

The present leadership of the EEC Commission has at least demonstrated that it knows of ways in which Rome Treaty provisions could be exploited in the direction of promoting a political union. Why did it not succeed? Because Hallstein and his associates had mistakenly assumed that the political will of nations could be overridden by a combination of procedural skill and considerations of economic advantage. Their doctrine rested upon the false premise of a politically passive nation-state. Nevertheless, the "procedural" argument retained a certain force, to the extent that if any national challenge to this movement towards supranationality were to be made without violating the Treaty, it would have to be made now, i.e. in 1965, before the Third State were reached.

Haw far did the Community succeed in the field of economic integration? The achievement of the customs union has been steady and

impressive. The tariffs of the Six at present are down to 30% of their pre-Common-Market level. Uniform external tariff and a complete customs union in both industrial and agricultural products had been urged by the Commission for 1 July 1967; and until the July 1965 fiasco this target appeared to be well within reach (12). Much less seems to have been achieved in the field of economic integration than in respect of the customs union; here national interests were far more strongly entrenched--the French and German disagreement about whether to advance first the industrial or the agricultural sector contributed to the July 1965 breakdown. The assumption of the Commission was that a new momentum would come from the Council's decision of 15 December 1964 on common agricultural price, indirectly furthering the Community's commercial, monetary, transport and fiscal policy (13); but some members of the Commission no longer saw this economic development as inevitably leading to a politically united Europe. "Complete economic integration", observed Robert Marjolin, one of the Commission's Vice-Presidents and a disciple of Jean Monnet, might have to be preceded by "political union". (14)

There is of course no better way of assuring economic integration than by first instituting political union. It must be remembered nevertheless that the Rome Treaty includes no specific political proposals, though these may be guessed from its authors' intentions. The extreme position adopted by the leading members of the Commission--that political union did not differ in kind from the economic, and should come about by strengthening the existing constitutional framework and by extending it to the sectors of foreign policy, culture and defence (15) was plausible at the time when politics was thought to be withering along with the nation-state, being replaced in all advanced societies by an impartial administrative and technocratic authority. The political vigour of the EEC member-states' relations with each

other was in the event matched by the Commission's own. But its very venture into politics made nonsense of the expected slide into a technocratic and a political supranationality which was to succeed the system of politically-oriented nation-states.

Evidently the contrary view had been taken by France. Whether President de Gaulle was the mischievious author of a disruptive national political movement within the EEC or whether he was merely moving with the times is still being debated. But the latest experience--the July 1965 debacle--suggests that de Gaulle was able to lead and that the technocratically-minded Dr Hallstein had to follow suit.

France, in the old style of nation-states, had set out under de Gaulle to draw maximum benefits from the economic community and its political consequences, without having to sacrifice national sovereignty. This she sought to do by attempting (1) to superimpose a political structure upon the Rome Treaty (claiming that political union would require a separate agreement) and (2) to secure a permanent ally from amongst the Six in order to prevent qualified majorities on the Council from being formed against her wishes. The crux of the Fouchet plan of 1961-2 was that the political level was to remain exempt from integration: a standing conference of Heads of States and of Foreign Ministers bound by rules of unanimity, within three years of the operation of the treaty, was in effect to demote the three Commissions to the status of an orthodox civil service.

After the exclusion of Britain from the Common Market, de Gaulle had evidently hoped that West Germany would follow France's political lead on unity, in the spirit of the newly-signed Franco-German treaty. The building of Franco-German friendship had been originally conceived by statesmen like Schuman and Monnet as the first step to a

supranational community. It was an illusion to imagine that without it Germany and France might have repeated the experience of the First and Second World Wars, but it was realistic to suppose that political solidarity between them would be a prerequisite to any federation of Europe. De Gaulle was thinking in power-political terms: a Franco-German axis would guarantee France against any majorities being formed against her on the EEC Council, and would be a couterpoise to America's hegemony in NATO. That the Franco-German partnership has not, contrary to expectations worn very well is evidence that economic advantage cannot outweigh the nations' divergent political interests: issues such as German support for the United States in South Vietnam, questions of nuclear strategy, and of the shape that European political union should take, have divided Germany from France. The Federal Republic resents French overtures to Russia, and other East European states, her growing trade with the Communist bloc, and any suggestion of a deal, involving Russia's satellites, on the sensitive problem of German reunification.(16) No common foreign policy could be expected to emerge on that basis. The conflict was exacerbated by its being simultaneously played out in EEC and NATO.

Hoffmann, writing in 1964 perceived "two major political factors which delay Europe's unification: the foreign policies of the United States and of General de Gaulle"(17). While American mid-nineteen fifties' doctrine of 'limited war', combined with the slightly later one of 'graduated response' had tended to divide Europe from America, the MLF* proposal tended as well to divide the Europeans amongst themselves. In 1963, America's multilateral project was directed primarily against the Franco-German axis, so as to prevent their partnership from--as de Gaulle had intended-- disestablishing America's military predominance in Europe. Behind France's criticism of and

* Under the original American proposal the Multilateral Nuclear Force was to be a naval force of NATO countries, multilateral in ownership, financing and manning but not in control, since the USA would retain its veto.

hostility to the MLF was the early hope that through EEC and the Euratom Treaty France might come to control Europe's military atomic policy.[18] As Germany's adhesion became the prize in the contest between France and the USA, the schizophrenia of German politics expressed itself in the opposed views of Erhard and Schroeder--on the one hand, inclined to follow Washington's lead; and, on the other, that of Adenauer and Strauss. It was for the Germans a real dilemma: for without America's nuclear umbrella they would be the country most exposed to the Soviet threat; but without France, Germany would find itself defenceless in depth vis-à-vis Russia. Nevertheless, the Federal Republic had now an opportunity to manipulate France against America--an opportunity offered by the membership she shared with both in NATO, and with France in the EEC.

As Germany was becoming politically more articulate, some other European members of NATO besides France (notably Britain) began to be alarmed that the projected multilateral force might be a means of giving Germany access to the nuclear trigger. To the Americans European unity matters less than leadership in NATO; moreover, should de Gaulle's Third Force concept get a hold on the Continent, that kind of Europe could become an embarrassment to the USA. Nevertheless any American Administration would have to take into account the fact that a united Europe may mitigate the hazard of triggering off Russia and America since its combined resources could support an invulnerable deterrent, and that although a politically integrated Europe is not a necessary prerequisite for NATO, Europe divided and hostile could bring about the collapse of the alliance in its present multinational form.

Irrespective of current scepticism the USA has been committed for so long to fostering European integration that increasing misgivings could not be openly admitted. This might have been the reason why Washington dressed up the Polaris fleet project as an adjunct and stimulant to European integration, with an offer by President Johnson that:

> "Evolution of this missile fleet towards European control, as Europe marches toward unity, is by no means excluded."[19]

If the US policy makers no longer believe that Western Europe can be united into a single power centre closely linked with the United States[20] then Washington's promises, (such as that of President Johnson, quoted on previous page), remain useful propaganda:- the making of promises to a united Europe (which do not involve the provision of a nuclear deterrent for another ten years) may be a cheap price to pay in order to postpone the development of a vulnerable national deterrent in France or Germany right now. If, on the other hand, the promise is genuine, then it must detach France--which is seeking to become Europe's nuclear supplier--from the rest of European NATO and make Germany more intransigent in her dealings with France, leaving little hope that a foreign and defence policy common to the Six, and with it a political union within the EEC might emerge.

Thus it was not altogether surprising that the efforts to reach an agreement on agriculture and on the form that the treaty for political union should take, ended in failure. The supranational framework proved to be no more than a standing conference.

Germany's handling of the issue of political unification during the second half of 1964 convinced France that a confederal solution was not in sight. In July 1964 Erhard turned down de Gaulle's proposal for a European confederation built around a Franco-German axis, provoking the outspoken General to disclose this rift by criticising his partner at a press conference.

New proposals, one from Germany on 4 November 1964, and the other from Italy on the 26 November, coming when the Franco-German difficulties were at their height, proved unfruitful compromises. Designed to keep the issue of political union alive and open by having it talked about by the respective governments, the two plans seemed deliberately to temporize about the ultimate form that political union should take,

perhaps leaving the whole matter to be decided after de Gaulle has gone. Both proposals provided for periodic intergovernmental conferences of Heads of State and of their Foreign Ministers along the lines of the Fouchet plan, but left the actual signing of a political union treaty until some later date[21]. The Dutch had bitterly disagreed with Erhard when in October 1964 he had floated this scheme.[22]

In January 1965, Hallstein deplored the absence in those proposals of genuinely communal institutions: whereas an independent Secretary-General would to an extent fill a communal role, a periodic international conference (which he unfavourably compared with the Commission) would not. For opposite reasons France reacted coldly to such items as that (included in the two proposals) of keeping the door open for other European countries to join; that the future treaty be perfected not by a Franco-German committee, (or even by a three-man committee proposed by Spaak on 9 September) but in diplomatic consultation among all the Six; and that the European Parliament (the Assembly) be associated in elaborating the common policies. When in March 1965 proposals by the Commission came to focus upon the strengthening of the Assembly, France had every reason to conclude that instead of the Franco-German collaboration she had counted on in the matter of European union, there appeared now to be a meeting of the minds between the Commission and the Federal Republic. Already in November 1964 the Foreign Minister Schroeder, in comparing the German plan with the Commission's "Initiative 1964" was pleased to note that the two sets of proposals were not in any way contradictory but complementary, and therefore recommended that in future they should always be considered together.[23]

France had yet other reasons for treating the German and Italian initiatives as an empty gesture: throughout November 1964 and indeed

earlier, the French had indicated that it would be futile to discuss the question of political union in the course of an unresolved controversy about the Community's farm policy, or while Erhard remained committed to joining the MLF project even as a purely US-German gesture and before the end of 1964.(24)

France and Germany disagreed as to whether agriculture or industry should be integrated first. On 5 November Pompidou had alleged that France's basic interests had been ignored by the founding fathers of the Rome Treaty in favour of industrial Germany.(25) Germany withheld consent to the expensive common market in agriculture, yet complained about delays in the Community's industrial integration: demands for harmonization of tax and commercial policies (particularly important to Germany in providing for uniform trade policy with the Communist bloc) and for advancing the final date of the customs union to 1967, were attached to the German plan for political union of November 1964.(*) At the end of the year, unexpectedly, the stalemate was broken when Germany agreed to a common price in cereals.

In his press conference of 9 September 1965 de Gaulle scathingly referred to "...the Commission, suddenly emerging from its political reserve". The fact is that the Commission had from the beginning conceived of the solution to the agricultural question as necessarily political. Its spokesmen believed, as early as November 1963 when the Community was experiencing its first serious crisis caused by the breakdown of the negotiations with the UK, "...that the best way for it (the Commission) to stimulate the Community to further progress would be by submitting to the Council proposals that would be both politically important and objectively necessary". Its agricultural proposals, when formulated, on its own admission "...went beyond the question of cereal prices and were intended to increase the Community's responsibility for agricultural policy".(26)

(*) See (*) bottom of page 16

In October 1964, de Gaulle's threat to withdraw from the EEC unless West Germany agreed to a Community price for cereals probably had the desired effect, for the Commission and the European Parliament rallied behind him. Under this pressure (and because she perceived that--as Mansholt had argued--she might forfeit her chances of industrial tariff-cutting in the Kennedy Round(*) should the Six fail to agree on common agricultural policy), Germany assented on 15 December to the Commission's price for wheat taking effect in 1967.(27)

As soon as the Council agreed on the common price for cereals the Commission began to publicize its views on the political aspects of the agricultural settlement. Its Vice-President, Sicco Mansholt, on 21 January 1965 explained to the European Parliament that the significance of the Council's decisions of the 15 December 1964 was not

> ...limited to agriculture. The most evident impact is on the institutional plane. The Agricultural Guidance and Guarantee Fund will dispose of enormous sums, and

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(*) At the end of 1963 France and Germany concluded a bargain: in exchange for France's agreement to participate in the Kennedy Round, Germany agreed to support the development of a single community market for agricultural products. This bargain it was said jolted the Common Market out of the paralysis that had gripped it after de Gaulle's veto on British entry.

(The New York Times, 11 July 1965, p.12)

how they are spent will be decided at the Community level.

> From 1967 onward, decisions concerning prices will always be taken at Community level, which means that one of the objectives laid down in the Rome Treaty - substitution of Community for national policy - will have been attained...
>
> As more and more decisions at Community level are taken, it will become increasingly clear that the institutional structure of the Community has to be adapted. National Parliaments play an important part in national policy-making, while the European Parliament has hardly any influence at all on Community decisions; the question of its powers will rapidly come to the fore. (28)

Four days later Hallstein was even more explicit: "The pattern of the Rome treaties in so far as they supply one, is federal not confederal." The Commission's role in political union derived from its responsibility for integrating economic and social policies; that integrating process, presumably, ought then to continue into the fields of foreign and defence policies and should eventually lead to a European federation. (29)

These were bold words. Did the President of the Commission, overcome by the sudden success of its policy, change his mind--or merely feel that he could now afford to be frank? For only a month earlier, in an address to the Royal Institute of International Affairs, he had denied that the ultimate aim of the Community was to become a unitary state--European integration could not be completely identified with either a federation or a confederation, the Community being based on the States that represented its nations, whose diversity must be preserved. He urged the EEC members to transfer their authority to the Community only in those matters with which the individual states were too weak to cope. (30)

The two European hats of the Commission have not worn well. This moderate policy though convincing in December, sounded distinctly hollow when revived by Hallstein in July 1965. The Commission having

contributed to the breakdown in the July negotiations was now, as a result of its political initiative, politically compromised. (31)

At the beginning of 1965, however, the Commission's hopes for a political settlement had been high. Because of the reaching of agreement on the question of cereal prices, and of the temporary shelving of the MLF, Franco-German relations were thought to have improved. De Gaulle was even reported to have promised Erhard that the problems of European political union would be examined by a conference of the Heads of State in July 1965 once the financing regulation for agriculture had been approved by the EEC Council. (32) The harmony was allegedly impaired by de Gaulle's press conference of 4 February 1965 in which he called for a European solution to the German problem (i.e. one excluding America). At the same time there were signs that he would work for improved relations with the Communist states, feting the departing Russian Ambassador, Vinogradoff, and entertaining the Foreign Minister Gromyko. (33) The Germans were also irritated by the color television agreement de Gaulle signed with the Russians in March 1965. (34)

Whether de Gaulle was implementing the Third Force ideal or whether he was trying thereby to confront the West Germans with the unpleasant alternative of Franco-Russian rapprochement if Bonn's policies were continually to disappoint Paris, he was in any case practicing traditional statecraft.

How relevant then, under such conditions are the institutional ties of the Common Market or even of the Franco-German alliance? Only so far as they verbalize a claim, and give some point d'appui for reading one's partner lessons about friendship that is due but not forthcoming. Even had the Soviet Union and the United States not displayed interest in the policies of Common Market countries, and in their friendships or quarrels, there is a growing body of evidence that the Franco-German

partnership within the Common Market would have transformed itself into a rivalry; and then, to right the balance, Russia and America would have been called upon, thus witnessing to the Community's lack of cohesion. No common foreign policy could be expected to emerge on this basis.

On 31 March de Gaulle made talks among Market leaders on political "cooperation" conditional upon a favourable outcome to negotiations on agricultural prices.(35) The prospects for a political treaty appeared to be receding when at the end of March France refused to meet on 10 May in Venice with the Five(36). Meantime the Commission intervened to challenge de Gaulle: its opportunity for political initiative was the invitation from the Council of December 1964 to submit proposals no later than 31 March 1965 for supplementing Article 2 of the Regulation No.25 (for financing the agricultural policy).(37) Farm policies had so far been financed out of the "Agricultural Fund" raised from contributions by national States partly in proportion to the levies which the States themselves collected. The Commission's new proposal specified that by 1967, when the customs union was to be completed, the States would hand over to the Commission the right to collect the levies as well as to appropriate the incomes from the common customs tariff. This fund would form a Community budget, which would come into operation during the period 1967-1972, by which time the Commission's resources would amount to 2,400 million dollars--far more than it could hope to spend. The Commission had proposed moreover to appropriate gradually 13% of the national budgetary revenues of each of the Six.

This would necessitate a revision of the Rome Treaty; for under it the Council would adopt, on Commission proposals, a draft budget which the Parliament would be empowered to change: any changes it made could

be reversed by the Council only by a straight 5/6 majority (one country one vote) or by 4/6 if the Commission agreed with the Council. This would transfer much of the Council's power to Parliament and even more to the Commission.(38)

At this crucial state of negotiations, strong reasons would have to be given for amending the Treaty, yet on Hallstein's own admission: "The Council did not ask us to do this (viz. increase Assembly's powers) in so many words, but indirectly." The Commission derived its authority in the matter, he said, firstly from Article 2 of the financial regulation which recalled that the provisions regarding the joint revenues of the Community must be ratified by the Parliaments of the Member States. Some of these Parliaments (scil. Holland and Germany) had insisted on treating such ratification as conditional upon strengthening of the European Assembly. Secondly, a Council declaration of 23 December 1963 "stressed in its discussion of the workings of the European Agricultural Guidance and Guarantee Fund the great importance which it attached to the question of strengthening of the budgetary powers of the Parliament". And lastly, the European Parliament itself had passed a resolution in which it "emphatically made more far-reaching demands, as subsequently did certain member Governments and parliaments". Hallstein's metaphor that the Commission had been made a scapegoat(39) when unwrapped simply means that this allegedly supranational body had been unable to mediate a compromise, let alone to upgrade the common interest of its members; as alleged by the French "The Commission was...unable to exercize the conciliatory role that it had played at other difficult moments which the Common Market had experienced. Besides, it showed no desire to do so."(40)

Had all reference to increasing the budgetary powers (a far-reaching proposal since it required, as we have seen, the amendment of the Rome

Treaty and would have advanced the Community a long way towards supranationality) been omitted, the substance of the Commission initiative could have been considered under Article 201 of the Rome Treaty which states that: "The Commission shall study the conditions under which the financial contributions of Member States provided for in Article 200 may be replaced by other resources of the Community itself, in particular, by revenue accruing from the common customs tariff when the latter has been definitely introduced."

At the July 1965 Council meeting Article 201 was considered to the extent that "...the agreement was about to be reached on a French proposal according to which the customs duties could be allocated to the Community the day when the Community expenditures would reach a total which would justify this." As to the date proposed by the Commission "not one of the six delegations stated its readiness to support the Commission's position".(41)

Why then did the Commission adopt so "advanced" a position especially since from January 1966 qualified majority rule would obtain on most matters? The answer may lie in the Commission's own lack of faith in procedural 'determinism'. Once de Gaulle got his terms on agriculture there would be no way to tempt him into making any further concessions to supranationality. The result was the deadlock of July 1965.

After the fruitless de Gaulle-Erhard meeting (Bonn 11-12 June 1965) from which the Germans had once again failed to elicit more than a conditional promise of a summit meeting before the end of the year, depending on the progress in agricultural settlement(42), on 14 June the EEC Council began its discussions. The French have given two reasons for the breakdown in negotiation: some delegations (viz. the Netherlands and Italy, though the latter more moderately) had made the increase in the

Assembly's powers a condition of their accepting a new financial regulation.

But the French were in particular disgusted with the Germans who "at the very last minute, speaking through Dr Schroeder, and after having adopted rather reserved position on this subject, came to lend some support to the Dutch theses."(43) It may be that Germany had been glad to exploit French difficulties over the Commission's proposal to strengthen the Assembly. Bonn had evidently felt (and made it known even before the Council met) that it did not get enough economic quid pro quo from the French, who later declared that Germany's demands for industrial integration were "certainly important, but unrelated to the purpose of the negotiations."(44)

There was little concern for ideologies (including supranationality) and a couple of contradictions besides in Dr Schroeder's speech to the press on 3 July 1965 explaining the German objections to finalizing the settlement in agriculture on the terms proposed by France:

> We want the present system of agricultural financing to continue, we also desire a solution to the special problems such as the establishment of a common milk-price and a market regulation for sugar. We also want to be certain that by 1 July 1967 - the date accepted by all concerned - the Customs Union will have been created together with a common agricultural market. We also want satisfactory assurances relating to tax co-ordination and a common trading policy. Finally, we support the policy of vesting greater powers in the European Parliament in order to subject the Community's finances to more stringent budgetary control. (45)

It is hard to square the first sentence of this quotation with the last. But the substance of Germany's quarrel with France appeared to be the worry that industrial integration might come to be neglected in the Common Market, just as the French seemed convinced that the agricultural

Common Market would never come about. Because of their belief in supranationality and in strengthening the European Parliament the Dutch and the Italians would not commit themselves on the matter of common financing for agriculture beyond 1967 but Italy had economic objections as well. She rejected any agreement on finance designed to last more than one or two years, complaining (in the opinion of the French, "not unreasonably") at having had to assume too great a share of the burdens since the common agricultural policy had entered into force. Though the French representative on the Council had made substantial concessions to Italy to meet her objections, this failed to alter her attitude.

> It must be emphasized that this intransigence, indirectly supported by the conditions Germany posed, was responsible for the failure of the negotiations. (46)

With France on the Parliamentary question were Belguim and Luxembourg, who castigated the attempt to endow the European Assembly with budgetary powers: as "... Mr Spaak clearly showed...if it could one day become necessary to give powers to a European Parliament, it could not at that time be the Strasbourg Assembly, which is not a real parliament;"(47).

Following the collapse of negotiations the French spokesmen, Peyrefitte, Bokanowski and on 9 September 1965 General de Gaulle himself, accused France's partners of breaking the promise to adopt financial measures for the common agricultural policy not later than 30 June 1965. This they had promised three times: in January 1962 when France allowed the Market to pass on to the Second Stage and renewed in December 1964 and January 1965 and made without any "economic or political condition on the fulfillment of this commitment". The French representatives condemned the tactics of the Five which made the agricultural solution--vital to France--hang upon the outcome of supranationality,

a concept which, in the French view, had worked against any real construction of a European union. (48)

It is an interesting commentary--if cohesion within the Market institutions is to be considered an aspect of supranationalism--that the major conflict that had arisen was not between the different EEC institutions as such but chiefly amongst the various national members of the Council--with the Commission adding, if anything, fuel to the fire. The Council had not, as Lambert had supposed it would, become more than "...a mere forum for the unyielding defence of national interests."(49) Unable to reconcile the conflicting economic claims of the two major contenders in the dispute, the Commission by its political initiative merely served to dramatize the already apparent fact that without the prior agreement of governments no amount of procedural ingenuity can succeed; nor can supranationality. Moreover the belief in supranationalist doctrine had tempted the Commission to fall into the error of identifying its own policy with, and making itself the judge of, the higher 'Community interest'. Though it had the support of some Common Market members, in so doing the Commission had missed even the lowest common denominator of national compromise.(50)

The Agricultural crisis has thus derogated from what Lambert had described as "the single most lasting achievement of the Community...the basic success of its institutional machinery."(51), which we would have expected in a politically-cohesive supranational community. In the event, power politics were paramount: the crisis did not follow a pattern distinct from other international crises--there were merely other actors (in this case the Commission).

On 2 July France rejected Hallstein's compromise proposal to amend those originally put forward by the Commission(52) and within a few days announced its decision to boycott the Common Market, the

Coal and Steel Community and Euratom.[53] At the inconclusive Council meeting of 26 July, in spite of de Murville's warning that any proposals from the Commission would now "commit nobody", the Commission put forward a new memorandum, subsequently examined by the Council in October, which practically shelved the question of supranationality until 1970. The Commission has now returned to the old method of financing agriculture through the European Agricultural Guarantee and Guidance Fund. Its earlier goal of July 1967 for achieving full harmony of the Six's farm markets and of a customs union was now presented merely as the Commission's "firm wish".[54]

By now France has clarified her attitudes to the future of the Market. De Gaulle has made it explicit in his press conference of 9 September 1965 that France would seek revision of the Rome Treaty to guarantee progress in the common agricultural policy, to curb the powers of the Commission and to obviate the qualified majority voting now due to be the rule from January 1966. France's fifth development plan (1966-1970) presented to the French National Assembly by Prime Minister Pompidou, though based on the assumption of normal development of the EEC, would not require, it was stressed, extensive revisions should the Common Market cease to exist.

On the other hand the other members of the Common Market appeared to have agreed not to be easily swayed by France. In Brussels on 3 November, Spaak said in a television interview that France's partners would not consent to a revision of the Treaty of Rome and that it would be dangerous to meddle with the powers of the Commission. He revealed at the end of October that two invitations had been addressed by the Five to France: to resume discussion of farm financing problem and to a meeting of Foreign Ministers without the Commission, in order to examine the various political problems which France had brought up.

Spaak hinted that should France withdraw from the Community it was likely that the Five would look for other partners (presumably EFTA, including Britain).[55]

It is possible to argue that the stiffening of the Five's attitude (especially Germany's) during the July crisis was connected with the hardening of US opposition towards French policies in NATO. In May 1964 Couve de Murville announced to the NATO Council that France wished to convert NATO into an orthodox alliance: substituting for the present integrated command structure a system of coordinated planning among allied military establishments each to be responsible for the defence of its own national territory;[56] and de Gaulle recently confirmed this intention:

> ...in 1969 by the latest - the subordination known as "integration" which is provided for by NATO and which hands our fate over to foreign authority shall cease, as far as we are concerned.[57]

Hoffmann has contended that

> ...the Atlantic alliance,...is a configuration of a most traditional type: an association of nations which accept, within certain limits to align their military and their foreign policies under the leadership of a predominant member, the United States.[58]

He is correct in so far as the NATO Treaty creates no organs with powers that would make it into an international (let alone supranational) organization. In that respect it differs sharply from the Treaties setting up the various European Communities. An element of supranationality is suggested only by Articles 3 and 9, under which the Alliance acquired in peace-time a complex superstructure--common command over a standing army--and a common infrastructure; quasi-political organs were added after the Korean war: a Permanent Council and SHAPE and several other NATO Commands[59]. It is that

integrated element that de Gaulle is evidently seeking to dismantle.

From the fact that NATO is a "hegemonial alliance" we can learn more about the reasons for France's criticisms, as well as about the chances of its becoming supranational, than from its Treaty provisions or from its institutions. But of course some of the proposals for institutional reform would have transformed NATO into a supranational organization: for instance, that of General Norstad made in November 1960 for the setting up of NATO's own stockpile of strategic nuclear weapons under the control of the allies.(60) Since decisions were to bind all the members and there was to be no veto, NATO would then have become supranational.

Max Beloff thought that

> ...one could argue that it is the search for a supranational element within NATO which is the crux of the present difficulties about the possession and control of the ultimate weapons of deterrence. (61)

More precisely, it is not the search for future supranational arrangements in relation to the MLF, but the universal concern that they might deprive the present nuclear Powers of their veto rights, which is the crux of the present difficulties.

De Gaulle who has recently made public his opposition to Germany's acquiring political or military control over nuclear weapons(62) must have been aware that by June 1965, when the Common Market Council convened, Germany might renew her bid for significant partnership in America's MLF project. Though discussions about the scheme were not seriously resumed until after the German elections in September 1965, McNamara's statement, on 1 June at the NATO defence ministers' meeting in Paris, made it clear that the plan was not yet definitely abandoned.(63) From then on Erhard, who is seeking more scope for

Germany in the nuclear defence of Europe, has worked for a highly integrated NATO, while de Gaulle has pursued a diametrically opposite policy: on 30 May it was announced that French combat forces would not participate in the forthcoming joint NATO military exercises, and the French members of the integrated Supreme Headquarters were ordered in July not to participate in preparations for the exercise.(64) The US remained firmly committed against any departure from an integrated structure for the alliance, (in August and again in September 1965, the US warned de Gaulle they would not agree to a bilateral system of alliances as a substitute for NATO, nor to the dismantling of the NATO military command structure)(65), but on the issue of the NATO nuclear fleet the Administration was divided. On the one hand it was concerned to prevent Germany from following the policies of France. Realizing this, the Federal Republic urged the US to go ahead with the multilateral force. On the other, the Administration was worried by possible consequences of proliferation in other parts of the world, especially in Asia. After the Chinese explosion, the President set up a special panel lead by Roswell L. Gilpatric, a former Deputy Secretary of Defence. A "secret" report prepared by that panel was supposed, it was revealed on 30 June 1965, to have recommended to Johnson late in January 1965 that a non-proliferation treaty be given priority over the establishment of a multilateral force. This recommendation was supported by the Defence Department and the AEC but the State Department wanted to press ahead with the multilateral project as the only means of revitalizing the Atlantic Alliance.(66)

After the July 1965 breakdown of the Common Market talks, and the leakage about the findings of the Gilpatric Committee, the Germans began to campaign vigorously in favour of participation not only in consultation on nuclear plans but in an actual weapons force. France advised NATO on 9 July that she would not participate in the NATO

nuclear committee (proposed by McNamara on 31 May) on which Germany was to be represented.(67) McNamara left the purpose of the Committee somewhat vague. At one time he spoke of using it as a preparatory group to work out plans for some form of mixed-manned force, at others as a consultative device in drafting joint plans among the allies for the use of nuclear weapons. It was at times regarded as offering a way out of allowing nuclear participation to Europe.(68) Most of the agitation about the mixed-manned force actually occurred after the June 1965 meeting of the EEC Council though the possibility that the proposal might be revived must have influenced both the French and the Germans in bringing about the breakdown of the negotiations. Once the meeting was over, however, the campaign in Germany visibly intensified. This bode ill for the EEC. If Britain could be persuaded to join in a nuclear-sharing scheme despite its lacking veto safeguards (a most unlikely event) NATO--without France--might evolve into a supranational organization. But the EEC then most certainly would not!

The American initiative to revive the Geneva disarmament conference might have resulted in a treaty depriving the Federal Republic of nuclear armaments for ever, for it was known that the proposal for the NATO nuclear force had been a stumbling blockwith the Russians who would not consider a non-proliferation treaty so long as this scheme was not officially renounced. The German campaign opened therefore even before 13 July 1965 when Johnson disclosed that the Russians would participate in the conference in Geneva.(69)

Most remarkable was a statement by Schroeder, who on 3 July warned that unless there were a multilateral nuclear force and unless Germany were unified, she would not sign a non-proliferation treaty. On the other hand, a united Germany would submit to "far reaching"

limitations of its armanents to reassure its Eastern neighbours.(70) A week later the German ambassador in Washington, Heinrich Knappstein, was instructed to inquire from Rusk whether the Gilpatric report meant that the United States was planning to renounce the MLF project in order to obtain Russian support for an anti-proliferation treaty. At the time Rusk evidently gave an assurance that the Gilpatric proposal had not become US policy.(71)

Thus, when the Geneva conference convened the non-proliferation issue turned in effect around the German question. On this British policy moved closer to the French, in opposition to Germany. France had refused to participate, but her objections to the MLF and to the admission of Germany to nuclear policy-making were already wellknown. A British proposal, conceived for the Geneva conference, had been discussed by the Permanent Council of the North Atlantic Treaty Organization the day before, and had been sharply criticised by the West Germans. Essentially the British draft aimed at retaining a veto by the present Western nuclear powers.(72)

In response to Bonn's opposition, the US at first declined to support Britain. Their own proposal of 17 August 1965 provided that neither nuclear nor non-nuclear states take any "action which would cause an increase in the total number of states and <u>other organizations</u>(*) having an independent power to use nuclear weapons". The Russians refused to discuss this proposal on the ground that it left the door open for Germany to gain indirect or direct access to the control of nuclear weapons. The British saw in the ambiguity, which equated states with "organizations", a means of depriving Britain of sovereign control over her national deterrent in favour of the supranational NATO or an independent Europe. Lord Chalfont, the British delegate to the disarmament conference, subsequently explained that Britain

(*) my italics

objected to the American concept of a European nuclear force that would have an independent power over the use of British atomic weapons. These objections the State Department reportedly dismissed as "academic", and the likelihood of the setting up of an independent European nuclear force as remote.(73)

The West Germans were worried by the American proposal on the opposite grounds that it did not go far enough in guaranteeing a nuclear deterrent to Europe. Adenauer even went so far as to charge that the US proposal would mean in the long run "the surrender of Europe to the Russians".(74) Early in September, Ball and Fowler (the US Secretary of the Treasury), who were touring West European capitals to discuss the future structure of NATO and the problem of joint control of atomic weapons, evidently reassured the Germans both about the sharing of nuclear responsibility in Europe and about their determination not to allow NATO to break up into individual alliances when the treaty came up for revision in 1969.(75)

Once the elections were over, Bonn felt in a position to renew its pressure on the USA to take a firm stand with London as well as with Paris over the issue of nuclear sharing. An official overseas newsletter of the Christian Democrat Party warned that while Germans

> ...do not want a national atomic force...we do seek the right to a voice within the Atlantic Community.
>
> We are not going to give up that quest and we have to deny approval to any international agreements which would preclude it.

The newsletter view that Germany must have a voice in nuclear matters as a bargaining factor with Russia for German reunification(76) may, in the short run, cause enough shared concern between the Brirish and the French to induce them to come to some sort of understanding for cooperation in providing a credible deterrent as a nuclear cover for Europe.(77) But of course the Wilson Government's tacit retention of a British

nuclear force might as likely have the effect of keeping the UK out of any supranational arrangement with Europe and of confining her relationship with the Continent to no more than membership in a free trade area.

On the other hand, there are signs that possible Anglo-French coincidence of interest may incline the USA to retreat once again from the MLF project and, as a price, to achieve a non-proliferation treaty. The "select committee" is being advanced, particularly by the Pentagon and the disarmament agency, as a possible "fall-back position" from the multilateral force.(78)

An alternative resort is all the more likely, since Mr Stewart, when he visited Washington on 11 October 1965, argued that as there was some real chance of improving relations with Russia it was desirable to make certain that no nuclear weapons would be provided for Western Germany, and therefore that any plans for a multilateral nuclear force ought to be deferred.(79) The issue is now in debate, as are the futures of NATO and the EEC. The most likely outcome seems to be that, for the sake of maintaining the continuity of these organizations, supranational aspects of each will be sacrificed.

Supranationality is after all an academic notion--predicted rather than experienced, and to be arrived at after a process of evolution. Experience, indeed, does tell us that especially since the Second World War few nations have proved able to conduct their affairs without joining a variety of international organizations. This implies that none of them, not even the USA and the USSR, have

been able to proceed quite autonomously, since even the strongest have had to face coalitions.

Instead of the EEC and NATO eroding the sovereignty of member states, it might be argued that in a negative way membership in these organizations has intensified national consciousness in France, and lately has given Germany an opportunity to express her national ambitions: to protest as a nation against some collective activity may supply an occasion for asserting national identity, as the French have done; to assure collective action in favour of a particular national interest one may use the organizations as instruments e.g. the Federal Republic has been promoting the further integration in NATO in order to gain access to nuclear weapons. These opportunities, it might be argued, arise because international organizations provide an environment in which states constantly enter into relations with each other, which are both intimate and active.

The external relations between nation-states seem to have arrived at an epoch of qualitative change, primarily as a result of the development of nuclear weapons. The European Economic Community (like NATO) was conceived of as a mechanism for dealing with difficult conditions which threatened not only the State's but the citizen's survival. The post-war world had been inherited by giant countries, the Soviet Union and the USA, whose size and capacities seemed then to dictate the standards for success in power-politics. This standard was implied in Kennedy's concept of 'partnership' across the Atlantic. But the actual relationship that obtained, at least until 1957, in NATO's structure came closer to that of the Zollverein in which Prussia was the dominant power, than to a 'partnership'. As long as it remained so, it proved remarkably cohesive (and hence gave rise to expectations that it might eventually lead to an Atlantic political community) though the USA often accused other

NATO countries of dragging their feet. But the integration did not proceed beyond a certain point; particularly in the matter of control of nuclear weapons the USA and Britain remained anti-supranational.

Though the EEC was the more supranational institution, de Gaulle took much longer to react against it than against NATO, partly because the latter was not designed to be supranational but has at times behaved towards its members as though it were, and partly because defence and foreign policy are more fundamental prerogatives of statehood than have been those aspects of economic integration with which the Common Market had been concerned at least until its crisis of 1965.

It has been increasingly evident in the last year (though there were signs of this earlier) that developments in the Atlantic Alliance are apt to affect the European Community. One reason for this is that both are affected by the Western posture in the Cold War. Germany is now one of the Alliance's most outspoken champions of integration chiefly because she has a claim against the Soviet Union; but looking a long way ahead it is not out of the question to see Germany also interested in a detente as another means of promoting German reunification. The USA may support this approach with revolutionary consequences for NATO: the USA as the leading member of the alliance has a stake in keeping it united, but the common Atlantic purpose is fuzzy without a unifying common cause in the Cold War.

France and the UK are less concerned with sustaining the Cold War than with making sure of their security without impairment to their national independence, which means, among other things, their retaining sovereignly controlled deterrents irrespective of any European or Atlantic Nuclear Force. (Britain of course also has an interest in world-wide stability). France without in any way

sharing its deterrent would have welcomed an opportunity to win with it political and military leadership in Europe; but in this the EEC has proved an unwieldy instrument: to the Germans the MLF must have seemed a more convincing guarantee against the Russians than the still minor French deterrent. The present state of debate, however, casts some doubt on the feasibility of an Atlantic Nuclear Force, either as the projected MLF, or with the USA and Germany as the only partners. The present British and French attitudes (not to mention that of the USA) rule out the prospect of their sharing in a truly supranational weapons pool. Thus its members' defence and foreign policies are not only largely independent of NATO, but also are no longer concerted as they were before 1957. If, however, by some miracle a NATO nuclear force were set up, then the cohesion of the EEC must suffer. On the rare occasions when the Six have dealt together with the outside world, they have been in opposition to rather than in concert with the rest of the Atlantic Alliance (e.g. the Kennedy Round).

The restraining action of NATO on the European allies in the early years must have inspired the United States to imagine that confining European nations into regional groupings, would even further discipline the Alliance. Once de Gaulle verbalized an alternative to American hegemony in Europe, both the United States and France began encouraging bilateral relationships within the larger groupings. Whatever multinational organizations do well, they do not automatically create cooperation but result from and encourage it if it is already there. An incipient US-German partnership within NATO challenged the formal Franco-German alliance within the EEC. It is as well to notice at this point that although the fates of EEC and NATO are interconnected, conflicts have cut across the boundaries of these organizations and were best described by naming the constellations of nation-members which comprised them. Thus these groupings in the larger institutions, even if ephemeral, have a destructive potential.

But they need not disrupt entirely the organization in which they play a part. Indeed, they may better define its structure: that of a loose framework within which some (but significantly not all) of the members' relations are conducted including their rivalries. Thus during the crisis of July 1965 it became evident that the EEC had failed in its major objective of reconciling Germany and France through the devices of supranationality. A mere passing of personalities (in this case of Adenauer) was enough to upset this reconciliation. The Community has been powerless since to prevent centrifugal tendencies implicit in the Franco-Russian rapprochement and in the Franco-British opposition against German aims in the MLF. The states tend to try and exploit international organizations rather than to contribute to them; but there are reasons to imagine they will continue to remain useful for a variety of national ends. Thus although France is trying to reverse the integration so far achieved by NATO and the EEC, it does not follow that she is planning entirely to abandon either organization. She could judge, for instance, that as long as multinational association means a great deal to the major NATO powers, lesser ones such as France and Germany, by an implied threat to abandon the organization, can make their presence felt. The same would apply to the tactic of a threat to leave the EEC (though in that case, for "the major Power", read "the majority".) Supranationality may never be realized, but the ideal has already enriched international affairs.

The European Community's supranational institutions were not challenged by the action of any of its members until July 1965. Even before the crisis of that month it was evident that relatively little progress had been made in those parts of the field of economic integration (such as agriculture, commercial policy, taxation etc.) where vital national interests were involved; so that it was hard

to argue even then that supranationality was just around the corner. The present prospects, even apart from possible adverse NATO developments, are uncertain. Can the Common Market legally punish France for her boycott? The legal experts in Brussels were reported to have pronounced in October 1964, when de Gaulle had threatened to withdraw, that France was bound by the Treaty of Rome to membership in the Community. Should she renege, she could be brought to book before the European Court and if found against, could be subjected to economic sanctions. France could not then have used the deadlock on grain prices as an excuse to withdraw, because the Treaty specified only that agricultural policy be adopted by the end of the transition period, i.e. on 31 December 1969.(80)

In July 1965, however, the situation was not quite the same because, as we have seen, France was charging that her partners had broken commitments and that the Commission had exceeded its mandate. She herself now threatened not a withdrawal but merely "a delay whose extent cannot be foreseen".(81) The Commission has hinted that de Gaulle was breaking Article 5 of the Treaty,(82) since his latest moves "could jeopardise the attainment of the objectives of this Treaty." Certainly no legal means are open to the Five to force the French to carry on in the Kennedy Round (of great importance to Germany), or in the negotiations on new applications for associate membership, or in establishing new contacts between the Six and EFTA. De Gaulle has made it clear that he would expect the Community to give up the system of qualified majority voting due to be inaugurated on 1 January 1966, and to curb the powers of the Commission.

Neither France nor the Five can be expected to bargain very hard about postponing qualified majority voting. It could always be restored after de Gaulle, and others like him, have gone. But supranationality as understood in the Community would be checked, perhaps irrevocably if the Commission's powers were severely curtailed.

The Commission's crucial roles as conciliator and "watchdog" over the Rome Treaty were jeopardised by the leadership, if de Gaulle is right that the Commission has exceeded its powers. Or is de Gaulle himself the bete noire, who deliverately tripped the Commission and the Council into compromising a cogent ideal of supranationality?

The proposal to amend the Rome Treaty, as implied in the proposed increase of the Assembly's powers, may have been in fact outside the purview of the Commission's right to make proposals. We know nothing about the right of the Commission to amend. Article 235 of the Rome Treaty states:

> Where action by the Community appears necessary to achieve one of the objectives of the Community, within the framework of the Common Market, and where this Treaty has not provided for the necessary powers of action, the Council* shall adopt the appropriate provisions by a unanimous decision, after consulting the Assembly.

Since unanimous decision was required, France did not contravene the provisions of the Treaty when she vetoed the Commission's proposal in July. On the other hand, the Commission had the right after this veto to go ahead with revised proposals; France's boycott of discussion of the latter, it could be inferred, was in contravention of procedures laid down in the Treaty--this, we may also infer, de Gaulle felt free to do because he had been let down by his partners and provoked by the Commission. The tit-for-tat technique has all the characteristics of customary international politics and exhibits little of that legal and consensual entity which the Community was supposed to have become.

* After the word 'Council' there is a sentence missing in the English translation (Treaty establishing the European Economic Community, London, Her Majesty's Stationery Office). The French version of the Treaty reads:

> Si une action de la Communauté apparait nécessaire pour réaliser, dans le fonctionnement du marché commun, l'un des objets de la Communauté, sans que le présent Traité ait prévu les pouvoirs d'action, requis à cet effet, le Conseil, statuant à L'unanimité sur proposition de la Commission et après consultation de l'Assemblée, prend les dispositions appropriées. (Traité instituant la Communauté Economique Européenne)

Less obvious but more fundamental was the fact that the Commission, in combining the proposal for agriculture with that for advancing supranationality (the first of which the Commission knew France considered vital, and the second of which it knew that France would oppose), was really attempting by a technicality to circumvent the veto to which France was entitled, and was thus contravening at least the intent of Article 215 (carefully aimed at maintaining the consensus at all stages of the Market's progress toward supranationality). In this case the Commission not only exceeded its powers but also jeopardized the future of the Community. By the same token there was nothing inevitable about the July crisis. The Commission had made "sweeping proposals" before.(83) On the contrary, had it adhered strictly to the provisions of Article 235 there is no reason why the following prediction, made in 1962 should not have come off:

> If the Court of the Community were prepared to interpret Art.235 very liberally, the Commission might invoke it as a justification for extending Community powers into new realms - for example, the development of a corporate economic infrastructure for the Six as European members of NATO. Though that would require the agreement of all Six Members, they might well be willing to give it.(84)

If on the other hand the Commission advanced its July proposal under Article 201, its tactics must appear even more suspect; for the Treaty carefully protects the sovereign rights of the member-states in budgetary matters. The Council is bound (after consulting the Assembly) to "unanimously determine the provisions" which then "it shall recommend the Member States to adopt in accordance with their respective constitutional requirements." The safeguards for states' rights (by procedures of unanimity and recommendations) are to be maintained even after the transition period.

Hallstein and Mansholt gambled in this way, one imagines, because as champions of supranationality they would expect their reappointment in January 1966 to be opposed by France. Support from even one state--say, from Germany--would be enough, once the Third Stage were entered upon, to prevent their replacement. De Gaulle drew attention to this startling fact:

> Now we know that the members of the Commission, in the past appointed by agreement among the Governments, are from now on (i.e. the Third Stage) in no way responsible and that, even at the end of their mandate, the unanimous consent of the Six will be required to replace them which in fact makes them irremovable.(85)

In accordance with Article 158

> The members of the Commission shall be appointed by mutual agreement between the Governments of Member States. Their term of office shall be for a period of four years. It shall be renewable.

(In Article 161 this is applied to the President and Vice-Presidents who hold office for two-year periods.)

Article 159 states that:

> Unless he is compulsorily retired in accordance with the provisions of Article 160, a member of the Commission shall remain in office until his successor's appointment.

Thus if France were to put up a successor to Hallstein at the end of his term in January 1966, and Germany, for example, should refuse to endorse France's candidate, then by default Hallstein would remain in office.

On the other hand, although the Commission's strength vis-a-vis the Council is thereby much greater than one would suppose from a superficial reading of these Articles, it is not as absolute as de Gaulle represented it:

> ...beginning on January 1, 1966...the proposals made by the Brussels Commission would have to be adopted, or not, as by the Council of Ministers, without the States' being able to change anything, unless miraculously they were unanimous in drafting an amendment.(86)

Amendment procedure is difficult; nevertheless a coalition such as France and Belgium is sufficient to block a qualified majority: a Commission proposal favoured by the rest of the Council could be returned for the reconsideration by the Commission.

On the other hand the demise of the Commission, or its relegation to the status of a mere ministry serving the Council, would condemn any future supranational movement either to obscurity or, if the Six should ever form a political union, to addressing itself to some political organ corresponding in function and authority to the present Commission. But it is difficult to envisage, should supranationality fail to mature at the less contentious economic level, that the Six would then permit a supranational organ to function at the political.

What are the prospects for political unification of Europe? De Gaulle might once again propose a confederal arrangement, though one cannot presume so if German and French foreign policies continue to diverge. (An old-fashioned federal solution, on the model of the USA, can be ruled out for the foreseeable future). As matters stand at present, France's continued membership in the EEC may depend upon the bargain she can strike with her partners after the elections of December 1965; and this in turn will depend on how much the other Five are still committed to keeping the Community together: more specifically, on the terms for a multinational nuclear force that Erhard can get from Johnson during his forthcoming American visit. It is not impossible that Germany might yet think of rejoining France in a partnership; after all, any nuclear attack on Germany would always

automatically engage France, but a day may come when the United States need not be so affected. And at least a minority of Germans still holds to the "European" ideal.

On the whole, as nation-states become stronger, inter- and supranational organizations appear to dominate them less. For instance, it is now feasible that France (or Germany unfettered by treaties) could maintain her own deterrent and her economic viability in a loose association with other states, so that supranational institutions are no longer apt to seduce her into giving up her national independence. Europeanists like Monnet might have hoped that effective institutions at the supranational level would supplant France's own ineffectual ones, but de Gaulle accomplished that transformation at the national level. The supranational organ of the Community--a Commission "proposing" to a "disposing" Council--was in the event unable to introduce a "new method" or style to international politics, let alone to erode the sovereignty of the surprisingly recalcitrant nation-state. (Whether the Commission itself escaped being divided during the crisis along national lines deserves a separate study).

There was an element of accident in the crisis of July. Had the Commission refrained from supplying by its demarche an occasion for the Gaullist boycott it need not have occurred, for the Treaty takes cognizance of the fact that it is very difficult if not impossible to overrule an unwilling member. But de Gaulle availed himself of the opportunity he was undoubtedly seeking to dislodge the Commission. It is possible that the crisis itself was no more than an encounter between a particular Commission and an unusually antagonistic and determined national leader. But the manner of this encounter tells us something about the nature of the Community process--what supranationalism was, or had become. The divisions in the Council

were strictly along national lines and about national objectives, (especially if we can assume that the Americans' MLF proposal was indeed connected with the sudden German obstinacy); further, they were intensely political. The Commission itself also acted politically and, instead of remaining detached, sought allies from amongst the Council members, some of whom now showed that they considered themselves free to exercise their sovereignty. Considerations of foreign policy, national prestige and defence, along with narrowly national views of economic advantage, provided the substance of the debate (both explicit and implicit) at the Council meeting of July.

What, then does the experience of the July crisis suggest about the nature of supranationality and of the nation-state?

According to Haas,

> The supranational style stresses the indirect penetration of the political by way of the economic because the "purely" economic decisions always acquire political significance in the minds of the participants. In short, the kind of economic and social questions here dealt with are those at the very core of the modern welfare state...Few people believe that the existing system of regional government, that supranational method now under French attack, has a claim to longevity. I believe that it does. Because it corresponds to the nature of the New Europe, the Europe of adaptive interest groups, bureaucracies, technocrats and other units with modest but pragmatic interests resembling the traditional nationalisms of Grosspolitik only very remotely, it may well be a real system of government rather than a mere temporary style. (87)

Thus, on Haas's quite proper understanding of the technocratic-supranational method, it can be no business of the Commission to attempt a political tour de force against even recalcitrant member states, but rather to maintain a 'momentum' towards supranationality by making the best use of the New Europe's potential.

In meeting de Gaulle's at least implicit attack against the Community's supranational institutions, the Commission was bound to make a response at the political level. So, in fostering supranationality as it was enjoined to do by the Treaty of Rome, the Commission found itself exceeding those a-political tenets of supranationalism also laid upon it by the Treaty.

If, however, Haas's view of the prospects for supranationality had been correct, we would have expected the process of integration resulting from that technique to succeed in proportion to the gains achieved by the Community in welfare and economic growth. And even de Gaulle has not denied that the Community has profited in those respects. But in fact the contrary of such expectations eventuated in the crisis of July. If, on the other hand, we negate Haas's view of the New Europe, then the political choices of states which are members in any supranational community would inevitably drive a Commission, or indeed any institution capable of originating policies, into the sort of self-defeating political initiative that the Commission took in July 1965.

The crisis in July, moreover was acted out by states, who never forgot their identity; and by their Ministers, not their civil servants. The coup envisaged by the Commission would have strengthened the civil servants as against the Ministers, but its demarche did not in fact take on the character of "high civil servants meeting in almost continuous confrontation with their opposite numbers and working out common policies on the basis of their perception of the technical possibilities inherent in whatever is being discussed". (88) Displaying the characteristics of an entity promoting its power and seeking allies, the Commission was politically engaged and interested. Because of that engagement, it is not possible in this crisis to

distinguish between a supranational decision-making process and those decisions reached by governments alone. At best, this seems to indicate, one can hope in the European Community for a consensus, not an upgrading of common interest. Under such conditions, de Gaulle is quite reasonable to advocate a return to the conference pattern. In the July crisis there was no a-political technocracy.

Supranationality of the inter-governmental type intended by Monnet and the founding fathers of the Community is not good for a small country if the voting is weighted, as it is in the EEC. Holland, for instance, tried at first to bring Britain into the Common Market so as to balance off France and Germany; in 1965 it strongly urged supranational powers for the European Parliament, and it failed. The European ideal, so cogent after the war when the European nations seemed physically damaged and morally reduced, has lost much of its force.

Supranational structures may not survive into 1966: the fates of the EEC Commission and of NATO's integrated Command are now in the balance. But the Atlantic Alliance and the Common Market need not entirely dissolve. Nation-states join international organizations for increased protection, and them use them to enhance their national power and prestige. International organizations, on the other hand, seem most cohesive when at least one member, e.g. the USA in NATO, is able and willing to carry the major share of responsibility and to direct most of their policy. If complete isolation even in peace-time for particular nations appears no longer feasible, then supranationality, though by no means the only alternative to autarchy, is perhaps most likely to persist and to succeed on the model of the Zollverein--provided that the leading Power desires it, which is not always the case.

(1) In Alan Burr Overstreet, reporting Hoffmann, "The Nature and Prospects of European Institutions", Journal of Common Market Studies, February 1965, p.128

(2) Jean Siotis, "Some Problems of European Secretariats", Journal of Common Market Studies, March 1964, p.250, in discussing the Community says: "The search for the appropriate solutions will be fruitful only if it is considered...as a problem of international" (my italics) "organisations".

(3) Walter Hallstein, Some of our Faux Problèmes, (14th Sir Daniel Stevenson Memorial Lecture), to the Institute of International Affairs, Chatham House, London, Bulletin of the EEC, 1965, No.1, pp.67-8

(4) Walter Hallstein, United Europe - Challenge and Opportunity, (Clayton Lectures, April 16-18, 1962) p.6

(5) Francis Rosenstein, "Reflections on the Notions of 'Supranationality'", Journal of Common Market Studies, November 1963, p.129

(6) Overstreet, op. cit., reporting Hoffman, who criticised the doctrine on the ground that it was easier to define and therefore upgrade common interest in the economic than in the political sector, as the latter was concerned with "far more impassioned objectives", p.127

(7) A.L. Burns, Politics and Administration in the European Economic Community, The Robert Garran Memorial Oration, (Canberra, 1963) p.4

(8) One spokesman of the Commission has eloquently referred to a "politically loaded" economic union, J.R. Lambert, "Prospects for the Community", Journal of Common Market Studies, July 1965 p.233

(9) Bulletin of the EEC, 1965, No.4 pp.5-10

(10) Keesing's Contemporary Archives, 1965, p.20775

(11) Siotis, op. cit., p.230

(12) Bulletin of the EEC, 1965, No.2, pp.25-44 and Supplement pp.6 ff.

(13) Ibid., pp.18-19

(14) Ibid., No.1, 1965, p.68

(15) e.g. see Walter Hallstein's statement reported in The Times (London), 26 March 1965

(16) The New York Times (henceforth referred to as NYT), International Edition (henceforth referred to as Int.), Sect IV, 17 January 1965; 4 April 1965, p.2

(17) Overstreet, op. cit.,p.128

(18) Pompidou's statement in November 1962, to the French Parliament implied that France might exploit "peculiar situations and binding engagement" (a reference to 1954 treaty restrictions on Germany) so as to become the sole nuclear supplier in continental Western Europe. (The Economist, 21 July 1962, p.233)
De Gaulle in his press conference of 9 September 1965 referred to France's disappointment with the Euratom treaty, which was "to control the production of fissile materials with a view to preventing their military use, although of the Six, our country alone was in a position to manufacture nuclear weapons". (Ambassade de France, Service de presse et d'information, Canberra, A.C.T., September 1965, pp.4-5).

(19) Department of State Bulletin, 2 December 1963, pp.853-4

(20) NYT, 8 November 1964, p.27

(21) Bulletin of the EEC, 1965, No.1, pp.6-13

(22) NYT, 2 October 1964, p.4

(23) Bulletin of the EEC, 1965, No.1, pp.6-13

(24) France warned Germany against joining the MLF: on 3 November 1964, de Murville in a National Assembly debate alleged that the MLF would adversely affect Franco-German relations and European unification; de Gaulle on 22 November called on Western Germany to help France establish a union of Western Europe allied to the New World but "with its own aims, its own powers and its own obligations". To rely for nuclear protection on a power situated in a different part of the world would seriously disrupt European unity. This warning was repeated by the French representative at the Ministerial meeting of NATO Council in November. (Manchester Guardian Weekly, 26 November 1964, p.2 and Keesing's, op. cit., 1965, p.20705)

(25) Keesing's, 1965, op cit., pp.20705-6 a view endorsed by de Gaulle at his press conference, 9 September 1965, op cit., p.4

(26) Bulletin of the EEC, 1965, No.2, p.9

(27) Ibid., No.1, p.5

(28) Ibid., No.2, p.7

(29) The Times (London), 26 March 1965

(30) Hallstein, Some of our Faux Problèmes, op cit., pp.67-8

(31) Walter Hallstein, European Economy and European Policy, address given at the 1965 CDU/CSU Economic Conference, Dusseldorf, 8 July 1965, p.14

(32) Keesings op. cit., 1965, p.20707 and The Times (London) 2 April 1965

(33) Keesings op. cit., 1965, p.20782

(34) Ibid., p.20712

(35) NYT, (Int.), 1 April 1965, p.1

(36) Ibid., Sect.IV, 4 April 1965, p.1

(37) Bulletin of the EEC, 1965, No.2, p.16

(38) Ibid.,
and The Economist, 8 May 1965, p.638

(39) Hallstein, "European Economy..." op. cit., p.2

(40) Alain Peyrefitte, The Common Market Crisis, 1 July 1965 Ambassade de France, Service de presse et d'information, New York, 7 July 1965, p.4

(41) Ibid., pp.3-4

(42) NYT, 13 June 1965, pp.1-2

(43) Peyrefitte, op. cit., p.3

(44) Ibid., and NYT, 14 June 1965, p.7

(45) Foreign Minister Schroeder, press conference, 3 July 1965, Der Tagesspiegel, reported in The German Tribune, 17 July 1965, p.3

(46) Peyrefitte, op cit., p.3

(47) Ibid., p.4

(48) Ibid., p.2; The Times (London), 5 July 1965, p.8; de Gaulle, 9 September 1965, op cit., p.7

(49) Lambert, op. cit., p.240

(50) This is partly an answer to the question asked by E.O. Czempiel at the Carnegie Endowment Conference in 1964 "what validity did this leave in the well-known doctrine that the Commission should express a higher 'Community interest' and not simply the lowest common denominator of national compromise?" Overstreet op. cit., p.149

(51) Lambert, op cit., p.239

(52) The Canberra Times, 2 July 1965

(53) NYT, 6 July 1965, p.1; 7 July 1965, p.1; 9 July 1965, p.4

(54) Ibid., 7 July 1965, p.5; The Age (Melbourne) 28 July 1965, p.5

(55) The Canberra Times, 5 November 1965, p.5

(56) NYT (Int.), Sect. IV, 10 May 1964, p.7

(57) De Gaulle, 9 September 1965, op cit., p.11

(58) Stanley Hoffmann, "European Process at Atlantic Crosspurposes", Journal of Common Market Studies, February 1965, p.86

(59) The NATO Handbook, 1958, p.27

(60) Keesing's, op cit., 1960, pp.17845-6

(61) Max Beloff, "International Integration and the Modern State", Journal of Common Market Studies, Vol.II No.1, p.55

(62) The Manchester Guardian Weekly, 4 November 1965

(63) NYT, 2 June 1965, p.3

(64) Ibid., 28 July 1965, p.5

(65) The Australian, 20 October 1965

(66) NYT, 1 July 1965, pp.1; 12

(67) Ibid., 10 July 1965, p.3

(68) Ibid., 13 October 1965, p.14

(69) Ibid., 14 July 1965, p.1

(70) NYT, 4 July 1965, p.10 and 13 July 1965, p.8

(71) NYT, 13 July 1965, p.8

(72) NYT, 27 July 1965, p.16

(73) NYT, 18 August 1965, pp.1-2

(74) NYT, 20 August 1965, p.14

(75) Rhein-Neckar Zeitung, Heidelberg, September 6, 1965 quoted in The German Tribune, 18 September 1965, p.2

(76) The Canberra Times 12 October 1965, p.7

(77) Manchester Guardian Weekly, 4 November 1965, p.5

(78) NYT, 13 October 1965, p.14

(79) The Canberra Times, 25 October 1965, p.2

(80) NYT, 23 October 1964, p.8

(81) De Gaulle, 9 September 1965, op.cit., p.8

(82) The German Tribune, 17 July 1965, p.1

(83) A.L. Burns, op.cit., p.17

(84) Ibid., p.15

(85) De Gaulle, 9 September 1965, op.cit., p.7

(86) Ibid.

(87) Ernst B. Haas, Technocracy, Pluralism and the New Europe, (Berkeley, 1964), p.65; p.67, reprinted from Daedalus as reprinted in A New Europe?, Stephen R. Graubard, ed., Boston: Houghton Mifflin Company, 1964.

(88) Haas, op. cit., p.64

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The Department is working in selected areas of four fields: Australian politics, bureaucracy and public policy, comparative politics, and world politics.

Structural studies of the Australian party system are supported by: regional and national election surveys; the compilation and analysis of comprehensive election statistics; case studies of party organization and strategy and of "pressure" groups; and research on Australian political history since 1890.

The work on bureaucracy includes: history and organization of Australian and New Guinea public services and public service associations; case studies in the administration of selected government policies; studies of ministerial responsibility and public service neutrality; and organization theory.

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