

Interview with Catherine Lalumière: the Community method and the intergovernmental method (Paris, 17 May 2006)

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[Étienne Deschamps] You have remarked how certain political leaders, from various countries, among whom you include General de Gaulle, considered rightly or wrongly that the Council of Europe was somewhat lethargic, a bit sleepy. You have worked in both Community structures and — I am thinking of the Council of Europe here — intergovernmental structures.

[Catherine Lalumière] Yes, that is the epitome of an intergovernmental organisation.

[Étienne Deschamps] Now that you can afford to be objective, what is your opinion of these two working methods and of the results achieved by these two political philosophies?

[Catherine Lalumière] Yes. It is true that the principles underlying the intergovernmental method and the principles underlying the Community method are quite different. In the first instance, it is really the States that agree on a decision or on a text. In the second, there are supranational mechanisms. There are, however, some resemblances. At the root of the supranational mechanisms of the Community method, there are always the States, which have delegated a part of their sovereignty but which remain nonetheless at the origin of everything. So they set up bodies that are increasingly independent: the Commission, the Court of Justice, the European Parliament. You cannot say that there is no link at all with their State of origin; they have such links, but they become emancipated. In an intergovernmental body, there is virtually no emancipation at all.

But in spite of everything, the intergovernmental method enables decisions to be taken. It is just that this takes longer because all the States — that is to say, the governments and the ratifying parliaments — have to agree. This can take years. You can go round and round for years if you do not manage to come to an agreement quickly. Having said that, there are nonetheless dozens and dozens of conventions that have been drawn up by the Council of Europe within the necessary time span. Also, these conventions do not apply automatically to everyone; they apply to the States that have signed and ratified them. Thus the States remain very much present. But it is sometimes said: ‘Therefore a body like the Council of Europe cannot take decisions; there are only opinions.’ This is wrong! It is absolutely wrong. The mechanism is slow, cumbersome, long-drawn-out — what you will — but it does enable us to have conventions which have treaty status and which possess full and binding legal force.

And as regards the Community method, experience has taught us that that can also require a certain time, especially when unanimity rules apply. The Community method is necessary, but with qualified majority voting, in which case the chances of arriving at a decision are greater. Experience shows that the Community method is clearly quicker, more efficient and more adaptable than the intergovernmental method. This is why, when I now see that the Community method is in a bad way and that there is a great temptation to return to what are in fact intergovernmental methods, by seeking unanimity, by attempting to inflate the importance of the Council of Ministers — by all sorts of means — right now, in 2006, it is obvious that the European Union has been contaminated — I was about to say corrupted — by a sort of return to intergovernmentalism; when I see that, it worries me.

[Étienne Deschamps] What do you attribute this to? The growing number of participants? Is the European project falling apart or splitting up?

[Catherine Lalumière] All of those things. I think that the number, and above all the arrival of people who ... goodness knows, I dearly wish that the central European countries will take their places in all the European organisations, their rightful places: this is essential ... but as for the mentality of the people, of the officials, of the elected representatives of these countries — they were so happy to regain their freedom and independence that they find it difficult to accept straight away a mechanism that is accepted willingly, but that will nevertheless result in some delegations of sovereignty. In the case of the Poles, for instance, who were champing at the bit during the entire spell of Soviet domination and who now find themselves independent, to tell them: ‘But wait a minute, be careful, you are now part of a mechanism where the

Commission, that is to say people who you do not know, will take the initiative in everything; they will agree on this but not on that, and so forth.’ Well, one can readily understand a reaction of ... withdrawal, if you like. They are going to say: ‘Ah no! We’re not going through all that again.’ All right, this is not an intelligent reaction ... because it leads to deadlock, it is a step backwards — but psychologically, this revival of intergovernmentalism is understandable.

It is less justifiable when it comes to the old Member States. For this reversion to an intergovernmental perception also contaminates the founding States of the Community with the defence of national interests, national selfishness, a very national perception. There are also many causes for that: economic difficulties, the impression that Europe is not interested in what happens to people, that it has somehow become an inhuman machine. The result is that lots of people think: ‘This Europe does not protect us; it does not love us.’ So they take refuge in the national set-up, hoping that the State will be more protective and more intimate. So there are many causes to explain this. Nonetheless, I realise that this reversion to an intergovernmental method, as opposed to a Community method, exists today, and I deplore the fact — recognising at the same time that with the governmental method and its shortcomings, a body like the Council of Europe has nevertheless managed, after more than 40 years, to draw up texts that are very useful. But it progresses with a prudent lack of haste.