



# CFSP Forum

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## Note from the Editor

Karen E. Smith, London School of Economics, Editor

Happy new year! This issue of *CFSP Forum* continues our tradition of publishing pieces by new scholars: most of the contributors here are young academics or PhD students. As always, we welcome further contributions, especially from the new generation of EU foreign policy scholars.

This issue opens with an article reflecting on the implications for EU foreign policy of the recent Russia-Ukraine dispute over gas. Two articles on aspects of the EU's security policy then follow, while the last two articles analyse the EU's institutional structure and the CFSP.

## EU Foreign Energy Policy: In The Pipeline?

Amelia Hadfield, Lecturer in European International Relations, University of Kent, UK

The recent dispute between Russia and the Ukraine appears on the surface to be merely another of the tussles between the two countries that have been occurring since the end of the Cold War. However, Russia's retaliatory tactics can be understood as a direct result of the EU's visibly fragmented energy policy. The absence of a Union-level energy policy undermines the EU's economic, political and strategic initiatives in the region and beyond. Despite the congruence between the CFSP's objectives and the security demands inherent in ensuring Europe's energy supply, energy does not presently feature as a foreign policy goal of the EU. This is a major shortcoming as the development of an EU energy policy has obvious *foreign* policy implications. A comprehensive energy policy must first be identified as a Community-wide requirement and secondly be recognised as a form of EU foreign policy in which third parties and regional security concerns are deeply implicated.

### Energy dependency

Energy and environmental issues are inextricable. Energy concerns promote fears of increased dependence on external supplies while 'green issues' prompt questions about the depletion of these same supplies and associated global degradation. The EU possesses a reputation as a formidable environmentally-conscious actor. However, with an expanding energy market, the EU remains dependent upon its peripheries for its energy, and susceptible to disruptions in the

security of that energy supply.

The EU's demand for energy has increased by 1-2% per year since 1986. At this same level of growth, the European Commission forecasts that the Union's dependence on gas and oil imports to meet its energy requirements will rise from 50% to 70% by 2030.<sup>1</sup> Equally, European oil production is slowly declining, primarily in the North Sea, from current outputs of 7 millions barrels per day (mmbd) to less than 3 mmbd by 2030.<sup>2</sup> Despite the leverage associated with being the largest energy market in the world, rising import dependence is now an undeniable feature of Europe's energy landscape.

Both EU and non-EU member states are facing rising dependence upon all traditional energy sources (oil, gas and coal). Recent indications at both the EU and national levels suggest shifting attitudes to the alternative source of nuclear power and renewable sources of energy.<sup>3</sup> Nuclear energy and renewables aside, fossil fuels continue to dominate the European energy market, and while they do so, the *security* of energy supply becomes all-important. Security of supply denotes the security concerns involving third party energy sources and the methods of transit and transport by which energy is imported in both short (oil) and long-term contracts (gas). Security of supply clearly reveals the connection between energy issues as a principally market-based area and the foreign policy issues entailed in regional security questions that accompany the transit of energy. As noted by Gault, 'energy security is inextricable from broader economic and foreign policy challenges'.

inevitably have significant implications for its foreign relations with energy-producing states that are the subjects of large-scale projects like the European Neighbourhood Policy (ENP) and Euro-Mediterranean Policy (EMP), or states engaged in Partnership and Co-operation Agreements like Russia.

The current frontier appears to be the desire to retain national competence over energy and the parallel reluctance to manage its commercial and security side-effects at the supranational level. Council documents produced in the final days of the British Presidency indicate a high level of EU commitment to formulating a European energy policy according to the three objectives of 'competitive markets, security of supply and environmental capability'. The Council then notes that 'national circumstances' must[(cevi)47C, se



Dannreuther, ed., *European Union Foreign and Security Policy* (London, Routledge, 2004), p.170.

<sup>5</sup> Ibid.

<sup>6</sup> The major oil exporting countries of the Middle East include Saudi Arabia, Iran, Iraq, the United Arab Emirates, Kuwait and Qatar.

<sup>7</sup> European Commission, *Green Paper*. The results of the consultation were published as Communication of 26 June 2002 from the Commission to the Council and the European Parliament, p. 28.

<sup>8</sup> *A Secure Europe in a Better World*, p. 3-4.

<sup>9</sup> European Commission, *Study on Energy Supply and Geopolitics* (TREN/C1-06-2002), Executive Summary, p. 15.

<sup>10</sup> Press Release, 2695<sup>th</sup> Council Meeting, Transport, Telecommunications and Energy, Council of the European Union, Brussels, 1/5 December 2005, 14636/1/05/REV 1 (Presse 303), p. 9.

<sup>11</sup> C. Grant and K. Barysch, *The EU-Russia Energy Dialogue*, Centre for European Reform Briefing Note, p. 1, [http://www.cer.org.uk/pdf/briefing\\_eu\\_russia.pdf](http://www.cer.org.uk/pdf/briefing_eu_russia.pdf).

<sup>12</sup> Available on the EU-Russia Energy Dialogue website: [http://europa.eu.int/comm/energy/russia/overview/index\\_en.htm](http://europa.eu.int/comm/energy/russia/overview/index_en.htm).

<sup>13</sup> *The Treaty Establishing a Constitution for Europe*, Part III, Title III, Chapter III, Section 10, Article III-157, paragraph 1.

## The European Union and the Export of Security

**Adrian Treacher, Sussex European Institute, University of Sussex, UK**

In post-1945 Western Europe, defence/military action was bound up in the Cold War context, and particularly the Atlantic Alliance. With the Americans absorbing the bulk of the military burden, it could be kept off the EU agenda and the member state governments could devote more expenditure to economic and social provision. In addition, EU governments were constrained by the Cold War bipolar stand-off in terms of their ability to forge and conduct an independent European foreign policy. At the heights of the confrontation,

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now central to any debate about European security management, but why? Michael E. Smith notes that although the Union has increasingly employed economic instruments for foreign policy he questions whether there are any or only minimal economic benefits to CFSP; adding 'no other regional economic organization has such overt pretensions'.<sup>5</sup> From another perspective, this question can be couched in terms of the civilian/military actor debate or the notion of soft and hard power. With the Cold War over and with the inauguration of the aforementioned new world order based on multilateralism and international law and with military power seemingly devalued as a foreign policy instrument, many pointed to the logic of a central, and even dominant, role for the EU, as a civilian power, in the future management of Europe's security.<sup>6</sup>

But for Brian White, among others, the way was now open for both security and defence to be included in the Union's integrationist agenda.<sup>7</sup> While for Ginsberg, the end of the Cold War 'catapulted the European Community into a European Union with enormous responsibilities for supporting the democratic transitions of the CEE (central and east European) states and for responding to the challenge from the United States to be a partner of scale, capable of working with Washington to solve global problems too big for any single partner to solve alone'.<sup>8</sup> However, the Union's ability to cope successfully with the new challenges of the post-Cold War would be severely tested as Yugoslavia accelerated towards political collapse and then a series of bloody conflicts. Its shortcomings were ultimately exposed by its inability to broker anything approaching a permanent peace on the ground. Beyond a certain point, it seemed as though no amount of econ(se2e en80.32 8 25 bl-2.cbe s-12.7305 - TD56 TD-0.0003 Tc8.5316 T11[(anyth

military power in the pursuit of desired outcomes.<sup>10</sup>

Moreover, there is the question of what becoming a military actor does for the Union's credibility as a civilian actor as it seeks to promote its values of democracy, liberalism, human rights, dialogue and international cooperation. EU representatives and missions cannot be seen to be *imposing* these values and backing that up with the threat of military force. Perhaps with the exception of Britain and France, there does appear to be a discernible European approach to conflict characterised by an instinctive aversion to the use of coercion in the resolution of crises and a prominence given to civilian approaches. The emphasis has been more on *preventing* conflict through political engagement and constructive dialogue. In contrast to more belligerent powers, confrontation and military action are perceived as measures of last resort. Now clearly this inhibition was overcome with regard to NATO's operation in Kosovo. But even here, the general European approach was to use military force incrementally and as a signal of intent, rather than an American-style deployment of overwhelming force. The Union's member states have committed themselves to ensuring a permanent break from the continent's fractious past. For Michael Brenner, they 'perceive that they have a stake in preventing and, if necessary, opposing behaviour in their vicinity that is an affront to the values and norms by which they define themselves'.<sup>11</sup>

But a concerted debate regarding a strategic culture for the Union, particularly related to the use of force and whether this can be coercive, has only taken off in the twenty-first century. At present, the Union can quite successfully, from its perspective at least, promote stability and 'pro-EU' policies in its immediate neighbours, notably when EU membership is or could be on the agenda; Sten Rynning refers to this as structural power and as norm-setting that can change the behaviour of states.<sup>12</sup> The Union now has a European security strategy (ESS) which refers to the Union as a 'global player' and states 'Europe should be ready to share in the responsibility for global security and in building a better world'; it also identifies five main threats: terrorism, proliferation of weapons of mass destruction

the concept of 'hard' security and the EU that of 'soft' security.

The EU is still a long way from being a full security provider and exporter if that includes the ability to



1992,<sup>4</sup> although it was in the development policy sphere that long-term conflict prevention progressed in the EU context, particularly as a strategy to manage change in conflict-prone African aid recipients.<sup>5</sup> By the end of the 1990s, conflict prevention was less visible in the development sphere and was being more and more linked to security and defence policy, particularly military crisis management. The militarisation of the EU is not necessarily an inherently negative development for conflict prevention. Conflict prevention has been increasingly defined as a policy inclusive of

far outweigh both early warning and analysis staff and civilian experts.<sup>10</sup> Without strong Council institutions to push for early action, conflict prevention opportunities may be, (and arguably have been) lost. According to a Commission official, Commission experts informed the Political and Security Committee (PSC) of mass displacements and an impending humanitarian crisis in the Darfur region of Sudan in early 2003, but no action was taken.<sup>11</sup> Commentators noted the lack of EU action on the Darfur crisis, citing weak Council institutions and the sidelining of conflict prevention in favour of combating international terrorism and the spread of weapons of mass destruction (WMD) as reasons for the poor EU response.<sup>12</sup>

## Assessing the Impact of the Pillar Structure on the Development of the European Union as a Foreign Policy Actor

Elias G. Antoniou, Sussex European Institute, University of Sussex, UK

At the Convention on the Future of Europe, debates in the Working Groups (on legal personality, external action and simplification) once again raised interesting questions regarding the complexity of the Union's architecture under the 'pillarisation' formula and its impact on the development of an effective European Union foreign policy to match expectations.<sup>1</sup> The argument that the pillar structure is a constraint upon the development of the EU as an effective foreign policy actor<sup>2</sup> which could be resolved through its abolition has long been proposed by the Commission and held sway among many members of the European Parliament.<sup>3</sup> In response to the EU's perceived lack of actorness in foreign affairs, proposals issued during the Convention process suggested abolishing the pillar structure, attributing a single legal personality to the EU and possibly merging the treaties.<sup>4</sup> Counter arguments regarded pillarisation in ideational terms as the structural representation of diversity within the wider integration process and practically as the only guarantee of sovereign control in foreign policy, thus requiring it to remain intact.<sup>5</sup> Others argued that any solution short of the total abolition of the pillar structure and wholesale communitarisation would still need to allow for the preservation of the current distinctions between the more supranational EC pillar and the more intergovernmental second and third pillars.<sup>6</sup> The compromise eventually accepted by the member states is rather anachronistic as it attempts to preserve the distinctiveness of the pillars within a single treaty. Therefore it neither merges the Common Foreign and Security Policy (CFSP) with External Relations (RELEX), nor brings CFSP under the Community method.<sup>7</sup> The result is that the EU will remain effectively 'pillarised' regardless of the draft constitution being ratified or not in future because the crucial tenets of pillarisation, namely differentiation and logic of diversity,<sup>8</sup> remain fundamental to the

<sup>1</sup> *A Secure Europe in a Better World: European Security Strategy*, 12 December 2003, p. 7.

<sup>2</sup> See the European Commission's *Communication on Conflict Prevention* (COM (2001) 211), and the annual *Conflict Prevention Reports* produced by the Presidency.

<sup>3</sup> See E.J. Stewart, *European Union Conflict Prevention: Policy Evolution and Outcome* (Hamburg: Schleswig-Holstein Institute for Peace Research/Lit verlag, 2006).

<sup>4</sup> June 1992 Lisbon European Council Presidency Conclusions: *Report to the European Council in Lisbon on the likely development of the CFSP*.

<sup>5</sup> Interview with European Commission official, Brussels, October 2004.

<sup>6</sup> See D. Carment and A. Schnabel, *Conflict Prevention: Path to Peace or Grand Illusion?* (Tokyo and New York: UN University Press, 2003), and Stewart, *op cit*.

<sup>7</sup> See, for example, C. Bildt, 'Force and Diplomacy' *Survival*, vol. 42, no. 1, 2000, pp. 141-8.

<sup>8</sup> The RRM was established in 2001 to allow for the fast release of funds for targeted assistance, fact-finding missions, mediation or the dispatch of observers. The APF came into effect in May 2004 as a mechanism designed to support peacekeeping missions undertaken by the African Union (AU). Worth 250 million euros, the fund has a lifetime of 3 years only, funded from the European Development Fund (EDF – resourced directly by member states).

<sup>9</sup> See the *ESDP Presidency Report*, Brussels European Council, June 2004.

<sup>10</sup> There are up to 150 military staff in the Council Secretariat, with recourse to national and NATO HQ for operational military planning. In 2003, there were only 15 staff in the Secretariat to carry out civilian planning and mission support functions. See M. Tappert, 'Developing Civilian Crisis Management Capabilities' *European Security Review* No. 20 (Brussels: ISIS Europe, 2003).

<sup>11</sup> Interview with European Commission official, Brussels, October 2004.

<sup>12</sup> See R. Keane, 'EU Response to Darfur – Paper Promises' *European Voice*, 29 July 2004.

<sup>13</sup> J.V. Haine, 'An Historical Perspective' in N. Gnesotto, ed., *EU Security and Defence Policy: The first five years (1999-2004)* (Paris: EU Institute for Security Studies, 2004), p. 46.

<sup>14</sup> Interview with European Commission official, Brussels, October 2004.

<sup>15</sup> See J. Mawdsley, 'The Arming of the European Union: Explaining the Armaments Dimension of European Security and Defence Policy' *Perspectives: The Central European Review of International Affairs* Issue 22, Summer 2004, pp. 7-21.

<sup>16</sup> See F. Cameron and G. Quille, 'ESDP: The State of Play' *EPC Working Paper* No. 11 (Brussels: European Policy Centre, 2004).

<sup>17</sup> See Stewart, *op cit*.

<sup>18</sup> P. Rogers, *Losing Control. Global Security in the Twenty-First Century* (London: Pluto Press, 2000).

<sup>19</sup> K.E. Smith, *European Union Foreign Policy in a Changing World* (Cambridge: Polity, 2003), p. 170.

<sup>20</sup> R. Cooper, *The Breaking of Nations* (London: Atlantic Books, 2004), pp. 167 and 172.

with the attribution of a single legal personality it has been abolished in all but name resulting in a further federalisation of the EU.<sup>9</sup> In fact, it does not tip the delicate institutional balance towards greater communitarisation or increased supranationalism: the balance of the existing pillar structure is maintained under the draft constitutional treaty.<sup>10</sup> The consequences of such a misperception may have been a contributing factor in the rejection of the draft constitution in the French and Dutch referenda.

Clearly, both now and under the draft constitution we can still regard that pillarisation lives on and remains the central organising principle of the EU.<sup>11</sup> Therefore the development of an effective EU foreign policy actor remains subjected to many, if not all, of the constraints associated with pillarisation, particularly the issue of managing consistency. The formula by which the pillar structure is organised according to cleavages and subdivisions across policymaking areas and according to different policymaking methods, has rightly been criticised for producing inefficiency and inconsistency particularly in the field of foreign and security policy which straddles all three pillars.<sup>12</sup> Technically, the problem is one of coordination, duplication and an unclear separation of powers. It also leads to rather unproductive competition between member states and institutions wrestling for poweo0.02 29FCp4h0.02 29F9FCp4h0.02 29F9FCp4h0.02 29/eCp4Tc

enabling the integration necessary for the development of an EU foreign policy capability that matches expectations and rhetoric.<sup>18</sup>

The biggest success of a pillared EU has been through achieving and maintaining what Ernst Haas once called a convergent coalition: a consensus in which different actors support the same agreement on the basis of assumptions that cannot all be true. When one considers that the basis of these assumptions lie on the fault line between the federalist and the intergovernmentalist visions of Europe, the extent of the success of the pillar structure in housing these disparate interests is revealed. The difficulty in measuring the extent to which the agreement reflects a truly balanced compromise between protecting sovereignty and promoting integration is the source of much dissatisfaction, particularly in the Commission which seemingly prefers technocratic rather than political solutions. In terms of its Pareto efficiency, it is a suboptimal solution which, it has been argued, represents a type of second best integration.<sup>19</sup> If the position of the Commission and its integrationist supporters are to be believed then only the wholesale application of the Community method amounts to the optimal solution for European integration. But this is roundly rejected by those who would point to this amounting to the implementation of a federalist vision of EU.<sup>20</sup> Hence pillarisation remains an ideationally-effective piece of institutional engineering in terms of facilitating compromise but one which has the potential to unravel, to unmake the compromise, if any of its fundamental assumptions prove to be wrong. Foreign policy, particularly in the wake of Iraq, and the pressures of globalisation are the most likely to raise serious questions about those assumptions.

What then are the assumptions the opposing camps hold regarding pillarisation and the development of the Union as a foreign policy

achieve, then pillarisation is as near to an optimal solution as can be expected despite its obvious flaws. Finally, pillarisation seems to be a problematic but long-term state for the EU rather than some kind of transitional period, surviving primarily because it provides more benefits to the relevant actors than alternate institutional forms.<sup>23</sup> The pillar structure will continue to enable and constrain the development of an effective EU foreign policy capability but this is seemingly characteristic of a Union based on integration whilst protecting the principles of diversity and sovereignty. The prospect for developing effective actorness can only realistically be achieved in the current context by managing the contradictions of pillarisation through innovations in the intergovernmental model such as the currently unused flexibility measures introduced by the Amsterdam and Nice Treaties and perhaps in future the far-from-drastic provisions of the draft constitutional treaty.

<sup>1</sup> The Convention's mandate, provided for in the Laeken Declaration, included exploring how to improve the performance of the Union on the international scene, and make of it 'a power wanting to change the course of world affairs'.

[http://europa.eu.int/constitution/futurum/documents/offtext/doc151201\\_en.htm](http://europa.eu.int/constitution/futurum/documents/offtext/doc151201_en.htm)

<sup>2</sup> Namely the limitations of intergovernmental cooperation in promoting strategic thinking, proactive decision-making and coherent action were denounced by a large majority of the Convention's members. A diagnosis of EU shortcomings in this domain was almost consensual, but the prognosis and certainly the prescription highlighted divergences between its members. See G. Grevi, D. Manca, G. Quille 'A Foreign Minister for the EU – Past, Present and Future', FORNET Working Paper No. 7 , p. 4

<http://www.fornet.info/documents/Working%20Paper%20no%207.pdf>.

<sup>3</sup> The Commission has called for the abolition of the pillar structure: 'Structural changes are needed if the Union is ever to become a credible and effective player at the global level'. Communiqué: Romano Prodi, Michel Barnier, Antonio Vitorino, 22 May 2002, Brussels.

<sup>4</sup> See Contribution by Mr. Panayiotis Ioakimidis, alternate member of the Convention: 'The development of the EU's Common Foreign and Security Policy and Defence Policy (CFSP/ESDP)'

<http://register.consilium.eu.int/pdf/en/02/cv00/00389en2.pdf>;

Working Group III stated that 'following a merger of the legal personalities and, if necessary, of the Treaties, it would be anachronistic to retain the current "pillar" structure. It therefore considered that to do away with this "pillar" structure would help to simplify the architecture of the Union considerably.'

<http://register.consilium.eu.int/pdf/en/02/cv00/00305en2.pdf>

<sup>5</sup> See speech by Timothy Kirkhope MEP, EPP, Conservative UK, 3/10/2002

[http://www.conservatives.com/tile.o?def=news.story.page&obj\\_id=40534&speeches=1](http://www.conservatives.com/tile.o?def=news.story.page&obj_id=40534&speeches=1)

<sup>6</sup> Intervention of Prof. Bruno de Witte at the meeting of Working Group III (Legal Personality), 11 September 2002 on the merger and reorganisation of the Treaties

Working document 27, <http://european-convention.eu.int/docs/wd3/3035.pdf>

<sup>7</sup> 'The Community method is a decision-making procedure that

allows for a transparent, effective and democratic functioning of the European Union. It is based on the interplay between three autonomous institutions: the European Commission, the European Parliament, and the Council of Ministers (also called the 'institutional triangle').' S2.4(tu)ft S2.4(tu)fttutux2. 'elersonality and

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<sup>21</sup> See Roy Ginsberg, *The European Union in International Politics: Baptism of Fire* (Boulder: Rowman & Littlefield, 2001); and Tony Blair's Speech to the Polish Stock Exchange, 6/10/200 <http://www.number-10.gov.uk/output/Page3384.asp>

<sup>22</sup> 'Although there were calls from some quarters for the abolition of the pillar structure, it was apparent that any changes in this regard would be incremental and would not lead to the rapid communitarisation of CFSP or, conversely, any appreciable increase in intergovernmentalism.' Simon Duke, 'The Convention, the Draft Constitution and External Relations: Effects and Implications for the EU and its International Role', European Institute of Public Administration, Working Paper No. 2003/W/2, <http://unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN013014.pdf>

<sup>23</sup> P.A. Hall and R. Taylor, 'Political Science and the Three New Institutionalisms', MPIFG Discussion Paper 96/6, June 1996, p. 13.

## Some Thoughts on the Constitution, the European Court of Justice and the CFSP

**Alicia Hinarejos Parga, University of Oxford, UK**

The, at least theoretical,<sup>1</sup> fall of the pillars envisaged by the Treaty establishing a Constitution New I104the Treasg mea(sc)-6s( t)2Our (6p2 Tcosefd the j





Court interprets Art III-376(2) CT. At this point we can only speculate on the unsuitability of a very restrictive approach.

There are further factors - arising out of the unique context in which the Court has shaped and continues to shape the legal order over which it presides - which could, in the future, push the Court towards a non-restrictive approach. On the one hand, it may wish to avoid external scrutiny by the European Court of Human Rights. On the other, it may also wish to avoid a rebellion of national constitutional courts, as pointed out above: a thorough case-by-case protection could be the only reason why national constitutional courts do not feel compelled to claim jurisdiction to check the conformity of CFSP measures with their national fundamental rights standards. These factors are of sufficient importance so as to influence the interpretation the Court makes in the future of its competence within this area, pushing it towards a more active role.

### Further remarks

In general, the jurisdiction of the Court is deficient in the field of CFSP. This is especially obvious when it comes to the abstract control of measures for their accordance with the constitution. With regard to the protection of specific individuals, the Court has been given some leeway, but the extent to which it chooses to use this margin - ie, the extent to which it will push the boundaries of its jurisdiction - remains to be seen.

On the whole, we can maintain that the judicial control of CFSP measures is less satisfactory than at national level, even when taking into account the wide scope of discretion generally left to national governments in this area. The German Federal Constitutional Court, for instance, has explicitly rejected the political questions doctrine.<sup>7</sup> Similarly, the French case shows that, even in a system which traditionally accepts the doctrine of *acte de gouvernement*, the courts are willing to reduce as much as possible the area which they are not allowed to enter.<sup>7</sup>

Furthermore, we should be aware of the fact that patterns of political (as opposed to judicial) oversight of executive action in the field of foreign policy differ widely between national legal systems, on the one hand, and the Union, on the other. In the first instance, judicial control is part of a system of checks and balances which includes political control, generally exercised by national parliaments (albeit that the dominance of the executive is a common feature of contemporary political practice). This is, however, not applicable

to the Union, given that, even in theory, there is no effective parliamentary control in matters of CFSP under the constitution (neither consent nor consultation is required, Art III-325(6) CT; the European Parliament must be merely informed, Art III-325(10) CT). What is a common thread in all systems is that the judicial role must be respectful of the political patterns of representation and accountability. The relative lack of these values in matters of CFSP could mean that a case could be made in favour of a more embracing role for the ECJ.

<sup>1</sup> Shaw rightly points out that the pillars do not disappear completely. J Shaw, 'Europe's Constitutional Future', *Public Law* 132, Spring 2005.

<sup>2</sup> As a consequence of the *Foto-Frost* principle. 314/85 *Foto-Frost v Hauptzollamt Lübeck-Ost* [1987] ECR 04199.

<sup>3</sup> The competence to ensure primacy is disputed by some. Editorial, 'The CFSP under the EU Constitutional Treaty - Issues of Depillarization', *Common Market Law Review*, vol. 42, 2005, 325.

<sup>4</sup> Drawing on the position of several national constitutional courts with regard to the protection of fundamental rights enshrined in their constitutions. The common stance is that they have competence to check the validity of EC law

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## Recently-published and forthcoming books and articles on European foreign policy

Please send details of new publications to [k.e.smith@lse.ac.uk](mailto:k.e.smith@lse.ac.uk).

Richard Caplan, *Europe and the Recognition of New States in Yugoslavia*, Cambridge: Cambridge University Press, 2005.

*Politique Européenne*, numéro 17, automne 2005, special issue on 'A la recherche de la politique étrangère européenne', edited by Bastien Irondelle and Franck Petiteville. See

[http://www.portedeurope.org/rubrique.php3?id\\_rubrique=558&lang=fr](http://www.portedeurope.org/rubrique.php3?id_rubrique=558&lang=fr).

Mario Teló, *Europe: A Civilian Power? European Union, Global Governance, World Order*, Basingstoke: Palgrave, 2006.