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REVISITING COHERENCE IN EU FOREIGN POLICY

Edited by Clara Portela and Kolja Raube

Revisiting Coherence in the EU Foreign Policy

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**Six Authors in Search of a Notion:
(In)Coherence in EU Foreign Policy and its Causes**

Clara Portela and Kolja Raube *

The foreign policies of the European Union (EU) has long been identified as a field of special concern in the study of coherence due to the difficulty of overcoming the problems posed by its duality (M.E. Smith 2001:171). Fifteen years have elapsed since the Treaty on European Union (TEU) signed at Maastricht formally linked the external relations of the European Community (EC) and the intergovernmental Common Foreign and Security Policy (CFSP). Improving the coherence of EU (European Union) external action formulated in these two distinct foreign policy frameworks, or “pillars”, was a key motivation behind the establishment of a single institutional framework. The recent Commission’s Communication “Europe in the World – Some Practical Proposals for Greater Coherence,

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Effectiveness and Visibility” shows that EU actors are concerned with coherence in daily foreign policy-making (Commission 2006).

The present issue of the *Hamburg Review of Social Sciences* contributes to the exploration of (in)coherence in the foreign policies of the EU. The following lines provide a brief overview of the question of the definition of coherence before succinctly presenting the articles selected from those received in response to our open call for papers, and the guest article authored by Marise Cremona. In doing so, we highlight some of the themes most relevant to the latest institutional developments, as well as the innovations they bring to the debate on coherence.

Coherence: An Elusive Notion

Few notions in European foreign policy are characterised by such a high degree of complexity as the concept of “coherence”. The definition of this notion has been subject to different interpretations by the various scholars who have tackled the question. Indeed, the term “coherence” is regarded as having several meanings. The diversity of interpretations makes it necessary to open these introductory pages with a conceptual clarification. In the following lines, we summarise the various distinctions established around the definition of the term “coherence” and the classification of its subtypes.

a/ One distinction pertains to the difference between coherence in terms of “institutional process” and “systemic output”. Christiansen defines coherence “in terms of systemic outputs” as “the way in which the substance of different policies generated by the EU forms part of a coherent whole”, while “coherence in terms of the institutional process by which policies are made” refers to “the degree to which institution(s) operate a coherent and well-coordinated process of deliberation and decision-making” (Christiansen 2001:747). This distinction seems to coincide with the differentiation between “internal” and “external” coherence put forward by other authors. Yet, even the term “external coherence” appears to have a double meaning. While some scholars refer to it as the lack of contradiction in the end product of policies framed in different frameworks (Sick 2001), other authors give this label to the uniform treatment of third countries by the EU (K. Smith 2003:65).

b/ Within “internal” or “institutional” coherence, further distinctions are made depending on where in the EU governance structure the tensions are located. When difficulties exist between the member states and the EU level scholars speak of “vertical” (Tietje 1997:211) or “inter-level” consistency (Christiansen 2001:748). By contrast, difficulties in co-ordination between EU institutions are “horizontal” and can be further subdivided into “intra-pillar” or “inter-pillar” coherence, depending on whether they occur in the relationship between the Community and the intergovernmental pillars or within the same pillar. This category, which gives expression to a challenge specific to the EU’s institutional set up, can also be labelled “inter-institutional” coherence. Problems of coherence have been identified at all levels mentioned (Christiansen 2001). To the detriment of conceptual clarity, some authors have referred to the maintenance of coherence between the Community and the CFSP pillars as “institutional coherence” (Nuttall 2005), which overlaps with Christiansen’s label for the internal coherence of the EU policy formulation process.

c/ Perhaps the most central conceptual problem in the definition of coherence is the delimitation of “coherence” versus “consistency”, a distinction which is respected by certain scholars and dismissed by others. The absence of uniform terminology is compounded by diverging translations of the TEU: While the English translation favours the term “consistency”, most continental languages employ the term “coherence”. This conceptual distinction has been elaborated by legal and political science scholars alike, who tend to see consistency as the mere “absence of contradiction”, while the notion of coherence appears to go beyond sheer compatibility to convey the idea of mutual reinforcement of policies, defined as “synergy” (Gauttier 2004:26) or the establishment of “positive connections” (Tietje 1997:212). Obviously, this notion sets a higher standard for EU policies (M.E. Smith 2001:173) and is far more difficult to grasp conceptually than the mere “absence of contradiction”.

In sum, this fragmentation confronts the student of coherence with a scenario of *quod capita, tot sensus*. In view of the lack of a unitary definition, the contributors to this special issue have each defined their individual understanding of coherence, choosing the definition that best suits the analytical purposes of their respective articles. As editors we adopted the definition put forward by Krenzler and Schneider who conceive of coherence

as “coordinated behaviour based on agreements among the Union and its member states, where comparable and compatible methods are used in pursuit of a single objective and result in an uncontradictory policy” (1997: 134). We opted for this definition due to its all-encompassing character, as it is capable of accommodating the aforementioned sub-categories.

Ensuring Coherence through Legal-institutional Design

The need to ensure coherence in EU policies was identified as early as the mid-seventies, at an initial stage in the development of foreign policy co-ordination outside the Community framework (Nuttall 2005:94). Yet, the solution proposed at the time consisted of exhortations calling on EU actors to maintain coherence, which was introduced in the treaties for the first time in 1986. The Single European Act stipulates that “the external policies of the European Community and the policies adopted by the European Cooperation Policy shall be consistent” (§30(5)). The TEU was the first treaty revision to put in place a number of institutional arrangements to address shortcomings in coherence. At Maastricht, and later Amsterdam, an attempt was made to tackle coherence problems at three levels:

1/ One level concerned bureaucratic-institutional reforms. These ranged from the creation of the single institutional framework, which provided for the use of common institutions in all pillars, to the reorganisation of the Commission’s administrative apparatus.

2/ The second level included the double-hatting of senior posts in the EU institutional set up, notably through the appointment of a High Representative of the CFSP who is simultaneously Secretary-General of the Council Secretariat and of the Western European Union.

3/ A third level concerned the establishment of legal instruments within the second pillar meant to co-ordinate external action by EU actors, namely the Common Positions and Joint Actions, which would be complemented by Common Strategies in the Amsterdam revision.

Subsequent treaty reforms have endeavoured to perfect such arrangements. In fact, the continued preoccupation with improving the system was not only driven by its perceived insufficiency but also by the progressive growth and increasing specialisation of its bureaucratic units (Christiansen 2001). Yet, despite some improvements the institutional formulae have proved of limited use in averting incoherence in the EU's steadily increasing foreign policy activity (M.E. Smith 2001:171). In the face of the insufficiency of arrangements developed at or in the follow-up to Maastricht, what solutions have EU actors developed in order to ensure coherence?

The two initial contributions of this issue illuminate this question. In her opening article, Marisa Cremona provides an account of the fundamental role the EU legal order plays in ensuring coherence in EU foreign policy. Probably because legal scholars and political scientists tend to approach the study of coherence separately, non-jurists often analyse coherence from the perspective of bureaucratic politics and institutional design without considering the EU legal system's fundamental role in ensuring coherence. Marisa Cremona's central contribution consists in highlighting how both jurisprudence by the European Court of Justice and treaty reform – most recently the Treaty of Lisbon – have accentuated the separation of powers between the national and EU level on the one hand and the Community and CFSP pillar on the other by delineating their tasks even more clearly than before.

Olaf Poeschke, a practitioner, shows in a subsequent contribution how the trend towards a stricter separation of powers is evident in the day-to-day management of areas where Council and Commission competencies intersect. Here, codification has followed the establishment of practices, a phenomenon often witnessed in the institutional development of the EU. In his analysis of inter-pillar coherence in selected foreign policy tools, he finds that the predominant trend is to strengthen the delimitation of competences between Council and Commission, rather than to formulate solutions in which co-operation overcomes legal distinctions. Even the appointment of a Special Representative to Macedonia, who is simultaneously the Head of the Commission Delegation, is founded on a clearly dual mandate, an expression of the aforementioned separation of competences. The increased reliance on the double-hatting of personnel is one of the main innovations brought about by the Treaty to ensure coherence. This not only concerns the high-level posts of the High Representative and Special Representatives, but also the prospective

External Action Service. It is remarkable that from the catalogue of instruments explored by Poeschke, the operation of the mechanism for the imposition of economic sanctions – a time-honoured arrangement which predates the Maastricht reforms – emerges as a unique instance of smooth, if not totally friction-free, inter-pillar collaboration.

Beyond the strengthening of the separation of competences, a further trend with a major bearing on coherence is singled out by our authors. The moribund “CFSP Common Strategies”, an instrument whose clear purpose was to orchestrate policies by the EU and member states, has been finally replaced by a more flexible solution. In the future, the European Council rather than the Council of Ministers will decide on “strategies”, and they will be only politically binding. The European Security Strategy and the EU Strategy against the Proliferation of Weapons of Mass Destruction of 2003 can be seen as a “fore-runners”. On the one hand, the disappearance of the Common Strategies can be viewed as an indication that CFSP arrangements need to be “piloted” in practice before being codified in order to ensure their practicability.

But in terms of institutional coherence, this development denotes a reversal from the path towards the progressive integration of EU foreign policies with those of the member states. The highest intergovernmental instance, the European Council, strengthens its position not only as “final arbiter” but as a co-ordinating entity. The reinforcement of the separation of powers described by Cremona and Poeschke can be interpreted as a failure of the idea of “coherence” as originally foreseen by the Treaty of Maastricht. At the time, the hope was that institutions could co-operate in “grey areas” where competences were not clearly delineated. By sharpening the delimitation of competences, the EU implicitly acknowledges that synergy in areas of overlap is unworkable. As Christiansen suggested in the aftermath of the Nice Treaty, a “clearer separation of powers” contradicts “institutional coherence” (Christiansen 2001:749).

Yet, a glance at a lower level of policy formulation shows that the Commission sometimes does gain the upper hand. CFSP Common Strategies have been replaced by European Council “strategies” deprived of legal character, but at a meso- and micro level it is the ENP Action Plans that are fulfilling this function. Elsa Tulmets explains in her contribution how the Council has relinquished responsibility for the European Neighbourhood Policy (ENP) into the hands of the Commission. In its turn, Tulmets’ analysis of the ENP also reveals a coherent management of policy instruments which appears to have emerged

by means which diverge from those foreseen by the institutional designs described above. Rather, ENP practices have been perfected in the course of the Commission's experience with Eastern enlargement and subsequently adjusted to the ENP framework through policy transfer.

Coherence as “Explanandum”

The contributions by Tulmets, Stahl and Alcalde and Bouchard reflect a departure from the emphasis on bureaucratic politics that has so far dominated political science accounts of incoherence. The notion of “coherence” appears to have transcended the boundaries of bureaucratic theory to become a category of general currency in the study of foreign policy. Despite the heterogeneity that the three contributions display in terms of focus and approaches, they all treat coherence as an independent rather than a dependent variable. The contributions by Tulmets, Stahl and Alcalde and Bouchard try to explain incoherence by analysing different fields of EU foreign policy. Moreover, the three articles reveal the usefulness of investigating the concepts of agency and structure in European foreign policy. The significance of agency, which points to key actors capable of bring about coherence, is highlighted in the articles by Tulmets and Alcalde and Bouchard. By contrast, structure refers to underlying differences of structural nature among EU actors, typically member states, as discussed by Stahl.

The central innovation in Bernhard Stahl's contribution is that it illuminates the sources of incoherence. It is unique in that it highlights an often overlooked root of incoherence. The intra-European debacle over the US-inspired invasion of Iraq, the most prominent example of member states' lack of co-ordination in the past decades (Risse 2003; Peterson 2004) and arguably also the main setback to the CFSP since its inception, serves as the case-study. By elucidating the causes that led to this high-profile CFSP failure, Stahl exposes an aspect of incoherence which institutional devices can address only partially, if at all. The institutional arrangements devised to ensure vertical coherence are meant to help overcome differences among its constituent units, the member states. However, the process of “inconsistent securitisation” that took place across EU member states on the eve of the Iraq invasion illustrates that the likelihood of (in)coherent outputs is

strongly influenced by domestic factors. Hence, uneven securitisation in the member states remains a structural “deficit”.

Tulmets’ article features an analysis of the newly-branded Neighbourhood Policy, a domain of EU external activity which has attracted a considerable amount of attention since its launching in 2003. Thanks to her differentiation between internal and external dimensions, Tulmets analyses the coherence both of the decision-making process and its output. She identifies what one might call a twofold “learning-process”: The European Council understood that ENP would benefit from the delegation of policy-making powers to the Commission. In turn, the Commission could usefully apply the institutional expertise acquired in the course of the successful Eastern enlargement. While internal coherence in the ENP is widely acknowledged, external coherence – understood as consistency in the treatment of third-countries – still raises questions.

In a final article, Javier Alcalde and Caroline Bouchard touch upon the question of external representation of the EU in multilateral settings. The external representation of the EU has been a matter of concern to the architects of the single institutional framework since its inception. Alcalde and Bouchard also point to agency and its influence on coherence. In their investigation of multi-level-negotiations at the Review Conference on Small Arms and Light Weapons (SALW) of 2006, they distinguish a dimension of coherence distinct from the classical categories: “content/representation”. At the conference, a number of member states lobbied for different priorities. Although these objectives were part of a pre-agreed “strategy”, the fact that different member states did not pursue identical goals undermined the collective lobbying efforts. This formula might have been workable as a lobbying-strategy, and it might even have been deliberate. Yet, it was perceived as confusing by other parties, which can only conceive of the EU as a unitary actor as long as it speaks with “a single voice”. “Being coherent” does not suffice, member states also need to “appear coherent”.

Beyond the Search of a Notion

With the exception of Marise Cremona’s article, the contributions to this Special Issue resulted from an open call. They reflect a growing interest in the (unresolved) question of coherence. Despite the heterogeneity of the featured articles, on the whole they provide a

stimulating mosaic of diverse aspects of (in)coherence in EU foreign policy. The articles by Stahl, Tulmets, Alcalde and Bouchard depart from the classical bureaucratic/institutional approach traditionally applied to the study of coherence, pursuing an innovative strand recently inaugurated by a handful of scholars (Lerch/Schwellnus 2006; Szymanski/M.E. Smith 2006; Stetter 2007). This comes as a welcome complement to the works which, like Cremona and Poeschke, identify the implications for the coherence of legal-institutional dynamics in the EU. Our understanding of coherence can be considerably aided by the innovative trajectories pursued by our authors.

This brief overview by no means fully explicates the contributions made by the authors to the study of coherence, and to field of European foreign policy in general. We are certain that readers of this issue will appreciate the wealth of insights in the featured articles without further introduction. Finally, we wish to conclude this introductory note by expressing our gratitude to the six authors who have made possible this special issue, and to the anonymous reviewers for their invaluable help. We would also like to thank Stephan Stetter and Emma J. Stewart for their assistance on the final product. We remain indebted to all of them for their dedication and patience.

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Coherence through Law: What difference will the Treaty of Lisbon make?

Marise Cremona

Abstract

Despite the simplification offered by the Lisbon Treaty in establishing a single European Union with a single legal personality and a single set of principles and objectives for the EU's external action, the structural complexity inherent in the Union system will largely survive. In the process of treaty reform that started with the Laeken Declaration in December 2001 and ended with the Treaty of Lisbon, signed in October 2007, the coherence of the Union's foreign policy has been one of the recurrent themes. The Laeken Declaration already asked, "how should a more coherent common foreign policy and defence policy be developed?" and raised the issue of foreign policy coherence expressly twice, first in the context of the organisation of Union competence and its relation to that of the Member States and second in the context of institutional and decision-making efficiency. It could be argued from the analysis undertaken here that the innovations the Lisbon Treaty introduces, both structural and institutional, give prominence to rules of delimitation and to the principle of complementarity in both vertical and horizontal dimensions of coherence. Despite the prominence given to the new institutional mechanisms, it could be that the most important element of the Treaty of Lisbon from the perspective of foreign policy coherence is the clear external mandate given to the Union as a whole in both substantive and instrumental terms.

Abstract

Olaf Poeschke: Coherence under Maastricht and beyond

EU external action and cross-pillar coordination

'Speaking with one voice' is known to be one of the major challenges EC/EU Member States face since the European Political Cooperation was introduced in 1970. While much attention has been paid to the *intergovernmental* side of the coin, *inter-institutional* (or *cross-pillar*) coordination in the area of EU external action has been less carefully examined.

This article focuses on the fault line between the EC external action, the so-called first pillar, and the Common Foreign and Security Policy (CFSP), the second pillar of the EU. Taking into account both instruments and policy fields, it analyses four pertinent cases of cross-pillar interaction, namely: a) EU Special Representatives: How does the EU make use of them and how do EUSRs relate to the 'first-pillar representatives' of the EU, the various Commission delegations in third countries? b) EU/EC agreements: To what extent does the current contractual practice vis-à-vis third states take into account the increased relevance of CFSP? c) Sanctions policy: How (well) do Member States and institutions coordinate in this particular policy field, given that a specific cross-pillar *modus operandi* for sanctions is in place? d) 'Stability policy': In the absence of any such mechanism, how do Member States and institutions coordinate in this grey zone of EU competence?

It appears that, despite regular claims for enhanced coherence and cross-pillar synergy, current practice often results in carefully maintaining what could be labeled 'pillar purity'. Pillar purity more often than not seems to be the common denominator of various competing actors involved. Against this background the impact of the pillar-ripping reform treaty on future EU practice will be assessed.

**Incoherent securitisation:
The EU and its member states in the Iraq crisis**

Bernhard Stahl

Abstract

The 'great split' in the Iraq crisis 2002/2003 meant a serious setback to the EU's endeavour to become a recognised security actor. Presumably, the EU is still suffering from a deficient common security identity – i.e. a common understanding of 'how the world is' and 'what should be done about it' – which is held to be a necessary pre-requisite for EU actorness.

Hitherto, most studies on the Iraq crisis have dealt with transatlantic relations or focus on single-country explanations. A comparative securitisation approach could help to disclose vertical incoherence by exploring when and how the 'Brussels actors' and eight member states (Denmark, France, Germany, Greece, Italy, the Netherlands, Spain, and the United Kingdom) securitised 'Iraq' in the run-up of the war.

The findings suggest that the member states' securitisations were largely domestically driven and idiosyncratic. The inconsistent securitisations point to structural deficits of the CFSP since the 'Brussels actors' have no incentive to securitise 'hot issues' and governments still prefer domestic and bilateral forums to European ones when securitising threats.

**The European Neighbourhood Policy:
A Flavour of Coherence in the EU's External Relations?¹**

Elsa Tulmets *

Introduction

The question of coherence has become one of the main issues of the foreign relations of the European Union (EU) since the creation of the pillar division and the launching of a Common Foreign and Security Policy (CFSP) at Maastricht in 1992. The academic literature on the European Communities (EC) and the EU external relations has always been rather critical of the EC/EU's capacity to become an international actor. Already in the

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¹ I would like to thank the two editors of this issue, an anonymous reviewer of HRSS and my colleagues of the IIR in Prague for their useful comments.

1970s, François Duchêne advocated for an EC with civilian power, while Hedley Bull pointed at the impossibility of the EC being a power without a coherent foreign and security policy (Duchêne, 1973; Bull, 1982). The creation of the CFSP in 1992 and of the European Security and Defence Policy (ESDP) in 1999 revived the debate, in the 1990s, on EC/EU international actorness, i.e. on its capability to lead a coherent external action. It is still debated whether the EU is a “normative power” (Manners, 2002; Sjørnsen, 2006) or a “neo-medieval empire” (Zielonka, 2007) with a policy discourse on “soft power” (Johansson-Nogués, 2007; Tulmets, 2007) or, on the contrary, is becoming a foreign policy actor “with teeth” (Smith, 2000). These various qualifications in fact reflect the difficulty of evaluating the real share and weight of the EU community and its intergovernmental policies abroad. New security challenges (terrorism, environmental threats, transnational crime, etc.) have added to the growing difficulty of keeping separated policies which are increasingly interconnected. For all these reasons, the Treaty of Lisbon of 2007 envisages to abolish the pillar structure and to enhance coherence in the making of external policies within and outside the EU. I will thus take into consideration the whole spectrum of EU external relations – the activities of the first, second and third pillars abroad as well as the foreign policies of the member states – in order to discuss the notion of coherence.

It is crucial to investigate the notion of coherence in the light of the recent changes which occurred since the beginning of the 1990s, especially in the context of the launching of the CFSP / ESDP and of the Eastern enlargement of the EU. In the report of the High Representative for the CFSP Javier Solana of 2000 on the enhancement of coherence and effectiveness in EU external action, the experience of enlargement is quoted as a way to extend the benefits of European integration to a wider circle of European states, but “preserving peace, promoting stability and strengthening international security worldwide” is also considered as “a fundamental objective for the Union, and preventing violent conflict constitutes one of its most important external policy challenges” (Solana, 2000: 3). After the rejection of the Constitutional Treaty by referendum in France and the Netherlands in 2005, the European Council asked the Commission to work further on possibilities to save some of the important innovations of the rejected treaty in the field of foreign relations and thus to reach greater coherence and effectiveness. There is now a need to understand what the notion of coherence refers to

in EU external relations and also in view of a possible ratification of the Lisbon Treaty of 2007.

Empirically, the European Neighbourhood Policy (ENP) represents one of the best case studies for analysing the notion of coherence. This policy was launched in 2003-2004 in the context of enlargement so that the enlarged EU would be able to cope with instability and insecurity in its new neighbourhood. It is one of the main policies quoted in the European Security Strategy of 2003 dealing with CFSP issues (Solana, 2003), and members of the Commission often call it the “newest foreign policy” of the European Union to insist on the fact that it represents a new way of conceiving and implementing foreign policy. As the ENP was born in the context of the EU’s Eastern enlargement, it is thus not surprising that enlargement served as a strong point of reference in the launching of the ENP in order to reach “stability, prosperity and security” in the EU’s neighbourhood. As this policy was evaluated as the “EU’s most successful foreign policy” (European Commission, 2003), methods for reaching institutional coherence in enlargement served as a reference for the ENP. However, the logics of enlargement and the ENP differ in the sense that the ENP does not offer the incentive of accession. Furthermore, the ENP deals with security issues (frozen conflicts) which the EU did not have to deal with in enlargement and which rather concern second pillar issues.

This article explains the extent to which a new method, born in the context of EU enlargement, is currently being tested in the European Neighbourhood Policy to remedy the lack of coherence in EU external relations. It argues that this new method (from here referred to as the ENP method) was created in an incremental way in the larger field of the EU’s external relations in the 1990s and the 2000s in order to improve the coherence of the EU’s external relations. However, after testing the analytical frame presented below to evaluate the impact of this method on coherence in the ENP, it concludes that the ENP method aimed, thus far, at enhancing the internal coherence of the EU’s external action rather than its external coherence.

1. Coherence in the EU’s external relations: an analytical framework

In the fields of European Studies and International Relations, the words “coherence” and “consistency” are generally used as synonyms to indicate the quest for better coordination,

and thus for avoidance of overlaps and mismanagement, in the field of foreign policy². However, the literature was not very fruitful so far in defining these two notions of coherence and consistency in the EU's external relations and in finding criteria to clarify the issue. Very often, scholars focused on the existence of gaps and failures in the external relations of the EU, but only few of them tried to define precise criteria in order to investigate the lack of coherence and consistency. After the failure of the CFSP in the Western Balkans in the early 1990s, Christopher Hill pointed at the EU's capability-expectations gap, i.e. at the difficulties the EU encounters in matching strategies with expectations and in making resources available to allow implementation (Hill, 1993). Among the various attempts to define coherence or consistency, the works of Simon Duke (1999, 2006) and especially of Simon Nuttall (2005) are particularly helpful. For Nuttall, consistency refers to three main issues (Nuttall, 2005: 97):

- institutional consistency between community and intergovernmental processes;
- horizontal consistency between the three EU pillars and EU policies;
- vertical consistency between the EU and the member states' policies.

Within each issue, Nuttall identifies three various ways for the EU to foster consistency: a) legal instruments and practices (provision in the treaty for interaction, combined recourse to separate instruments); b) structures (organisational arrangements); c) obligations (exhortations to practise consistency) (Nuttall, 2005: 98).

These elements of the definition represent ideal-types: This is what the EU should ideally reach in order to have a consistent foreign policy – at least internally. As Nuttall notices (2005: 92), one has to be aware of three mistaken assumptions when looking at consistency: it is not a simple but a complex phenomenon; it does not always have to be normatively seen as positive in the European context; it does not have to highlight only foreign policy issues but can also concern domestic ones. The external relations of the EU are often criticised for their lack of consistency and efforts made towards coherence should avoid the following three gaps: institutional competition, thematic overlaps and

² For a review of the literature in the field of development studies, and possible differences on the way to define coherence in external relations, see Ashoff (2005), see Horký (2008).

duplication between the EU and the member states' activities. Thus, a dissection of the term "coherence" allows for a better understanding of the complexity of the phenomenon. However, Nuttall's analytical frame needs to be complemented with further points regarding the geographical consistency of the policy, in particular if the policy analysed deals with a specific region or with a specific group of countries: Is the policy oriented towards one or several countries or regions? How does it coordinate with further EU and member states initiatives in this region? It is also not clear how one should differentiate internal from external coherence, which I propose to assimilate with the (internal) conception of the policy and its (external) implementation. This distinction is essential, as it will gain importance over the logic of pillars if the Lisbon Treaty of 2007 is to be ratified. This article therefore suggests to complement the above-mentioned analytical frame with these additional elements (see chart below), which allow for a more detailed understanding of coherence in the field of external relations, especially in the case of complex situations.

Table 1: Analytical framework of coherence in foreign policy

	Internal coherence	External coherence
Institutional consistency	- legal instruments and practices - structures - obligations	-> check three criteria against implementation
Horizontal consistency	- legal instruments and practices - structures - obligations	-> check three criteria against implementation
Vertical consistency	- legal instruments and practices - structures - obligations	-> check three criteria against implementation
Geographical consistency	- legal instruments and practices - structures - obligations	-> check three criteria against implementation

Source: Own compilation, based on Nuttall's (2005) analytical framework.

In this understanding, there is a slight difference between consistency and coherence: while consistency is checked against criteria defined in advance, coherence reflects the overall result of the policy. I will now turn to the empirical part of this article and verify, with the help of first hand and second hand documents (political speeches, official reports, treaties, semi-direct interviews, academic literature) and the academic approach of triangulation (check-crossing material), how far the method used in the ENP aims to remedy the four cases of a lack of consistency in EU external relations. I will start with an analysis of the overall internal coherence of the policy (parts 2, 3, 4 and 5) and then

check whether implementation is consistent with what is decided and expected within the EU to draw some conclusion on the external coherence of the ENP (part 6).

2. Internal coherence in the ENP (1): a new method to reach institutional consistency

For Nuttall, institutional consistency “denotes the problems which arise because the EU has chosen to handle a single policy sector, that of external relations, by two sets of actors applying two sets of procedures”, the intergovernmental set and the community set (Nuttall, 2005: 92). The ENP highlights perfectly this reality and the attempt to introduce a new method in the EU’s foreign policy able to deal with various policy procedures and modes of decision under a single foreign policy frame. When sticking to Nuttall’s analytical points, this method should aim at a better coordination of the structure of European institutions, include classical and more innovative legal instruments and practices, and manage the whole policy through monitoring and controlling obligations.

2.1. A better coordination between European institutions

In 1992, the Maastricht Treaty incorporated the European Political Cooperation (EPC) into the Union as the CFSP (2nd pillar) and gave the responsibility to ensure the coherence of its external activities as a whole in the context of its external relations, security, economic and development policies to both the Council and the Commission (Nuttall, 2005, Duke, 2006). The academic literature on the EU’s external relations has mainly focused so far on incoherence between European institutions, especially on the difficulties of coordinating intergovernmental and community competences. After the events of 1989, the Commission gained competencies in the field of external relations, especially through the management of foreign aid programmes like PHARE or TACIS. The Council also asked the Commission to draw up a proposal to be discussed among the member states when an agreement was to be found on a foreign policy which would deal more with community policies, as was the case in enlargement. Along this vein, the Commission played a central role in shaping the innovative policy frame of the ENP, although in this context second pillar issues (crisis prevention and management of frozen conflicts) have a

more prominent share than in accession policies. As far as the European Parliament is concerned, it has been particularly active in generating political debates and in using its competencies in budgetary issues, although the EU treaties envisage, only a marginal role for this institution in EU external relations.

2.1.1. The role of the Council and the member states in the making of a policy frame

When the official negotiations for accession were opened in the EU in 1998, various political initiatives regarding Eastern Europe, which primarily came from the United Kingdom, Sweden, Poland and Germany, have been drawn up in the form of a “proximity policy” and more generally in the form of a “Wider Europe” initiative. These propositions, taking the form of articles published in newspapers, letters to the presidency of the EU or non-papers, were mainly addressed to the European Council, and they aimed at creating a sub-regional policy towards the EU’s Eastern neighbours similar to the Northern Dimension or the Euro-Mediterranean Partnership³. From the opening of accession negotiations in 1998 to the launching of the European Neighbourhood Policy (ENP) in 2003-04, the new member states from Eastern Europe – which were still candidates at the time – played a major role in influencing the European agenda and putting pressure on the Council⁴. The speeches and propositions of Polish politicians added to the support of British and Swedish calls for a “Wider Europe” policy and to the early propositions of the Finnish and German governments to enhance the Northern and Eastern dimensions of the EU’s foreign relations. They were showing their concern about the absence of an EU policy in Eastern Europe. The Baltic States were also pro-active in moving the Eastern and the Southern Caucasus into the European agenda, and the Visegrád countries as well showed some motivation in getting engaged in this issue. But countries like France, Spain and Italy began to complain that too much attention and resources had already been given to the EU’s Eastern neighbours and argued that the re-launching of the Barcelona process should take first priority. They also feared that the term “Wider Europe” could be con-

³ The common letter of Chris Patten/Anna Lindh of 2001, Jack Straw’s Letter to the Spanish presidency, speeches from Polish ex-Foreign Minister Cimoszewicz, Polish strategies on Wider Europe, and German-Polish strategies on ENP.

⁴ More on this: Tulmets, 2007; Kratochvíl, Tulmets, 2007.

fused with an accession perspective. To sum up, some countries wanted a policy toward the East, while others preferred a policy toward the South.

To solve this stalemate, the General Affairs and External Relations Council (GAERC) asked the Commissioner, Chris Patten, and the High Representative/Secretary General (HR/SG) for the CFSP, Javier Solana, to prepare a common strategy on Wider Europe able to generate a consensus among the member states, which resulted in a common letter (Patten, Solana, 2002). The Council then asked the Commission to elaborate, on the basis of this letter, a policy proposal, which the Council endorsed almost entirely in 2004. To underline the importance of the policy and its security aspects, Javier Solana also included the ENP in the European Security Strategy of 2003 (Solana, 2003). Two ESDP missions were launched in the Eastern neighbourhood (the EUJUST Themis mission related to the Rule of Law in Georgia and the EUBAM border assistance mission to Moldova and Ukraine) and EU Special Representatives were appointed abroad (to Moldova and to the South Caucasus). At various occasions, the GAERC asked the Commission to define the ENP in more detail and to add coherence to the various actions undertaken towards the EU's neighbours (EC, 2003b, 2004a,b, 2006, 2007). Therefore, the Commission also had an active share in launching the ENP and might be considered as the main tailor of the operational frame of the policy. As a matter of fact, the main policy documents were elaborated within the task force "Wider Europe", situated, at that time, at DG Enlargement.

2.1.2. The Commission as the tailor of institutional consistency in the ENP

In 2003, the Council gave the Commission the difficult task of proposing a framework for a policy of "Wider Europe" able to create institutional consistency. The Commission came up with a proposition entitled "Wider Europe – Neighbourhood", which included a method drawing on the experience of enlargement as a new way to do foreign policy, which had been complemented with the experience in the Western Balkans as a way to manage crisis. An important restructuring partly explains why the original policy ideas and instruments of the ENP were adapted from the experience of enlargement (Tulmets, 2005, 2006; Del Sarto, Schumacher, 2005; Kelley, 2006). In 2003, the Task Force "Wider Europe", composed of civil servants from the DG Enlargement and DG Relex, was created

to deal with the EU's relations towards its Eastern neighbours. In 2004, when the ENP was officially launched with the larger aim of integrating both Eastern and Southern neighbour countries, the officials working in the Task Force from the DG Enlargement were moved to DG Relex (Interviews DG Enlargement, 2003-2004, DG Relex, 2006). This allowed for what one may term "policy transfer" or, more precisely, "policy adaptation" from enlargement in the ENP⁵.

Institutionally, the ENP method establishes a bilateral dialogue with each ENP country on the basis of already existing economic agreements, which are a pre-condition for the negotiation of bilateral Action Plans (European Commission, 2003). Thus, the negotiation, screening and monitoring process takes place in the framework of the committees and sub-committees of the Association Agreements (AA, for the Southern neighbours) and the Partnership and Cooperation Agreements (PCA, for the Eastern neighbours) or Enhanced Agreements (e.g. Ukraine). This allows for a differentiated approach and for the creation of a bilateral partnership in the ENP.

2.1.3. The role of the European Parliament

Although the European Parliament has no major role to play in the EU's external relations, the issues of a "Wider Europe" and the European Neighbourhood Policy have been intensively discussed in 2002-2005 (Goujon, 2005). The Committee on Foreign Affairs took the lead in organising the debates and in publishing various reports on the ENP and its instruments⁶. Its composition – old member states interested by the issue and representatives of almost all the new member states – partly explains why the issue was regularly on the agenda of discussions of the Committee. The debates at the European Parliament were followed with great interest by the members of the Commission, in particular at DG Relex. Finally, for some analysts, the Parliament played a crucial role because it was le-

⁵ Richard Rose defines policy adaptation as occurring "when a program in effect elsewhere is the starting point for the design of a new program allowing for differences in institutions, culture, and historical specifics. Adaptation rejects copying every detail of a program; instead, it uses particular measure as a guide to what can be done" (Rose, 1993: 31).

⁶ The European Parliament issued several reports on the propositions of the Commission and the decisions taken in the ENP, available online at: http://ec.europa.eu/world/enp/index_en.htm.

gally able to vote the necessary budget for the ENP. Traditionally, the European Parliament is also pro-active on issues linked to the respect of human rights and democracy. It also has a say in the ratification of the economic agreements negotiated by the Commission with each ENP country.

Table 2: Institutional structure of the ENP

	Formation	Functions	Involved in:
Council	European Council GAERC, HR/SG on CFSP, COREPER, Political and Security Committee (PSC), Political directors, Working groups (COEST, COMEM, COMAG, EUROMED...)	- Decides on the overall policy objectives - Decisions on CFSP / ESDP issues - Policy management	Political dialogue AA and PCA Committees
European Commission	DG Relex AidCo	- Prepares policy propositions, conducts negotiations and monitoring in AA/PCA committees, prepares evaluations and reports - Manages policy assistance	AA and PCA committees AA and PCA sub-committees Programme management committees
European Parliament	Committee on Foreign Affairs	- Debates and reports on the policy - Co-decision on EU budget - Ratification of AA, PCA	

Source: Own compilation on the basis of European Commission (2003a,b) and interviews, 2004-2007.

2.2. Legal instruments as a way to improve coordination between Community and inter-

governmental issues

The method mentioned above was not created out of the blue. It draws on legal means and practices in order to manage the general policy frame of the ENP. More concretely, it relies partly on the experience of enlargement and of the signature of new types of economic agreements in the 1990s (first pillar oriented issues) as well as on new procedures introduced in the field of CFSP, e.g. the Common Strategies (second pillar issues), which were already typical of a growing thematic overlap. Given the complexity of international relations and the importance of economic issues in the EU's foreign policies, economic and political aspects – first and second pillar issues – cannot be kept separate from each other.

This was already true during the period of European Political Cooperation (EPC). However, although the EC treaties officially mentioned the necessity of achieving consistency since the Single European Act, there were no legal instruments to allow for a better coordination of the first and second pillar issues, not to mention those of the third pillar. The Maastricht treaty, in keeping the pillar structure, did not meet the expectations of the integrationists but insisted on the necessity for the Council and the Commission to ensure the consistency of the EU's external relations, security, economic and development policies. From a legal point of view, the use of some instruments, like the economic agreements or the common positions and joint actions, has built the first real bridges between these pillars. The Association Agreements (AA) and the Partnerships and Cooperation Agreements (PCA) launched respectively with the candidate countries as well as with Russia and Ukraine between 1993 and 1994 mainly dealt with first pillar issues but also contained a chapter on political dialogue typical for second pillar issues. For this reason, most of them have been concluded as mixed agreements. The CFSP and the EC, in fact, pursue similar goals – the consolidation of democracy, the rule of law and the respect of fundamental rights. One component of the CFSP is to promote international cooperation, which offers potential intersections “with virtually all external Community activities, ranging from purely commercial relations to all other kinds of cooperation” (Weidel, 2002: 50). The issue of thematic overlaps has gained particular relevance with regard to the Common Strategies as introduced in the Treaty of Amsterdam (art. 13 TEU). This instrument covers areas of common interest in which the member states should make

their means available to the Union⁷. Before launching the ENP in 2004, the Council made use of this instrument three times by adopting Common Strategies for Russia⁸, the Ukraine⁹ and the Mediterranean region¹⁰. The Common Strategies were perceived as a response to the need of more consistent policy-making coverage which would extend to all of the Union pillars (Spencer, 2001: 36). They were thus ascribed a “cross-pillar nature” able to coordinate the full range of Community and Union external policies and instruments (Hillion, 2000: 295). Nevertheless, the Common Strategies could not overcome the problems arising from the different organisational structures of the three Union pillars (Ojanen, 2000: 374).

Although the Common Strategies have been interpreted as an innovation in the EU treaties, they have also been heavily criticised, among others by the High Representative for the CFSP Javier Solana at the end of 2000 for their imperfections and for the large role given to the Commission in foreign policy issues. Therefore, a new approach was needed in order to go beyond the legal tool of Common Strategies. The Action Plans, proposed by the European Commission, represent the new document launched in 2003 to deal with cross-pillar issues. Interestingly, it was inspired by the Accession Partnerships, which contained around 30 chapters for negotiation on the European policies and *acquis*. The Action Plans are not as detailed as the Accession Partnerships, but as the very first ones were almost copied and pasted from the Accession Partnerships, they entailed many similarities in their structure (interviews, DG Enlargement, 2004). In practice, the Action Plans are negotiated between the Commission and the third countries and then agreed by the Council in consultation with the European Parliament.

⁷ “The Union commits itself to make appropriate use of *all relevant instruments and means available to the Union, the Community and the Member States* in order to contribute to the objectives of the CS” (Weidel, 2002: 53).

⁸ Decision 1999/414/CFSP, Common Strategy of the European Union on Russia, OJ L 157, 24.6.1999, 1.

⁹ Decision 1999/877/CFSP, European Council Common Strategy on Ukraine, OJ L 331, 23.12.1999, 1.

¹⁰ Decision 2000/458/CFSP, Common Strategy of the European Council on the Mediterranean region, OJ L 183, 24.7.2000, 5.

Table 3: Main legal instruments of the ENP

	Status
Association Agreement (AA), Partnership and Cooperation Agreement (PCA) or Enhanced Agreement	International (economic) agreement
Action Plan	Political agreement

Source: Own compilation on the basis of European Commission (2003a,b).

2.3. A new method to generate obligations for institutional coherence

The EU treaties contain an obligation (or exhortation) to ensure (institutional) consistency in the field of external relations. But further difficulties emerged from the new structures created in EU external relations with the Maastricht and the Amsterdam Treaties, and, to some extent, institutional consistency was easier to manage before the reforms introduced by these two treaties (Nuttall, 2005: 98, 102): “The links between member states in the first and second pillars were scanty to the point of non-existence. The Commission almost alone provided a link between the two pillars, and was able (...) to translate a political consensus in EPC [European Political Community] into action on the Community side, while at the same time warning EPC of potential difficulties in the Community. This was embodied in the fact that the same official represented the Commission in the Political Committee and in Coreper” (Nuttall, 2005: 102). Furthermore, the creation of the office of High Representative for the CFSP only added to competition between the structures of the Council and those of the Commission: “What has previously been a fairly obscure institutional difficulty has now been mediated as a personal duel, Solana versus Patten” (Nuttall, 2005: 103). Many analysts also consider that the institutional innovations of the Lisbon Treaty will not reduce competition between the various foreign policy actors if the Treaty is ratified, as competences will have to be shared at least between the President of the European Union nominated for two years and a half, the High Representative for External and Foreign Affairs (also President of the Commission) and the Commissioner for Foreign Trade.

In the case of the ENP, the first political initiatives came from some member states and candidate countries, as explained above. The common letter of Solana and Patten of 2002 not only aimed at generating consensus among the member states, but also at smoothing

cooperation between Community and intergovernmental measures. The making of a cross-pillar policy may appear as something new. However, it relies on the experience of a growing interface between the EU pillars in the 1990s and the experience of the Common Strategies. After the Common Strategies were criticised, a growing role was given to objectives, goals or guidelines defined at the level of the Council and generally proposed by the Commission. The ENP method, which mainly aims at governing through guidelines, might therefore be perceived as a way for the EU to overcome the “pillarisation” of its external relations (Winn, Lord, 2001), i.e. to avoid tensions between the logics of integration and sovereignty. This approach also sets up a more procedural way of dealing with foreign policy and thus allows the Council and the member states to keep an eye on the Commission to avoid mismanagement and to ensure transparency, especially after the mismanagement of EU external assistance denounced by the European Parliament and the European Court of Auditors in 1997 as well as after the demission of the Commission’s *collège* in 1999.

In this context, the Commission had to elaborate a more transparent method, which was already defined in the “Agenda 2000” (European Commission, 1997). The economic agreements, country reports, and Action Plans – which particularly resemble the European agreements, the accession “avis” and the Accession Partnerships – represent the legal ground for a benchmarked approach employed to pressure and monitor the neighbour countries. As in enlargement, the Commission is in charge of the monitoring and the evaluation of the reforms and the political engagements of the ENP partners with the EU as well as of the management of the assistance policy which supports the reforms through the diffusion of best practices from the member states and the adaptation of EU norms abroad (Tulmets, 2005).

Table 4: Main components of the method of governing per objectives

Policy objectives (e.g. respect EU values, conditionality)
Country reports
Action Plans / Economic agreements
Lists of <i>acquis communautaire</i> , benchmarks and best practices
Monitoring, peer reviews
Regular evaluations
→ Redefinition of objectives

Source: Own compilation on the basis of European Commission (2003a,b).

The ENP method, in mobilising various innovative tools, thus aims at enhancing institutional coherence between the Council representing the member states, the Commission and the European Parliament. The documents and management tools adopted serve as a common point of reference but also to avoiding thematic overlaps and thus to improve horizontal consistency as well.

3. Internal coherence (2): avoiding thematic overlaps to reach horizontal consistency

Horizontal consistency “refers to EU policies in general, adopted in pursuit of different objectives but with external implications which are not always taken into account. This applies to many important areas of EU activity”, like agriculture, the environment, transport, competition policy, consumer protection, etc. “All these policies, domestic in origin, can have significant impact for the world outside the EU” (Nuttall, 2005: 104). In enlargement, the externalisation of internal policies is considered as a “normal” process as the candidates aim at entering the EU one day. However, this is not as evident for the neighbour countries, especially for those which have no right, according to the EU treaties, to apply for candidacy.

3.1. The introduction of conditions in EU's external relations

The definition of conditionality at the end of the 1980s and in the 1990s in the enlargement and the development policies of the EC/EU (Smith, 1998) helps one to understand its presence as a fundament of the Neighbourhood Policy. Lacking of “hard” military

power, the European Community developed until 1992 a foreign policy mainly based on elements like economy and finance in the framework of its external economic relations. After 1992, political speeches clearly state the central role of European values and norms of democracy, human rights and the rule of law in the EU's external relations. In 1993, the EU member states agreed on the necessity to enlarge to Central and Eastern European countries, but only under certain conditions. The Council of Copenhagen stated that candidates should have: 1) stable institutions guaranteeing democracy, the rule of law, human rights and minority rights ; 2) a functioning market economy and the capacity to cope with competitive pressures inside the EC ; 3) the ability to adopt the *acquis* and to accept the aims of the political, economic, and monetary union. At the Council of Madrid in 1995, the member states also insisted on the necessity for candidates to have the administrative and judicial capacity to implement the *acquis communautaire*, i.e. the whole range of European treaties, directives, regulations and case law defined by the European Court of Justice. These conditions in fact represented a way for the EU to export its own norms and values abroad in developing an external dimension to its internal policies (Lavenex, 2004; Tulmets, 2006). A similar logic was applied in the ENP as the Commission particularly values the international dimension of the EU's internal policies:

“If we are to preserve an international order based on the rule of law and respect for those values we hold dear – human rights, democracy, good governance – we need to be using all means at our disposal to persuade emerging powers to sign up to it now. (...) We already have an impressive range of policy instruments, including development aid, diplomacy, trade policy, civilian and military crisis management, and humanitarian assistance. We also need to do more to recognize and utilise the external dimension of the EU's internal policies. Thanks to globalization, most internal policies now have an international element” (Ferrero-Waldner, 2006)

However, the ENP does not propose any perspective of accession. Therefore, ENP countries are not politically committed to respect all these conditions but only those which they agreed upon in the Action Plans negotiated with the EU. As official speeches show, the EU can only insist on the ENP countries' will to cooperate on certain issues. Despite the fact that the Copenhagen criteria have been defined for candidate countries, they have also inspired the Commission's rhetoric on the ENP. In his investiture speech before the European Parliament in 1999, Romano Prodi pointed out the necessity of

reinforcing stability in Europe through efforts on both sides and an acceptance of the common values of security and stability (Prodi, 1999). Later on, the Commission gave a more precise definition of the ENP conditionality, taking over some elements of the enlargement conditionality and of the negotiation chapters created for the candidate states. In the Commission's documents, the neighbour countries have to respect their "commitments to shared or common values":

"(...) that is respect for human rights, including minority rights, the rule of law, good governance, the promotion of good neighbourly relations, and the principles of a market economy and sustainable development as well as to certain key foreign policy goals" (European Commission, 2004a).

Thematic conditions thus represent a way to achieve coherence across sectors in the internal definition of the ENP. In its economic agreements and Action Plans with the ENP countries, the EU not only defined conditions, but it also insisted on conditionality, i.e. on the causal relationship between the progress of the partners in their reforms and the evolution of their relations with the EU. Like in the European agreements with the candidates, respect of democratic principles and human rights is a condition for delivering of assistance. It means that the economic agreement and assistance can be suspended if the conditions are not respected (negative conditionality). However, in the ENP, as in its external relations in general, the EU clearly favours positive conditionality over negative conditionality. It means that the scope of assistance is linked with the realisation of internal reforms: the more reforms are introduced along EU norms, the more assistance is allocated to the partner country.

3.2. The structures of horizontal consistency: intergovernmental formations and working groups

Horizontal consistency aims at coordinating the various sectors of the EU's activity abroad. Given the growing interconnection of these sectors, cooperation within the EU works on the thematic basis of the conditions or common values defined in the bilateral partnership between the EU and the partner countries.

As indicated in the chart on “Institutional structure in the ENP”, they are various intergovernmental formations and working groups concerned with the internal coordination and discussion on the issues linked to the ENP. Technical questions and issues of less political importance are dealt with in the geographical working groups like COEST (dealing with Eastern Europe), COMAG, COMAM (Maghreb and Middle-East) as well as EUROMED (Euro-Mediterranean Partnership) and other groups related with the ENP framework. The more political issues are discussed at the level of the political directors of the Ministries of Foreign Affairs of the member states. The main political decisions are prepared at the Committee of Permanent Representatives (COREPER) and taken at the General Affairs and External Relations Council (GAERC). These represent the various institutional frames allowing for more horizontal and cross-pillar consistency within the EU on the ENP.

3.3. Exhortations to practice horizontal consistency

The EU treaty and especially the ENP documents present many exhortations to practice horizontal consistency, for example, in regard to transversal issues like human rights and the rule of law but also in civilian crisis management. Very often, these issues concern the three EU pillars: they require the decisional framework of CFSP/ESDP but generally mobilise the civilian resources from the first and the third pillars.

In the ENP, crisis prevention was dealt with so far in the framework of CFSP/ESDP missions, like the ESDP mission on border management between Ukraine and Moldova or the Rule of Law mission in Georgia, and complemented institution-building projects led by the Commission. As some ENP partners expect the EU to play a growing role in crisis prevention in its neighbourhood, horizontal consistency will need to improve to avoid duplications in the definition and the implementation of the projects.

Furthermore, horizontal consistency implies that EU policies do not contradict with each other. One example is a strict visa policy on the side of the member states which hampers innovations promoted by the Commission like the development of people-to-people projects or the participation of ENP partners in EU committees.

To conclude on horizontal consistency, the ENP method has made possible the definition of conditions and values on the basis of which the differentiated partnership between the EU and each ENP country is defined. Interestingly, what could be seen as the military component of the ENP (because it was linked to ESDP missions) in practice mobilises civilian means (for example, the Rule of law mission in Georgia, the ESDP mission on border management in Ukraine/Moldova). One therefore needs to recognise that the ENP method aims at inducing change in the neighbourhood in the long term not through coercion but through the cumulative mobilisation of civilian means (Tulmets, 2007). The content of the Actions Plans constitutes the common ground for negotiations and dialogue; it also represents a useful document for avoiding duplication of actions between the EU and its member states.

4. Internal coherence (3): vertical consistency as a way to avoid duplication

Vertical consistency “comes into play when one or more member states pursue national policies which are out of kilter with policies agreed in the EU” (Nuttall, 2005: 98). Exhortations in the EU treaties towards more vertical consistency and the introduction of the ENP method have, however, led to changes that one might refer to as “a process of Europeanisation”¹¹ of the member states’ foreign policies.

4.1. National policies towards the neighbours

In the field of assistance, the EU treaties allow for one EU policy and then for as many assistance policies as there are member states. However, in the recent treaty reforms (Amsterdam, Nice) and policy reforms (reform of the development policy in 2005), member states were exhorted to coordinate their policies with those of the EU. Therefore, organisational structures were created to enhance the consistency between Community and national measures.

¹¹ Europeanization is generally defined as a top-down and “incremental process re-orienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making” (Ladrech, 1994:69). See also the work of Radaelli and that of Risse and Börzel.

After the political changes of 1989, several member states of the European Communities had formulated various initiatives to assist the transformations in Eastern Europe in parallel to the European assistance (the PHARE and TACIS programmes). These were national programmes financed by national budgets aiming at transferring national norms to the East. The Germans, for example, set up in 1992 the Transform programme, which lasted until the beginning of the 2000s (Tulmets, 2003); the French launched the “Mission interministérielle pour la coopération avec l’Europe centrale et orientale” (Miceco) at the beginning of the 1990s to promote economic and cultural cooperation, especially with Poland, Czechoslovakia, Hungary and Romania; the United Kingdom supported a programme called the Know-How Fund in all the candidate countries as well as in Ukraine and Russia; the Swedes were also very active through their Swedish International Development and Cooperation Agency (SIDA), and the Dutch were active through their programme MATRA. All these programmes came to an end or were reduced after accession was politically agreed in 1998. The reforms introduced in 1997-98 by the Commission, which created, among others, the ISPA (Structural Fund), SAPARD (agriculture) and Twinning (institution-building) programmes, also offered, as consequence, new financial means as an alternative to the national ones. At that time, national experts and institutions all became strongly involved in EU projects. The Commission, which was lacking technical and regional expertise on the candidates, partly relied on the expertise of the member states to check if the accession criteria were fulfilled. In practice, this resulted in what one might call the Europeanisation of the assistance policies of the member states at the level of the norms and values promoted abroad as well as at the level of the institutions used to implement the policies (Tulmets, 2003). As most of the national programmes still concern countries like Belarus, Ukraine, Moldova and the countries of the South Caucasus, the launch of the ENP extended the adaptation process of national means to European priorities and a greater involvement in EU projects in the East.

As far as the national policies to the South are concerned, they follow a similar pathway of Europeanisation since the ENP was created as a complementary instrument to the Euro-Mediterranean Partnership and its MEDA programme, launched in 1995. Claire Visier, for example, showed how far France’s assistance towards its Southern neighbours has evolved since 1995 in defining its policy more and more within the European frame (Visier, 2003). The French proposition of a Union of the Mediterranean, which was

accepted this year in a modified version at the European level, confirms this analysis. In the framework of the ENP, the national instruments continue to “europeanise” in order to make use of the European frame for the implementation of projects. As a consequence, national expertise is made available at the EU level.

In both cases (those of the East and the South), committees were created to manage the EU assistance policy (the PHARE, ISPA, SAPARD, TACIS, MEDA committees) and to make sure that the preferences of the member states would be respected. The management of the Twinning and TAIEX projects also necessitated the creation of National Contact Points at the level of the EU member states to liaise between the national experts and the Commission. These structures therefore contributed to enhancing the coordination between the EU and the national activities of implementation. On this basis, it became possible to introduce a more encompassing assistance policy for the neighbours of the enlarged European Union.

4.2. The European Neighbourhood and Partnership Instrument (ENPI)

In 2007, the “European Neighbourhood and Partnership Instrument” (ENPI) replaced the TACIS and MEDA programmes for the financial perspective of 2007-2013 (European Commission, 2003b) and, on the insistence of the European Parliament, the European Initiative for Democracy and Human Rights (EIDHR) was kept and renamed into European Instrument for Democracy and Human Rights. The ENPI also applies to Russia, which is not officially part of the ENP. Like the pre-accession strategy, the ENPI supports progress towards democracy and reforms towards harmonisation with EU laws. Interestingly, at least four instruments created for the pre-accession strategy have been introduced in the ENPI, in which experts from the member states participate: a) Twinning (medium-term projects to improve institutional capacities, good governance and the rule of law), b) TAIEX (short-term projects to improve institutional capacities, good governance and the rule of law), c) Cross-Border Cooperation (CBC) (security and border management), d) opening of EU programmes and agencies (people-to-people cooperation).

The first instrument was, in fact, mobilised very quickly after the launch of the ENP. *Twinning* was introduced in 1997 in the enlargement policy to support capacity-building in candidate countries through institutional transfers and adaptation (Tulmets, 2006). Its primary aim is to make available the expertise of member state practitioners in foreign administrations on a specific issue – administrative and judicial capacities – where the EU has almost no *acquis* (promotion of good or best practices). Since 2003, *Twinning* was introduced in Jordan, Morocco, Lebanon, Tunisia, Egypt, Ukraine, and in the countries of the Southern Caucasus. The political character of some projects implies that implementation in neighbour countries depends mainly on the political will of the governments to cooperate with the EU on their national reforms. *Twinning* projects cover the sectoral priorities defined in the Action Plans and provide advice, for example, in the fields of internal market, justice and home affairs, energy, transport, communication, environment, research and innovation, and social policies (for more on this, see Königová, Tomalová, Tulmets, 2006). The experts are provided by the member states' administrations and institutions dealing with the implementation of the *acquis*.

The decision was taken in June 2006 to include TAIEX into the ENPI as a complement to *Twinning*, as difficulties were encountered in the first *Twinning* projects due to bureaucratic procedures, weak administration in almost all neighbour countries, a high turnover of civil servants, and a lack of resources on the partner's side. The Technical Assistance Information Exchange Office (TAIEX) was created in 1995 to assist candidate countries in adopting and implementing the chapters of the *acquis* most directly connected with the integration into the European Internal Market. It did so by providing information from a database on the *acquis* and by sending independent experts on short-term missions to the candidate countries. Since one of the aims of the ENP is to offer neighbour countries “a stake in the EU's internal market” (European Commission, 2003a), DG AidCo introduced TAIEX in its unit that deals with *Twinning* on the model of the Institution-Building Unit of the DG Enlargement. In the ENP, TAIEX is conceived as an instrument which can allow for the preparation of or serve as follow-up to *Twinning* projects (Königová, Tomalová, Tulmets, 2006).

The Commission also proposed in 2003 to improve cross-border cooperation (CBC) with specific projects in order to “prevent new dividing lines” in Europe. Cross-border projects between member states and neighbour countries mainly promote sustainable eco-

conomic, social, and environmental development in the border regions of the EU. CBC in the ENPI mainly draws on the experience of the PHARE and TACIS cross-border projects. However, difficulties in clarifying procedures on the EU's side and the lack of administrative capacities at the local level have added some delays to the launching of the first projects, which should start in 2008 (European Commission, 2007).

Finally, the ENPI also intends to increase "people to people" activities through the building of sectoral networks and the participation of neighbouring countries in EU programmes and agencies in areas like education, training and youth, health, research, environment, and culture (European Commission, 2003a, 2004a). Some experience of including citizens from non-member states in EU programmes was gained from the Mediterranean cooperation (e.g. the Anna Lindh Foundation), the Northern Dimension, and especially enlargement, which brought a larger opening of EU programmes to non-member countries. In 2006, the Commission has listed the agencies able to welcome closer sectoral cooperation (European Commission, 2006). The proposition to enhance direct contacts between people was accepted by the Council and, on the suggestion of the German Presidency's report of 2007, the Commission began to negotiate with Israel, Morocco and Ukraine protocols allowing for participation in Community programmes and agencies (European Commission, 2007: 9).

The budget of the ENPI has been discussed in a lively manner by the Council, the Commission and the European Parliament. While the Commission proposed a budget of about Euro15 billion, the Council accepted the decision to allocate Euro12 billion, which had to be split among sixteen countries plus Russia for a period of seven years (2007-13). Various specialists and analysts were sceptical about the EU's capacity to implement such costly instruments with this budget, and the offer was constantly downsized when compared to the last European enlargement. Thus, the Council accepted in 2007 the proposition of the Commission to introduce two new facilities: The Governance Facility would provide additional support (about Euro 50 million a year) for 2007-10 to partner countries that have made progress in implementing the governance priorities in their Action Plans, and the Neighbourhood Investment Facility (NIF) would support lending to ENP countries from 2008 on (European Commission, 2007).

To summarise, the experience gained in the past twenty years of assistance to transition countries and the new organisational structures have allowed for a better coordination between EU and national measures and for a greater amount of consultation between EU partners. Competition still takes place between EU member states to exert influence abroad, but it happens more within the European framework.

4.3. Exhortations for better coordination: the example of crisis prevention and management

Nowadays, member states recognise that crisis prevention and conflict management can be dealt with better within the European frame rather than the national one. However, conflict management is an issue where exhortations to practice consistency are important, given the fact that the Council and the Commission do not always share the same approach in this field. Member states tend to favour ESDP missions, where they can pursue their national preferences (and sometimes their more military perspective), while the Commission defends an approach based on the experience of cooperation with development countries and almost twenty years of democratisation and stabilisation processes in transition countries. Interestingly, the ESDP missions conducted so far in the EU's neighbourhood were decided before or during the launching of the ENP strategy and pushed forward by certain member countries and even by some countries which were not EU members yet. The benefits of these missions were included *a posteriori* in the ENP framework and in the evaluations of the Commission. Therefore, vertical consistency still needs to be improved in these fields (e.g. Nowak, 2006).

5. Internal coherence (4): the ENP, a policy able to link various geographical regions?

In order to complement Nuttall's analytical framework, one also has to look at the consistency of the geographical region(s) targeted by the analysed policy. In the case of policies reaching a group of countries, the definition of sub-regions and the linking of these various regions represent a real challenge, as the ENP shows.

5.1. Legal acceptance of the geographical scope of the ENP

The geographical scope of the ENP was at the centre of political and academic discussions since the first political proposals on a Wider Europe policy. It was first referred to in the context of discussions of the necessity to launch a policy towards the EU's Eastern neighbours, especially towards possible candidates like Ukraine, Moldova and, to a certain extent, Belarus. As France, Spain and Italy were more interested in reinforcing their co-operation with the South and in launching the Euro-Mediterranean partnership again, propositions then also included ones related to the Mediterranean countries. After the Rose Revolution in Georgia, the countries of the South Caucasus were also included among the beneficiaries of the policy. In 2003, Russia refused to participate in the ENP and negotiated a policy based on four common spaces with the EU.

The geographical scope of the ENP thus evolved over time and gained its legal acceptance only when the Council approved the communication of the Commission in 2004. As a matter of fact, the Commissioner, Chris Patten, and the Special Representative for the CFSP, Javier Solana, identified in their common letter of 2002 various regions towards which the EU should clarify its policy (Patten, Solana, 2002). The Commission had the task to give a more precise view on how the EU should deal with these bordering countries: the countries of the Western Balkans and Turkey were clearly given a perspective for accession; the countries of the Community of Independent States bordering the EU, those of the Euro-Mediterranean Partnership and those of the Southern Caucasus were included in the ENP strategy. The definition of the EU's policy targets in sub-groups of countries thus justified the development of two different processes, one including the Western Balkans and Turkey, managed by DG Enlargement, and a second one with the other groups of countries, managed by DG Relex and EuropeAid.

5.2. Structures to deal with the geographical scope of the ENP

Geographical diversity was dealt with in a common policy frame: the ENP and its assistance policy in the form of the ENPI include all the beneficiary countries, even those which refused to be included into this frame. Thus, the geographical coherence of the ENP is still undermined by structures inherited from past EU policies. The ENP, in fact,

represents a supplementary layer to already existing policies in the North and in the South, a substitute to enlargement and to an absent regional approach in the East. In terms of decisions, the main work is done in the working groups, which are organised on a geographical basis (COEST, COMAG, COMAM). However, common meetings between geographical working groups are organised to favour discussions on horizontal issues and to increase coordination within the EU. But they remain the exception rather than the rule (interviews at Permanent representations of the member states, Brussels, 2005-06).

5.3. Obligations to maintain geographical consistency

In fact, the debate on geographical coherence is still a lively one. This is reflected by the fact that some countries want to focus on the Eastern dimension of the ENP (e.g. Poland, Germany, Finland), others on its Southern dimension (Spain, France, Italy), and some on the South Caucasus (Baltic States) and the Black Sea region (Romania, Bulgaria). However, the presidency of the Council of the European Union was so far used as a place to promote one or another geographical dimension of the ENP, may it be towards the North (Finland), the East (Germany) or the South (Portugal). The EU member states are exhorted to maintain in this way a certain balance between the various geographical groupings concerned by this policy.

This also has some consequences on the external legitimacy (Beetham, Lord, 1998) and acceptance of the policy abroad and thus on its efficiency, an aspect to which I will now turn.

6. Checking external coherence: Legitimacy and effectiveness of implementation

A foreign policy which is not coherent is rarely legitimate and, without support from the various stakeholders, is rarely effective. One may recognise the importance of dealing with the policy strategies as well as with the policy implementation as foreign policy, like every public policy, has two sides: a conceptual and an operational side. The question of inadequacy between both of these elements and expectations from abroad has been characterised as a “capability-expectations gap” in the EU’s foreign relations (Hill, 1993). However, the question of implementation was rarely tackled in the field of foreign policy

analysis, although it may give useful information on how a policy may gain coherence and legitimacy over time. External coherence will be checked in this part against the elements used to identify internal coherence.

6.1. Institutional consistency and its external effects

Even if a policy was decided unanimously and under a single legal framework, it does not mean that implementation will be or appear to be coherent. The EU has created institutional frames to structure the partnerships, the political dialogue (more linked to the Council), and the political and thematic committees (more linked to the Commission). It builds on the experience of the negotiations within the committees of the economic agreements between the EU and third countries and the innovative elements on political dialogue added during the last accession process.

The AA and PCA Committees, led by the Commission, represent the institutional frame of discussion and negotiations on thematic issues. They mobilise an expertise which ranges from economic issues linked with the EU's internal market to environmental and social issues. Interestingly, the Commission managed to propose more political committees based on the same model, like the sub-committees on human rights with Tunisia and Morocco, which represent an innovation in the EU's external relations as the committees managed by the Commission no longer deal only with technical issues in their relations with third states (interviews, DG Relex, 2006).

The political dialogue was an important element introduced at the Summit of Essen in 1994 in the context of enlargement. It has spread to cooperation with development countries and now to cooperation with the ENP countries. Situated at the level of the Council, it consists in discussing issues at the level of Ministers of Foreign Affairs and their representatives on sensitive political issues in relation with the EU and with (potential) regional conflicts. It is now conceived as an important tool of crisis prevention as it is used to discuss cross-sectoral issues and to negotiate situations of crisis.

Given this dual institutional setting, the Council (representing the member states) and the Commission are steadily in competition, especially in regard to issues related to the second pillar, and so are the various DGs of the Commission responsible for external affairs (DG Enlargement, DG Relex, EuropeAid, DG Development, etc.). Despite the exis-

tence of a new method defining common objectives and benchmarks, competition over the definition and the management of the ENP still undermines the institutional coherence of the policy. Competition between the HR/SG for CFSP and the Commissioner for External Relations did not end with the publication of the common letter of 2002. Officials interviewed at the DG Relex of the Commission reported that J. Solana was keen on taking the Wider Europe initiative out of the hands of the Commission: the ENP was, indeed, one of the key policies quoted in the European Security Strategy of 2003 (interviews, DG Relex, April 2006). The Council and the Commission were not always on the same line as far as the definition of the policy, its budget and its implementation were concerned. In practice, there have been various actions undertaken in different legal frameworks. However, they sometimes took place in similar policy fields, on the same issues or in the same country (for example, the TACIS projects and the ESDP mission on the Rule of Law in Georgia). The measures might be seen as complementary, but they entail a more competitive aspect. The European Parliament was also very proactive in the ENP. It indicated its positions on various issues through lively debates and the publication of reports and would as well welcome the intensification of inter-parliamentary dialogue. It is thus not surprising to observe signs of incoherence in the EU's action abroad, as institutional competition is still present within the EU. Empirical findings on the ENP teach us so far that despite the new method identified, institutional consistency is still difficult to reach in the EU's external relations. However, efforts are made to growingly improve horizontal consistency in the field of external relations.

6.2. Horizontal consistency in the EU's neighbourhood

The legal aspects of horizontal consistency are not always clear and thus easy to deal with. Although some decisions are taken in the second EU pillar (ESDP missions, for example), their implementation often mobilises resources from the first or the third pillar. This occasions small conflicts and competition in the phase of implementation.

Negotiations undertaken in the AA and PCA committees teach us that the content of the norms and values promoted by the EU is not always well defined and is thus subject to various interpretations and definitions. The conditions of the cooperation evolve through time as the internal integration of the EU evolves as well.

The ENP method relies on documents elaborated to coordinate the EU policies around specific topics, like the country reports and the Action Plans. However, some decisions and policies decided at the EU level can also contradict with each other. In such cases, the Commission is often asked to find a solution. For example, the member states traditionally defend a rather strict visa policy, which hampers the development of people-to-people measures (cooperation in EU programmes) and sometimes renders the implementation of the ENP contradictory. On this specific issue, efforts on the side of the member states were made in 2007 to lower the costs of visas, at least for Ukraine and Moldova.

6.3. Vertical consistency abroad

Although exhortations towards better vertical consistency are inscribed in the EU Treaties, better coordination between the policies of the EU and the member states is not always easy to ensure in practice. It is challenged by contradictions emerging between community priorities and the member states' preferences and by difficulties occurring mainly at the level of implementation. The creation of the ENPI does not prevent the fact that according to the EU treaties, EU member states can keep on defining and implementing their own assistance policies to enhance their special relationships with some ENP countries.

The Commission regularly asks the member states to practice more consistency in the field of assistance to avoid a duplication of actions. It tries to be kept informed of the policies undertaken by the member states abroad, but there is no obligation for the member states to inform the Commission about this. Furthermore, the very nature of the EU implies that many kinds of actors are involved in the implementation of the EU policies. The TAIEX and Twinning projects as well as the CBC and people-to-people cooperation involve experts, civil servants, companies, universities from the member states and local actors. An ESDP mission, for example, can be implemented with means from the first and the third pillars. The Commission often tries to give coherence to the EU actions on the ground through the country reports, which represent a common frame of evaluation of EU actions towards one specific country.

6.4. External geographical coherence

Despite the will to create one single policy frame with a method able to take into consideration the specific context of each partner country, the coherence of the policy is undermined by the fact that, since the beginning, the ENP does not entail any geographical consistency. It was first created as a response to the lack of an EU policy towards the “Wider” Eastern Europe, but politicians have decided to enlarge it to other sub-regions like the Mediterranean countries and the South Caucasus. As a result, differences in priorities towards the East or the South persist. Recent examples are the German and Czech accents placed on the ENP towards the East during their respective EU presidencies or the French proposition of a Mediterranean Union to reinforce the Euro-Mediterranean Partnership. Institutionally, the management of geographical coherence is difficult to achieve due to the institutional organisation of the political and technical groupings dealing with policy decisions (Council, working groups) and those dealing with policy management and implementation (AA and PCA committees) along geographical regions. As far as implementation is concerned, the ENP relies on the already existing structures of the Association Agreements in the South and the Partnership and Cooperation Agreements in the East. Despite the fact that the various institutional frameworks of the assistance policy (the MEDA and TACIS programmes) were merged to create a single framework of implementation, the ENPI, policy management still works on a geographical basis between East and South.

One might explain this reality through the chain of political decisions taken within the ENP that have led to the creation of geographical groupings which geographers do not really agree with. As a matter of fact, the policy involves several groups of countries with very different political, economic and cultural backgrounds without any consideration of long time historical issues. The EU member states are now exhorted to maintain consistency between groups of countries which have no geographical definition in common except for the fact that these countries are all (more or less) geographical neighbours of the EU. The term “neighbour” is in fact used as a substitute to a coherent geographical definition of this policy, and it can also be questioned in relation to the way it is perceived and understood in the ENP countries (Meloni, 2007).

Finally, the fact that some countries, like Russia, have refused the EU offer and that others are not ready to negotiate Action Plans (Belarus, Algeria) reinforces the conviction that this policy works on the basis of inclusive and exclusive circles which overlap with other circles of cooperation defined in the EU framework. The ENP created various expectations in the neighbour countries, especially in Ukraine and Moldova, which have the right to become candidates to the EU. But the question remains whether the EU will be able to deal with these various expectations and to avoid a “clash of interpretations” (Kratohvil, 2006).

To conclude on external coherence, the EU has made important efforts in the last few years to better coordinate its various actions in its external relations. The ENP is a good test case for showing this, but empirical findings also indicate that the EU’s ability to become a coherent international actor is still open. While a large part of the answers mainly lies within the EU, it is not certain that the institutional changes proposed in the Lisbon Treaty of 2007 will simplify the issue. One has to take into account the ability of the EU to stay consistent in the phase of implementation with what was decided within the EU. However, the reasons for inconsistency do not all lie on the EU’s side. The will and the ability of the partner countries to welcome and implement the policy is also another important parameter to take into consideration, an argument which could not be elaborated here.

Conclusion

Coherence is not easy to find in the field of external foreign policies. But the innovations which occurred in the last few years in the field of the external relations of the European Union indicate that, at least, the political will is there to improve the EU’s actions and image abroad. The example of one of the EU’s latest foreign policies, the European Neighbourhood Policy, indicates that the experience of enlargement was an important source of inspiration in creating a coherent legal, institutional and political framework able to coordinate the EU actions in an institutional, horizontal, vertical and geographical way. This analysis on the ENP tends to conclude that the EU resembles more a civilian power in the sense of Duchêne (see also Johansson-Nogués, 2007; Tulmets, 2007). However, on paper, the ENP already has the flavour of *internal* coherence, as it roughly fulfils

the criteria defined in the analytical framework presented above. But as far as *external coherence* is concerned, a lot still needs to be done so that, in practice, the implementation of the policy would be consistent with what has been decided within the EU and meets the expectations of the neighbour countries. To conclude, the ENP method aimed so far at enhancing – even if imperfectly – the internal coherence of EU's external action rather than its external one. The improvement of the latter remains one of the difficult tasks which the EU will have to deal with in the upcoming years.

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**Human Security and Coherence within the EU:
The Case of the 2006 UN Small Arms Conference**

Javier Alcalde and Caroline Bouchard*

Introduction¹

In recent years, the EU has reiterated its commitment to play a greater global role and actively participate in international organizations. In particular, the EU has pledged to work toward the strengthening of the United Nations. The EU's influence on negotiations at the UN can be affected by the EU ability to “speak with one voice”, to demonstrate coherence.

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Since the early 1990s, the UN has been increasingly active in the policy area of human security. The United Nations Development Programme (UNDP) first used the concept of human security in its 1994 Human Development Report. The report argued that the scope of global security should be expanded to include threats in seven areas: economic security, food security, health security, environmental security, personal security, community security and political security.² Human security was thus put forward to describe new security concerns and to emphasize the shift from a state concerned security to a people-centered approach to security.

The EU has presented itself as an important actor in the promotion of concrete actions on several human security issues, such as the prohibition of landmines and the current negotiation process on cluster bombs. This paper examines the coherence of the EU as an actor at the UN and whether coherence issues affected the EU's effectiveness in a specific case of human security negotiations:³ the 2006 UN Small Arms Review Conference. The paper suggests that although the EU appeared to show some consistency (horizontal, vertical and institutional) the EU was unsuccessful at the Review Conference. To the EU, the NGOs and other actors' disappointment, the Review Conference failed to adopt a final document.

² The components of human security are defined as follows: economic security: an assured basic income, minimum job security, while the threats to economic security are rampant uncontrolled inflation, economic depression and financial crises; food security: questions of access often are in fact more important than simply "having enough to go around", the threats come therefore from unequal distribution, while obviously famine and starvation due to real food shortages are the worst case threats; health security: death and illness linked to poverty, unsafe and unclean environments, access to healthcare, and the problem of pandemics such as HIV/AIDS and infectious diseases; environment security: degradations of local and global ecosystems, one of the major challenges being access and cleanliness of water; personal security: against threats of sudden physical violence exercised by the state, by other states in war, or from other individuals from other groups due to ethnic tensions, also encompassing specific personal security of women against violence and exploitation, or of children against all forms of child abuse; community security to tackle threats such as intra-community strife, tensions, or hurtful practices directed against certain members of the community, such as women; political security against torture, political repression, ill treatments and disappearances. See UNDP 1994. On the concept of human security, see also Lodgaard 2000 and Paris 2001.

³ The concept of effectiveness can be understood from different points of view. As it will be explained in the next section, the EU's effectiveness is considered as the achievement of the broader small arms and light weapons (SALW) policy objectives expressed in the various EU documents. The absence of agreement on a final document in the 2006 Review Conference will show that the EU has been unsuccessful.

The paper begins by proposing an analytical framework based on a multilevel game approach to explore the link between the coherence of the EU and its effectiveness at the Review Conference. It explores the ways in which a complex web of actors and institutions interact at three different levels: UN, EU and domestic. By using this analytical framework and various qualitative methods such as expert interviews, documentary analysis and participant observation, this paper aims to examine the factors which might have hindered the effectiveness of the EU at the 2006 Small Arms Review Conference. Finally, the paper discusses whether these factors are linked to problems of coherence within the EU.

1. The European Union at the 2006 Review Conference: achieving coherence in a multilevel game

To grasp the factors that might have affected the EU effectiveness at the Review Conference and to identify if these factors are related to problems of coherence, our analytical approach takes into account not only the complex nature of the EU as an international actor, but also the ways in which a complex web of actors and institutions interact. In the next section, the paper suggests an analytical framework that uses different categories of the concept of coherence and a multilevel game approach to examine the factors affecting the effectiveness of the EU at the 2006 Small Arms Review Conference.

Effectiveness is a concept often used to discuss the EU's role in international affairs. Yet, it is rarely defined.⁴ For the purpose of this paper, effectiveness will be defined as the EU ability to attain its objectives at the Review Conference. With regard to this UN conference, the EU had a clear objective: the EU wished the Review Conference to adopt "a forward looking and substantial outcome document".⁵ The effectiveness of the EU will be thus evaluated on the basis of progress made towards this goal.

⁴ For a discussion on the concept of the EU's effectiveness see Laatikainen and Smith 2006.

⁵ See Statement on behalf of the EU, UN Conference to Review Progress Made and the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in all its aspects. New York, 26 June 2006.

1.1 *The Coherence of the EU in International Negotiations*⁶

The importance of “coherence” in EU foreign-policy making was recognized early on by the Member States. The Single European Act (SEA) emphasized the responsibility of the European Union to speak with one voice and to act with consistency and solidarity. The Treaty of Maastricht, with the creation of the Common Foreign and Security Policy (CFSP) and the position of the High Representative for the CFSP, aimed to address some of the EU’s coherence problems in its external affairs. The Treaty also accentuated the importance of consistency across the newly created pillars. Smith argues that the institutionalization of the EU’s competencies for its external relations has in fact created more uniform methods and solutions for the EU in dealing with external problems (Smith 2001: 192). In contrast, some observers claim that the nomination of the High Representative for CFSP and the creation of other CFSP institutions have not necessarily improved the EU’s coherence or for that matter its effectiveness. In reality these characteristics of the CFSP may slow down the process of responding effectively to crisis-situations and in some ways reduce the effectiveness of the EU’s external policy (Sjursen 2003: 37).

The literature on CFSP suggests that the EU is still struggling with problems of consistency and it remains sceptical about the capability of the EU to be a coherent actor.⁷ Sjursen notes that the EU as a global actor suffers from coherence problems both vertically and horizontally. Problems of vertical coherence may occur when the foreign and security policies of individual Member States do not fit together with policies decided at EU level. On the other hand, problems of horizontal consistency are linked to the EU being involved in various external activities that are part of different pillars. If these activities are not consistent with each other and do not strengthen each other, then the EU may experience horizontal inconsistencies (Sjursen 2003: 37). As Nuttall rightly stresses “as long as the EU organises its affairs in separate Pillars, consistency will need to be managed” (Nuttall 2005: 96).

⁶ The terms “coherence” and “consistency” will be used interchangeably in this paper. As Nuttall notes: “‘consistency’ is the officially preferred term in English, ‘coherence’ is used in French, and in many other European languages, and may well have a broader signification” (Nuttall 2005: 93).

⁷ See, *inter alia*, Peterson and Sjursen 1998 and Bretherton and Vogler 2006.

The purpose of this paper is to examine the EU's coherence in international negotiations on small arms and light weapons (SALW). The production and export of SALW remains within the competence of EU Member States. EU actions on small arms have to be agreed within the Common Foreign and Security Policy (CFSP) framework. Given that EU Member States remain in charge of foreign and security policy matters (unless they agree otherwise), the Commission has only a subsidiary role in international negotiations on CFSP issues. However, the Commission recently designed several development programmes to directly address the negative consequences of the proliferation of SALW. The response of the EU to the problem of SALW has now become a cross-pillar issue, thus having the potential to create consistency problems. This will be explored by using two broad categories of consistency as defined by Nuttall (2005). The first category is horizontal consistency (which includes institutional consistency). The second category is vertical consistency.

Horizontal consistency focuses on the various policies of the EU. These policies, though may have different objectives, should aim to be consistent with each other. To illustrate this category, Nuttall notes the example of existing problems of incoherence between the Common Agricultural Policy (CAP) and the EU's development policy. In the case of EU policy on SALW, consistency problems could potentially arise at least between two main policy areas: its security policy and its development policy. A particular subgroup of horizontal consistency is institutional consistency. Nuttall notes that this categorisation contains particular characteristics and may be seen as a separate category (Nuttall 2005: 99). However, in this paper, institutional consistency will be considered as part of the category of horizontal consistency. Institutional inconsistencies stem from the fact that external relations in the EU are managed by two different branches with different decision-making procedures and different approaches to solve the same issue. The question of "who is responsible for what" (the Commission or the Member States) in the EU external affairs is a key issue in this category. In the case of SALW, both the Member States under the Common Foreign and Security Policy (CFSP) and the Commission have pledged to combat their proliferation. As we will see, the approach taken by these two sets of actors is quite different. One should note, however, that in negotiations at the UN, the Member States remain the dominant players and the Commission's leeway to participate

in negotiations is dependent on their willingness, more particularly on the Member State holding the Presidency.

Vertical consistency refers to the coherence between the national policies of the Member States and the policies approved at the EU level. This type of consistency is usually difficult to manage, as it is the most politically delicate, especially in the case of CFSP policies. EU Member States remain the central players in this specific policy area, since the European Court of Justice has no jurisdiction in CFSP. Member States rarely have to face consequences if they do not follow the EU position. Nuttall points out that even with the introduction of CFSP instruments, such as joint actions and common strategies, the responsibility of the Member States to comply with the EU position is never absolute (Nuttall 2005: 117). Problems of vertical consistency regarding CFSP issues such as SALW touches upon the willingness of EU Member States to cooperate on foreign policy matters.

As the analysis of the 2006 SALW Review Conference will reveal, various problems of consistency emerged during the negotiations. We will suggest that, from a theoretical point of view, Nuttall's typology might need to be sophisticated to be helpful for our analysis. As shown by Figure 1, we argue that each category of coherence (vertical/horizontal) can be related to two aspects: aspects of policy content, but also aspects of representation, both between the different players (vertical) - Members States and EU institutions -, and also between the different policy areas (horizontal). In our case, the 'representation aspect' relates to the external representation of the EU as an actor in multilateral settings.

Figure 1. A typology of coherence problems

	<i>Content</i>	<i>Representation</i>
<i>Horizontal</i>	Conflicting priorities between policy areas and/or between different branches	Coordination problems between policy areas and/or between different branches.
<i>Vertical</i>	Conflicting priorities between Members States and EU priorities.	Coordination problems between EU Member States

Own elaboration, built from Nuttall's (2005) categories

In other words, EU Member States can act coherently or incoherently in multilateral settings regarding the content of their priorities, i.e. policy (in)coherence, but also of their

representation, i.e. coordination (in)coherence.⁸ As we will see, in our empirical case, while the EU appeared to have a cohesive position regarding priorities at the beginning of the negotiations, this position gradually crumbled. Moreover, the national positions of the Member States in the end seemed to overshadow the position agreed at the EU level and created emerging problems of coordination vis-à-vis third parties.

1.2 The EU in international negotiations: a multilevel game approach

The study of the EU as an international actor has challenged theorists (Tonra and Christiansen 2004). The EU represents a double challenge for mainstream IR theories: it is neither a state, nor a typical intergovernmental organisation. Rational theories tend to assume that states are rational “unitary” actors with fixed preferences and the ability to adopt various strategies to achieve their preferred outcomes. Yet, it is difficult to consider the EU as a unitary actor in the international system, especially in the context of negotiations at the UN. First, the EU is not a member of the UN and the EU Member States remain the main players. Second, other EU actors, such as the Commission as well as different levels of decision-making, need to be considered to understand the behaviour of the EU as an actor at the UN (Farrell 2006: 33-36). As Elgström and Strömviik (2005) point out, EU actors involved in international negotiations have not only to consider the positions of other international actors, but also the bargaining process with the partners at the EU level as well as domestic negotiations. This reality has prompted a number of scholars to adopt a multilevel game approach based on a n-level game to study the EU as a global actor.

Scholars, such as Robert D. Putnam (1988), have argued that international agreements should be viewed as the product of a multilevel game. More specifically, Putnam argues that international negotiations should be decomposed into two different stages (a “two-level game”). The first stage consists of negotiations to achieve a provisional agreement at the international level (Level I). The second stage entails negotiations at the domestic level (Level II) within various groups about whether to accept, or ratify, the provi-

⁸ It has to be noted that even if all cells have been presented for analytical purposes, the problems of *horizontal representation* are theoretically less likely to be present in multilateral forums, where the EU negotiators should have already done the horizontal coordination work at the EU level.

sional agreement. In this two-level game, each side is represented by a “chief negotiator”, or “chief of government”, who plays at two levels (Evans 1993: 399). Putnam’s approach implies that the two games are played simultaneously. Decisions taken at one level can have a direct effect on negotiations at the other level. Thus, strategies and outcomes at different levels of the game simultaneously affect one another. According to Putnam, the crucial link between international negotiations and domestic politics lies in the necessity of ratification; in order for negotiations to be successful, the chief negotiator must not only reach an agreement at the international level, but also assure that the agreement will be accepted, or ratified, at the domestic level. Furthermore, any modification added to the Level 1 agreement counts as a rejection of the agreement unless all the other parties to the agreement approved the modification. The multilevel game approach thus depicts diplomacy as “a process of strategic interactions in which actors simultaneously try to take into account of and, if possible, influence the expected reactions of other actors, both at home and abroad” (Moravcsik 1993: 15).

A number of studies have applied Putnam’s two-level game to the analysis of the EU’s external relations (Meunier 2000; Collinson 1999; Patterson 1997). In most of these analyses, the two-level game was adapted to become a three-level game. The three levels can be defined as follows: Level I remains the international level, or in our case the UN level. Level II becomes the European Union level, where negotiations mainly take place in EU institutions and involve various EU actors. Finally, the third level is the domestic level.

Collinson (1999) points out that the key EU negotiators at Level I are not always the same individuals playing at Level II and Level III. In addition, negotiations at Level I may involve more than one actor and each one may represent different interests (as in the case of the Member State holding the EU Presidency). This paper recognizes that the variation of negotiator does pose an analytical problem, but only if the dynamics of the three-level games are different from the two-level game. To overcome this obstacle, one must make sure that the links between the three levels of negotiations are still present. This paper suggests that officials from foreign ministries constitute the interface between the three levels of negotiations: they are part of their national delegation, they coordinate with their colleagues from the other EU Member States and they participate in the UN negotiating forum.

The multilevel game's approach in this paper will be used to examine the factors that might affect the EU's effectiveness, but also to explore potential problems of EU coherence at the Review Conference.

2. Case Study: The UN Small Arms Review Conference: A Missed Opportunity for the EU?

Small arms and light weapons (SALW) are responsible for the majority of armed conflict deaths and are used in more than 40% of homicides in the world. In 2006 the estimated number of SALW in existence was around 640 millions (Small Arms Survey 2006). Following the sudden increase of the global arms trade after the end of the Cold War and their use in the internal conflicts in the 1990s in Rwanda, Somalia and in the Balkans, numerous states, international organizations and NGOs focused on the proliferation of SALW as the next human security issue to be addressed by the international community. At the UN, the adoption of a comprehensive ban of SALW was never considered as a realistic option. Small arms are used by armed forces and police forces around the world and are legally owned by civilians in many states. In the late 1990s the UN recognized that a much broader approach would be needed to effectively deal with the effects of this type of weapons. The EU became one of the most vocal actors to support UN initiatives to stem the proliferation of SALW.

The EU's involvement in this area can be explained by a number of factors. First, several EU Member States were (and still are) important exporters of small arms.⁹ These states began to recognize that an increasing portion of their small arms production was being "recycled" and illegally sold on the global arms market and used in conflict areas (see Small Arms Survey 2003). In addition, systematic studies showed that large quantities of arms were smuggled through the EU and brokered by EU companies and individuals.¹⁰ Second, EU activities in the areas of development assistance, humanitarian aid and con-

⁹ In 1995 the EU accounted for 33% of the total arms export. See Eavis/Benson 1999: 89. Currently, at least 1,134 companies in 98 countries worldwide are involved in some aspect of the production of small arms and/or ammunition. The largest exporters of SALW by volume are the EU (e.g., Belgium, Germany, France, Italy and the UK) and the US. .

¹⁰ See Saferworld 1998.

flict prevention were directly affected by the proliferation of small arms. In 1997, the EU took a first step to address the small arms issue by adopting a political declaration, the *Programme for Preventing and Combating Illicit Trafficking in Conventional Arms*. The Programme was followed by a series of other initiatives. In June 1998, the General Affairs Council formally adopted the *EU Code of Conduct on Arms Exports*, a document that is not legally binding. However, EU Member States agreed to apply the Code of Conduct and its common criteria when assessing application to export arms and to share information on export control policies.¹¹ A few months later, the first Joint Action on SALW (1999/34/CFSP) was approved by the Council of Ministers. It suggested objectives and measures to combat the destabilizing accumulation and spread of SALW and provided financial and technical assistance to specific actions in this field. In December 2000 the EU presented a *Plan of Action* on small arms to the UN General Assembly. The Plan of Action stated the EU's priorities with regard to national, regional and international initiatives on small arms. More importantly, the Plan also supported the elaboration of a legally binding agreement to restrict the production and trade in small arms.¹²

The EU's efforts to reach an international agreement on small arms were supported by the creation in 1998 of the International Action Network on Small Arms (IANSA), a global network of civil society organizations working to stop the proliferation and misuse of small arms and light weapons.¹³ The EU and IANSA first collective effort was to focus on the promotion of a UN conference on small arms and introduction of stringent international commitments. However, several states, including the United States, were more apprehensive about the conclusion of international agreements on the regulation of the trade of small arms. These states privileged national or regional approaches over the adoption of global guidelines (Small Arms Survey 2006; Bondi 1999). These States actively lobbied for the UN conference to only focus on the *illicit*, and not the legal, trade of small arms.

¹¹ See European Union, *EU Code of Conduct on Arms Exports*, Council document 8675/2/98 Rev.2, Brussels, 8 June 1998. This Code stipulates that arms should not be sent to countries where there is a clear risk that they might be used for external aggression or internal repression.

¹² UN Document A/Conf.192/PC/21

¹³ See www.iansa.org

Despite some unenthusiastic support from several UN members, the *United Nations Conference on the Illicit Trade of Small Arms and Light Weapons in All Aspects* opened in New York on 9 July 2001. A few weeks before the beginning of this Conference, the European Commission, with the support of the Swedish Presidency, published a report entitled *Small Arms and Light Weapons- The response of the European Union*. The report stated the EU's objectives for the UN Small Arms Conference which included the implementation of international exports controls and principles, the development of international instruments on marking and tracing and on arms brokering and the need to address the issues of civilian possession and transfer to non-state groups.

Negotiations were difficult at the 2001 Conference. The US refused to support an international agreement that would focus on the legal trade and manufacturing of SALW, regulate small arms transfer to non-state actors or prohibit civilian possession. The African bloc, the region most affected by the proliferation of small arms, also rejected to compromise on the issues of civilian possession and transfers to non-state actors. Negotiations concluded on the morning of 21 July. A politically (not legally) binding document, the *Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, was adopted by consensus later that same day. It suggested a broad set of measures to tackle the illicit trade of SALW. A Review Conference of the *Programme of Action* was also planned for 2006. Several international actors, including the EU welcomed the adoption of the *Programme of Action (PoA)*, but also insisted that stronger commitments and efforts were needed from the international community.¹⁴ The Small Arms Review Conference would be a crucial opportunity for the European Union and the international community to reaffirm their commitment to stop the proliferation of SALW.

¹⁴ In this sense, in its final statement the President of the Conference expressed his "disappointment over the Conference's inability to agree, due to the concerns of one state [the United States], on language recognizing the need to establish and maintain control over private ownership of these deadly weapons and the need for preventing sales of such arms to non-state group". See United Nations, Annex- Statement by the President of the Conference after the adoption of the Programme of Action to Prevent and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its aspects. *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects*, New York, 9-20 July 2001 (A/CONF.192/15)

In the next sections, the proposed analytical framework is used to examine the EU's coherence and effectiveness at the 2006 Small Arms Review Conference. All three levels of negotiations are analyzed to identify the factors that might have influenced the EU success during the negotiations. The paper focuses first on negotiations at the EU level (Level II) to explore the EU approach, which shaped negotiations at the UN (Level I). Finally, a discussion of some of the actors and the policy-making processes in the domestic arena (Level III) is also included.

- *Negotiations at the EU level*

Negotiations at the EU level prior to the 2006 Review Conference concentrated on achieving coherence in the different dimensions we have highlighted. Following the 2001 UN Small Arms Conference, the EU Member States and the Commission remained active on this issue. While the Commission continued to manage a number of initiatives in various part of the world, SALW was still considered by the Member States as a CFSP issue. At the EU level, the Council of Ministers and, more specifically, the Council of General Affairs and External Affairs and two of its working groups (COARM, the working group on conventional arms exports; and CODUN, responsible for the coordination between the EU Member States at the UN) remained the key players in this area.

In July 2002 the Council adopted a new Joint Action (2002/589/CFSP), which replaced the 1998 Joint Action. The new Joint Action had a geographical focus (Africa, Asia, Latin America and the Balkans) and several objectives: to combat the destabilizing spread of SALW and to reduce existing accumulation of SALW and their ammunitions in these regions. In the following year, the EU continued to strengthen its approach to SALW and strive towards vertical consistency by adopting a Common Position on the controls of arms brokering (2003/468/CFSP). The Common Position established a clear legal framework and requested from the EU Member States to adopt the necessary national measures to control arms brokering activities on their territory.

Moreover, the PoA revealed that key issues, such as controlling arms transfers and arms marking and tracing, would require follow-up negotiation. See e.g. Greene 2002.

During its EU presidency in the second half of 2005 the UK, one of the most active actors on SALW, undertook several initiatives to address this issue at the EU level. First, with the *Control Arms* campaign and the British NGO *Saferworld*, the UK organized a meeting in Brussels in October 2005 to discuss an Arms Trade Treaty (ATT) with representatives from EU Member States, the European Commission and the European Parliament, as well as various European NGOs.¹⁵ The ATT would create legally binding controls and international standards on arms trade. The ATT rapidly gained support among the EU Member States as it would introduce global standards similar to the EU Code of Conduct, thus ensuring that EU arms manufacturers would not be disadvantaged in the global market. By the end of 2005 the General Affairs Council supported the idea of an international treaty to establish common standards for the global trade in conventional arms.

Second, with the preparatory sessions of the Review Conference scheduled for the beginning of January 2006, the EU Member States, backed by the Commission, recognized the need to address vertical and, to a certain extent, horizontal coherence. The *EU Strategy to combat the Illicit Accumulation and the Trafficking of SALW and their Ammunitions* was adopted by the European Council on 15-16 December 2005. The Strategy, which is linked to the 2003 European Security Strategy, is presented as a guidance tool for all EU activities in the area of SALW. It highlights the need for an integrated approach to combat the illicit trade of SALW. It also outlines measures to be taken at the global level, but also within the EU. At the EU level, the Strategy's Action Plan calls for an effective response to the accumulation of SALW and for the establishment and development of the necessary structures within the EU to deal with the issue. This includes the strengthening of the Council Secretariat's capabilities to ensure a coherent application of the strategy by working in close cooperation with SALW experts from the Commission and Member States. The Strategy also promotes greater horizontal coordination and exchange of information between the Council's experts groups both geographical and thematic (CODUN, COARM, etc). Finally, the Strategy stresses the need to ensure consistency

¹⁵ The global Control Arms Campaign was launched in 2003 by three UK-based NGOs: Oxfam, Amnesty International and IANSA to support the Arms Trade Treaty. The idea of an international Arms Trade Treaty was first put forward by a group of Nobel Peace Laureates in 1995 with the aim of limiting the spread and misuse of conventional arms, both light and heavy.

between the Council decisions in the CFSP framework and actions implemented by the Commission in the field of development aid.

With the adoption of its Strategy on small arms, the EU aimed not only to address coherence problems, but also to demonstrate that it could speak with one voice on this issue. Yet, the EU Strategy on SALW was the result of negotiations and compromises at the EU level. For instance, the Strategy was adopted “to combat illicit accumulation and trafficking of SALW and also their ammunition”. The fact that ammunitions were included in the title of the Strategy seems to indicate that certain states for which ammunition was a main concern must have pressed for this issue to become a priority for the EU. As the next section will show, Germany and France were part of these countries that called for action regarding the accumulation of ammunition. Furthermore, the EU Strategy supports the adoption of a legally binding instrument on marking and tracing. This clearly reflected the priorities of states such as the UK. The EU Strategy suggested that although the EU Member States agreed that the international community should act to tackle the proliferation of SALW, they had different priorities with regards to what measures should be adopted.

The EU Strategy on Small Arms gives a central role to the Council and the Member States in the campaign against the spread of SALW. Yet, it does acknowledge the role of another EU institution: the European Commission. Human security issues such as the production and trade of SALW do not generally fall into the competence of the Commission as they are considered CFSP issues. However, the Commission is responsible for the European Community actions in the field of humanitarian and development assistance, which are considered by many as intrinsic parts of human security. Following the 2001 Small Arms Conference, the Commission created several SALW-related programs using different lines of budget and the European Development Fund (EDF) to fund SALW related assistance in ACP (African, Caribbean and Pacific) countries and Overseas Countries and Territories (OCT). Furthermore in October 2004 the European Commission funded a wide-ranging research project on “Strengthening European Action on SALW and Explosive Remnants of War”. This study focused on some of the consistency problems of the EU SALW policy and was carried out by the UN Institute for Disarmament Research (UNIDIR). Although the research project was initiated before the adoption of the EU Strategy on SALW, it was only completed in June 2006. The study, which was

presented as complementing the EU Strategy, was mainly funded by the Commission, but it also received additional funding from the UK. While the report's aim was to offer suggestions on how the EU as a whole could become more effective in the area of SALW, it focused primarily, but not exclusively, on initiatives that could be carried out by the Commission. The final report of the study covered all SALW-related activities funded by the different institutional branches. It suggested that problems of (both content and representation) institutional consistency (mostly between the Council and the Commission) were inevitable and should be addressed by the EU.

Thus the UNIDIR report highlighted an important issue: EU SALW policy suffered from some consistency problems. In the years between the 2001 Small Arms Conference and the 2006 Review Conference, the Commission and the Member States had adopted different approaches regarding the small arms issue. As a recent opinion of the European Court of Justice (ECJ) demonstrates, the Commission centered the debate on SALW on its policy of development cooperation.¹⁶ The Commission argued that the campaign against the proliferation of SALW had become an integral part of the policy of development cooperation and should fall within the scope of the competences conferred on the Community in that field. In contrast, the Member States argued that the campaign against the spread of SALW was an issue of disarmament and arms control. It should thus not fall within the Community's competences as the main aims of the EU policy on SALW are preserving peace and strengthening international security. At the opening of the Review Conference in June 2006 the debate between the Commission and the Member States on the EU SALW policy was still in progress.¹⁷ With the adoption of a Strategy on small arms, the EU wished to address potential consistency problems. Yet, some of these consistency problems, both within the content and the representation dimensions would affect the EU's ability to be an effective actor at the Review Conference.

¹⁶ See Opinion of AG Mengozzi in ECJ Case C-91/05, *Commission of the European Communities vs. Council of the European Union*, pending, 19 September 2007.

¹⁷ In fact, the EU's agenda in the 2006 Review Conference was indeed a compromise between the Member States in order to ensure horizontal content coherence. This fact may have played a role in the development of the negotiations, as other main players at the conference may have been aware of this.

- *Negotiations at the UN level*

The Preparatory Committee of the Small Arms Review Conference met in New York in January 2006. At this Committee, the EU multiplied its efforts to convince other states to support the adoption of strong international commitments. The EU also presented its Strategy on SALW, which, in the framework of the PoA, supported the adoption of a legally binding international agreement on the tracing and marking of SALW, the creation of a group of experts on brokering, the strengthening of exports control and the inclusion of minimum common international criteria and guidelines for controls on SALW transfers. This EU strategy aimed not only to ensure that the EU security strategy and its development policy were consistent, but also to contribute to enhance the credibility of the EU as a policy advocate on the issue of SALW, i.e. the horizontal and vertical content dimensions (see fig. 1).

While the EU Strategy attempted to address issues of horizontal consistency, problems of coordination between the Member States emerged at the Preparatory Committee, i.e. vertical representation incoherence. Several EU Member States campaigned for the Review Conference to concentrate on specific issues, which reflected their national interests. For example, France and Germany emphasized the need to combat the illicit trade of ammunitions. At the same time, the Netherlands and the UK presented a working paper on the negative humanitarian and development impact of the illicit trade of SALW and recommended that the link between SALW and development should be clearly spelled out in the final document of the Conference. With EU Member States campaigning for different issues to be included in the final document, it became unclear which of these issues were considered the priorities for the EU and on which of them the EU would be willing to compromise.

Negotiations were arduous as a number of states including the United States, Iran, Israel and Egypt refused to compromise on certain issues. There was a general agreement among states, including EU Member States, that the Review Conference should not renegotiate the existing Programme of Action, but rather complement or enhance the PoA and its implementation. However negotiations reached an impasse on issues such as civilian possession or transfer to non-state actors. Negotiations at the Preparatory Committee ended on 20 January without agreement on a final draft to forward to the Review Confer-

ence. The Chairman produced a conference room paper, but, to the EU's dismay, was unable to gain support for its incorporation into the final document; only texts of an organizational nature were adopted and forwarded to the officers of the Review Conference.

Six months later, the *2006 United Nations Conference to Review the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in all its Aspects* opened in New York on 26 June 2006. Even before the start of this Review Conference, there was some controversy. In the weeks preceding the Conference, the powerful American National Rifle Association (NRA) had launched a campaign of mass mailing to the UN to denounce "the UN attempts to deny the rights of Americans to guns ownership" (Hoge 2006). This campaign prompted the UN Secretary-General to reaffirm that the Review Conference would not negotiate a "global gun ban" or try to "deny law-abiding citizens their right to bear arms in accordance with their national law".¹⁸ Nonetheless, spirits were high at the beginning of the Conference, as many international actors, including the EU, believed that the adoption of a strong outcome document would be beneficial to the work against the illicit trade of SALW.

At the Review Conference, the EU attempted to reaffirm that it had a coherent approach to tackle the spread of SALW. Transfer controls, marking and tracing, brokering regulations, ammunition and the integration of SALW measures into development assistance were all identified as EU priorities and several EU member states, including the UK, Germany and the Netherlands also made statements supporting the EU (vertical and horizontal) content priorities.¹⁹ In contrast to the position of the EU, other states, including India and China expressed their reservations to negotiate on a number of issues. Furthermore, the US would not agree to negotiate any provisions restricting civilian possession or the legal trade of firearms inconsistent with US laws and practices. Ammunitions and the transfer to non-state actors were also established as "red lines" for the Americans.

¹⁸ See <http://www.un.org/events/smallarms2006>

¹⁹ These priorities are closely connected with the history of the process. On the one hand, there are issues which were not included in the 2001 Programme of Action, such as the civilian possession of SALW, transfers to non-state actors or global guidelines for national decisions on whether to authorize SALW transfers that also take certain criteria into account, such as the situation of human rights, the risk of conflict caused by weapons transfers, or possible negative consequences for the development of the country. On the other hand, from 2001 to 2006 several instruments had been negotiated, such as the one on marking and tracing, led by sev-

Formal negotiations on the draft final document were only initiated on 5 July as the High-level segment of the Conference overran the scheduled time. However, a number of informal meetings were held between 30 June and 7 July. A side-event entitled *EU Action in the Area of SALW* was also organized on 30 June to present a comprehensive overview of the EU's activities. Representatives from the Presidency, the Council Secretariat/Office of the High Representative for CFSP's Personal Representative on non-proliferation and the European Commission presented the EU SALW policy and the instruments put in place to achieve the objectives set out in the *EU Strategy*. While the EU wished to show institutional coherence not only by highlighting the different EU players involved on the SALW issue, but also by delineating the responsibilities of each institution, this side-event actually revealed that horizontal consistency had yet to be achieved, particularly on the dimension of representation. The participation of the Office of the Personal Representative of the High Representative on non-proliferation was a clear signal that curbing the proliferation of SALW remained first and foremost a CFSP issue. Yet, the presence of the European Commission also reflected another reality: a number of SALW related programmes under different EC budget lines are managed by the European Commission. The involvement of the European Parliament in the Review Conference was, however, quite limited. Members of the European Parliament were allowed to participate in the EU side-event, but only as part of the Presidency delegation. The delegation of the European Parliament also had a private meeting with the President of the Review Conference. This delegation presented its own priorities to the President, which in some aspects differed from the EU's priorities and were closer to the NGO community's vertical content concerns.²⁰ While this meeting had probably little impact on the negotiations, it emphasized the fact that the EU institutions were not speaking with a single voice. In other words, internal factors influenced European coordination. Following our theoretical proposal, the EU suffered from some coherence problems linked to the aspect of representation. The EU seemed to be represented by different negotiators.

eral EU member states and Europe-based NGOs. Regarding civil society priorities, all NGO officials interviewed point out that the PoA should be legally binding.

²⁰ Interview with R. Romeva, MEP Green Party, Leader of the Delegation of the European Parliament at the Review Conference, New York, 30.06.2007. Romeva had prepared the annual report of the European Union Code of Conduct on Arms Exports, a document approved by the European Parliament and interpreted as "very progressive" by the NGO officials.

While the EU Presidency (Austria in the first week and Finland in the second week) held a number of coordination meetings to achieve an EU common position on the key issues discussed at the Conference and organized two meetings between the EU and European NGOs attending the Conference, problems of coordination between the EU Member States resurfaced at the Review Conference. As soon as the negotiation phase began, several EU member states were pushing for their own priorities and even conducting negotiations without their other EU colleagues. France and Germany wanted the final document to include a reference to ammunitions and focused their efforts at the Review Conference on trying to reach a deal with the Americans on this specific issue. The UK advocated for specific issues, such as transfer control to be included in the outcome document. Together with the Netherlands, the UK also advocated for the link between fight against the spread of illicit SALW and sustainable development to be recognized. Furthermore, the British delegation attempted to persuade the American delegation to support the inclusion of other issues in the final document. However, these British initiatives were criticized by other EU member states as some of these states felt that the UK was too close to the US to advocate strict positions on some of the controversial issues. The UK also made several proposals and suggestions to the President of the Conference, especially on transfer controls, without consulting its EU partners. The fact that individual Member States fervently lobbied for their national priorities rather than the EU's more general objectives created a situation where the EU's willingness to compromise was eclipsed by EU Member States' inflexibility on certain issues.²¹

The Review Conference being based on consensus, many EU Member States realized that most of their efforts should be concentrated on convincing less enthusiastic states to support the adoption of a final document. Several authors have emphasized that institutional decision-making rules can shape negotiations at the international level (Jupille 1999; Depledge 2006; Buzan 1981). In the context of the Review Conference, the reluc-

²¹ Apart from obvious problems of policy coordination, in the context of a negotiation with multiple actors and extremely limited time, the fact that there were different priorities among the European member states was also a content coherence problem. Even if theoretically their priorities were not mutually exclusive, the fact is that negotiators had to choose in which ones concentrate their efforts. As a matter of fact, they became competing policy proposals, which raised issues of vertical content incoherence.

tance of several states to negotiate on certain specific issues clearly had an effect on the EU. The inflexibility of the Americans regarding their “red lines” constituted a colossal obstacle for the EU. Negotiations were also complicated because the US delegation had to send to Washington the various versions of the draft outcome document produced during the negotiations. This considerably slowed down the bargaining process. Cuba, India and other countries, such as Iran and Pakistan also refused to negotiate on particular issues. Furthermore, two of the main SALW producers, China and Russia, used the consensus rule to maintain their positions on certain controversial issues without making much noise. The EU had therefore to work twice as hard: first, to achieve consensus with other UN partners and then to maintain a strong EU common position on all these issues.

During the Review Conference, the EU was criticized by other states for spending too much time on trying to coordinate the EU position and not enough talking to other potential allies, including several African and Asian states. This fact suggests that coherence issues are more complex than what the literature tends to consider, showing the need to refine the theoretical categories in this field. In this sense, it seems that the efforts to achieve (internal) consistency within the EU member states could have prevented the EU to effectively negotiate with potential allies in the negotiations.

Indeed, this fact was seen as particularly problematic as these are the most affected regions by the scourge of SALW. In fact, most African and Asian countries supported proposals for stronger regulations. However, these states, lacking the necessary political weight and resources, were not in a position to impose their preferences and crucially needed the EU to support their initiatives. Furthermore, the EU was not able to clearly convey their priorities to these potential allies. For example, the EU failed to convince key partners to recognize the link between development assistance and the adoption of international measures on SALW. Indeed, several developing countries vetoed any mention of this link in the final document. A number of states from the Non-Aligned Movement, including India and Indonesia and the Caribbean States, raised concerns about the idea of conditionality on development aid and about resources from the donor countries being diverted from development to small arms projects. The link between development aid and measures on SALW had been identified as a central EU priority at the beginning of the Conference. However, during the negotiations, it was only truly championed by a small group of EU Member States, including the UK and the Netherlands. The EU initiatives to

create new funds to specifically deal with the proliferation of SALW were thus unnoticed or misinterpreted by the developing countries. The EU's approach to SALW aimed to achieve horizontal content consistency between the EU policy, especially between its security and development policy. The EU wished to export this notion of horizontal coherence to developing countries. Yet, it failed to do so in an effective manner. This objective was not clearly explained to the EU's partners during the negotiation, which diminished the EU's leverage.

With a few hours of negotiations left at the Review Conference, EU Member States recognized that their efforts should be concentrated on convincing other states to support the final (weak) document rather than pushing for more stringent commitments. Nevertheless, the content consistency problem of several EU Member States having different priorities did not allow them to act effectively. With the deadline of 6pm rapidly approaching, it became clear that no consensus could be reached on an outcome document. Some delegations hoped that the Review Conference would be extended for a few hours in order to find a similar agreement as the one reached at the first SALW Conference in 2001. However, around 5.30pm, the President of the Review Conference, Ambassador Kariyawasam, began the procedures to close the conference and adopted a procedural document; hence the final outcome document stated that "the Conference was not able to agree to conclude a final document".²²

Many national delegations and NGOs representatives were disappointed by the lack of result of the Conference; some states even described the Conference as a failure. Ambassador Kariyawasam in its closing remarks said that a consensus on the final document had been "within grasp". He believed that despite the lack of consensus on a final document, the Review Conference had been successful in attracting the interest of the international community. In its final statement at the Conference, Finland on behalf of the EU, stated that the "conference has been a missed opportunity to make a real difference in our common fight against the scourge of illicit small arms and light weapons".

- *Negotiations at the domestic level*

²² See Doc. A/CONF.192/2006/RC/9.

At the Review Conference, the issues of transfer controls, marking and tracing, brokering regulations, ammunition and the integration of small arms measures into development assistance were all identified as EU priorities. Yet, during the negotiations in New York, a number of EU Member States opted to focus only partially on these priorities as a whole. This created some content consistency problems. The analysis of the domestic level can reveal why some states chose to concentrate on some priorities rather than on others. A comprehensive multilevel analysis of negotiations at the Review Conference would require looking at the domestic politics of 25 EU Member States. However, due to lack of space, the analysis will concentrate on three EU Member States: the United Kingdom, France and Germany. Not only are these states dominant in the CFSP framework and major SALW exporters, but they were also central players at the Review Conference.

Since the late 1990s, issues of arms exports, brokering and transparency have dominated the debate on SALW within EU Member States. This was primarily fuelled by the publication of studies showing that large quantities of arms were smuggled through the EU and brokered by EU companies and individuals. According to a study undertaken by the NGO Saferworld in 1998, France and the UK, along with Belgium, were the EU most implicated countries in the illicit trade of SALW in the region of Sub-Saharan Africa (Saferworld 1998). The study revealed that arms manufactured in France and in the UK were used in Sudan. French manufactured arms also found their way to Rwanda and the Democratic Republic of Congo.

In France, control over arms exports, including SALW exports came to the forefront of domestic politics with the “Quiles” Commission. This Commission was established in 1998 to investigate the role of France in Rwanda between 1990 and 1994. The Commission was set up following strong pressure from French civil society, including NGOs, members of the media and the academic community. The Commission strongly criticised the lack of transparency regarding French arms exports including SALW exports (McNulty 2000). Following the publication of the Commission’s report, the French government adopted several measures to enhance the transparency of arms exports, including the publication of a report to the Parliament identifying measures taken by the government to control arms exports and supplying statistics on arms orders and deliveries. In 2002 the French government also adopted stricter regulations that require brokers operat-

ing in France to be registered and keep records of their activities. The French government's priority regarding strengthening control over arms exports and brokering was again strongly voiced at the EU level.

In contrast, Germany has been described as the most transparent SALW exporter in the European Union (Small Arms Survey 2006). SALW exports remain a sensitive issue in German domestic politics. Germany has often been regarded as a front-runner in applying strong control over small arms exports. This can be explained by the Germany's "constitutional and political-cultural legacy as a defeated aggressor in the Second World War" which meant that "the reconstruction of an arms industry, let alone an export-based industry, was viewed with great apprehension both domestically and amongst its neighbours" (Holm 2006: 226). Germany early on encouraged other EU Member States and the EU to adopt stronger transparency measures on arms exports.

Since the adoption of its Strategy on Small Arms, the EU has reaffirmed the necessity to have an integrated approach regarding SALW. One of the EU priorities at the Review Conference was the integration of SALW measures into development assistance. This priority was principally championed by the UK. As early as July 2000, the British Government established the Global Conflict Prevention Pool, which included a strategy on SALW. This pool was managed jointly by the Foreign and Commonwealth Office, the Department for International Development and the Ministry of Defence. The British SALW strategy aimed to coordinate existing programmes managed by the three departments under a single set of objectives and resources. It also included support for partnership with UN agencies and civil society organisations. In addition to the SALW strategy, the British government adopted in 2002 the Export Control Act, which introduced a strong revision of its export control legislation. Within its policy on SALW, the UK aimed to achieve content horizontal consistency. Having already addressed these issues at the domestic level, the UK was in a better position to carry on this idea at the EU level.

The question of SALW ammunition was also identified as an EU priority. In Germany, this issue had become particularly challenging. The end of the Cold War saw more than one million of SALW, ammunition and explosives decommissioned in Germany. The massive amount of ammunition accumulated on German soil became problematic. First, stockpiles of ammunition posed potentially significant security risks for population close to ammunition depots. Second, the German authorities were also concerned by the risks of

leakage from these stockpiles, which could lead to illicit trafficking to criminal and terrorist groups. The issue of ammunition became a central priority for the German government. It attempted to convince both its EU partners and the states participating to the Review Conference of the urgent need to address the illicit trade in SALW ammunition.

Civilian ownership also became a central issue in domestic debates on SALW. In 1997, following the killing of children and a teacher in Dunblane Scotland by a lone gunman in March 1996, the British government banned the private ownership of handguns. In 2002, following the shooting of students and staff in a high school, the German parliament also introduced stronger regulations with regard to civilian firearm possession.

An analysis of domestic politics in the UK, France and Germany also reveal that national NGO campaigns in these three states successfully pressed their government to address the issue of SALW both at the domestic, EU and the international level. From its creation, IANSA developed a close connection with several EU countries, but particularly with the UK. Indeed, the funding provided by the British Department for International Development supported the activities of the network during its first years of operation. IANSA headquarters and most of its biggest and more influential members, including Amnesty International, OXFAM and Saferworld, are based in London and Oxford. Having its headquarters in the EU, IANSA intensively lobbied, first, EU Member States - particularly the UK - and, second, EU institutions to get the EU to adopt a strong unified position on SALW. In this sense, European NGOs also recognized that achieving horizontal and vertical consistency within the EU was crucial.²³

Furthermore, in March 2004, the British Foreign Secretary, Jack Straw, announced that the UK would support the idea of an international treaty on the arms trade. In all its initiatives regarding the Arms Trade Treaty, the UK was supported by IANSA and the Control Arms Campaign. Again, the UK with the help of various European NGOs took

²³ It has to be noted that in the coordination meetings between EU and European NGOs, the number of NGO representatives was bigger than the group of EU diplomats. At these meetings NGOs made clear the need for the EU to achieve consistency in order to be successful in the Review Conference. However, if the NGOs were pushing the EU member states to spend more political capital opposing reluctant countries (particularly the US), some countries, such as the UK, made clear that they were not willing to do it. In this sense, the adoption of a more flexible, rather than a pre-fixed, negotiation strategy which aimed to find compromises with both the US and promoters of strong SALW control separately, and then aimed to broaden the

up this initiative at the EU level and convinced its EU partners of the need for the EU to support an international treaty on arms trade. The Control Arms campaign gained momentum when the EU member states supported the ATT during the European Council in October 2005. While the ATT was not formally discussed at the Review Conference, it was nevertheless envisaged by the EU as the next step to be taken by the international community to address the SALW issue.

Conclusion

The EU has been one of the most committed actors in the fight against the proliferation of SALW. Negotiations at the 2006 Review Conference focused on multiple complex issues, including civil ownership, trade arms controls, transfers to non-state actors and development assistance. At the start of the Review Conference, the EU Member States showed a united front and campaigned for the adoption of strong international commitments on these issues.²⁴ However, the EU was ineffective in its efforts to convince other states to support the reinforcement of the UN *Programme of Action*. This paper suggests that several factors linked to the multilevel nature of decision-making in the EU, especially in international negotiations, affected the effectiveness and the consistency of the EU at the Review Conference. In particular, problems of vertical and horizontal content coherence, but also vertical representation coherence have been identified.

Hence the lack of consistency in the EU camp may have affected the success and the leadership of the EU at the Review Conference. Austria and Finland, which held the EU Presidency during the negotiations, attempted to enhance the coherence of the EU and tried to display some type of formal leadership. However, the effective leadership was mostly exerted by the UK, arguably the most active state during the Review Conference. The EU's lack of leadership might also stem from other EU member states, including France and Germany, pursuing their own priorities (reflecting domestic interests) rather than the EU position. This resulted in a situation where "in attempts to take stronger po-

common ground, might have been more successful in reaching the EU's objectives. We thank an anonymous reviewer for this suggestion.

sitions on a number of themes, several EU member states spoke on behalf of their individual governments, rather than allowing the moderate joint EU statements to represent them” (Buchanan 2006) and influenced the EU’s capacity to exert clear leadership in the negotiations. However, given the inflexible position of some reluctant countries in this conference, it could be argued that even if all the EU representatives had effectively developed their common agreed agenda, the final consensus in this conference would have been extremely difficult to achieve.

In any case, institutional consistency problems at the EU level have become important features of the EU action on SALW, which can affect the EU effectiveness in international negotiations on this issue. From a vertical coherence point of view, it remains unclear whether and for how long the fight against the proliferation of SALW will remain outside the Community’s competence. As a recent opinion of the European Court of Justice (ECJ) demonstrate, the Commission as well as the European Parliament are increasingly arguing that the campaign against the proliferation of SALW has become an integral part of the policy development cooperation and should fall within the scope of the competences conferred on the Community in that field. Moreover, our analysis shows a controversial role of the European Parliament (EP). On the one hand, its active work can foster negotiations and agreements. On the other hand, due to divergence with the frequently lighter common EU position, giving more voice to the EP could be interpreted as leading to further fragmentation of representation, which can undermine thus coherence.

External factors may have also fostered, in some sense, the coherence of the EU. The involvement of NGOs at the domestic level is one of them. Indeed, the EU Member States were urged by NGOs and IANSA to adopt a cohesive position on SALW. From the end of the 1990s, European NGOs intensively and successfully lobbied several key EU member states to adopt stricter regulations regarding SALW, not only at the domestic level, but also at the EU level. Between 2001 and 2006, the EU adopted more than a dozen agreements addressing the issue of SALW, including a series of Joint Actions, an EU Code of Conduct, an EU Plan of Action and the EU Strategy on SALW. The EU Member States also used European NGOs to raise awareness on this issue and gained public

²⁴ Indeed, compared to other CFSP issues (e.g. the recent events connected to the independence of Kosovo), the EU member states have a comparatively comprehensive approach to the SALW area.

lic support for their embrace of “humanitarian values”. Yet, during the Review Conference, the NGOs’ insistence on the EU being a cohesive and coordinated actor was not sustained. The NGO community’s approach to the EU consisted on relying on specific EU Member States to defend their position rather than support the EU as a collective actor. For example, the UK was perceived as the natural ally by part of the NGO community. Moreover, other national NGOs attempted to influence their national counterparts, including France, Germany or other countries, such as Japan or Brazil.²⁵

The decision-making procedures during the Review Conference and the management of the negotiations also created obstacles for the EU. First, the bargaining phase was extremely short: formal negotiations on the draft final document were only initiated during the second week. This fact was aggravated by a weak position of the president of the Conference, Ambassador Kariyawasam from Sri Lanka. On the one hand, the Ambassador had to deal with the strong demands of the EU and NGOs. On the other hand, he also had to manage the reluctance of powerful states to negotiate on several issues on the table. These facts created difficulties for the EU, who was trying to act as a coordinated and coherent actor. The multilevel nature of the EU as an international actor meant that it would have needed both time and flexibility on the part of other actors to not only maintain its coherence, but also to be successful during the negotiations. In the end, only an effective and coherent EU will increase the chance of producing effective initiatives to tackle human security issues, such as the spread of SALW.

In this analysis, we have sophisticated the categories proposed by Nuttall in order to account for different problems both on content and on action/coordination among the actors. By doing so, we have been able to identify concrete coherence issues in this case of EU foreign policy. On the one hand, due to pillar competition (e.g. the SALW case brought to the Court of Justice by the Commission on the grounds of violation of its competence). On the other hand, on the content dimension, different policy priorities in a complicated negotiation bargaining become competing proposals. Further work remains to be done on the internal and external factors that affect the member states coherence in

²⁵ In this sense, we should remind that the NGOs had legitimate reasons to work with national governments. On the one hand, given that not all NGOs had the same objectives it could be reasonable for them to work with the government closest to their priorities. On the other hand, some NGOs in this field have strong links (also economical) with their national governments. This could also explain the fact that they chose national governments as their primary target.

multilateral settings. In this sense, a comparison with other cases of EU negotiations of human security issues in the UN context could be particularly fruitful.

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