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The Coherence of the European Foreign Policy: a Real Barrier of an Academic Term?

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Abstract

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I. INTRODUCTION

The purpose of the present study is to break down, in a general and summarised way, the concept of the coherence of the European Foreign Policy, in order to analyse its meaning, its scope and its implications. This focus on coherence will be specifically dealt with upon the analysis of the impact of this phenomenon on single institutional framework, as defined by the Treaty on European Union.

The study presents the concept of coherence, with the general purpose to present the analytical framework within with the assessment of European Foreign Policy is done. This working paper, after having presented a general definition of the concept of coherence, draws up a brief historical approach to this concept and to its presence during the process of European integration. Then, the study establishes a typology of coherence, presenting the most famous and useful qualification of the concept: horizontal and vertical coherence, and presents the scope of coherence, namely the ambits of European Foreign Policy affected by. Finally, it tries to establish the most important barriers to the coherence of the external action of the Union. Some conclusions end up the working paper.

The study, in analysing the above-mentioned issues, wants to answer some questions related to the European Foreign Policy, in general, and to the concept of coherence, in particular. The main question concerned will be analysed from two points of view. First of all, is the coherence of the European Foreign Policy a real problem? Is it a real obstacle for the external action of the Union? Or, on the contrary, it seems more an academic or theoretical debate, more present in the vocabulary and studies of the scholars of the European Foreign Policy? Secondly, if the coherence is a real problem for the European Union's external relations, which are the main dimensions and manifestations? Is a problem that arises from the Treaty provisions or is a problem that comes from the real interplay between the European institutions? The problems of coherence come from an inadequate co-ordination between and within policy issue areas or they are the reflexes of a lack of agreement between Member States? Is the coherence an obstacle for the European Union due to the existence of different bureaucracies, or is a manifestation of the existence of divergent interests?

With this structure and these questions in mind, the study is done based upon the following conductor wire. The study tries to analyse coherence, tries to analyse how this concept affects the European Foreign Policy and finally tries to explain the reasons behind weakness of the European Union. In order to make this conductor wire effective, useful and structured all over the study, all the ideas exposed aim at falsifying or verifying the starting points of the study, that is the hypothesis. The author has in mind two basic assumptions referring to the coherence of the European Foreign Policy, assumptions that the development of the study will state as wrong or as false. These two hypotheses are

- The coherence of the European Foreign Policy is a requisite for the achievement of the objective of the Union, contained in Article 2 of the Treaty, "to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy…"
- Beyond this characterisation, the concept of coherence is due to the (inoperative) articulation of the single institutional framework, as set up in Article 3 of the Treaty on European Union

The last introductory remark is that, given the length constraints of the present working paper, it is not going to analyse the last debates and texts produced in the framework of the Council of the European Union about the coherence of the European Foreign Policy. Since October 2000, the debate about the coherence and effectiveness has been prominent in the meetings of the General Affairs Council, but this is a theme impossible to deal with during the present study. Firstly, because if the study did so, it would be an analysis of the Council and the debate about

coherence, and this is not the purpose of the Thesis. And, secondly, because the ideas expressed in the meetings of the Council are well contained along the study, and they are presented in different ways.

II. A DEFINITION OF COHERENCE

1. Initial Remarks

The search for coherence in European Foreign Policy has been a priority for the external performance of the European Community/European Union since the Treaty of Rome. Safeguarding Europe's interests and fundamental values through effective foreign policy methods calls for the definition of common interests, uniform positions and the development of consistent activities[1]. In this sense, the interaction between the Community external relations and the Member States foreign policy has led to a constant effort over the past fifty years in order to bridge this division. Despite the fact that Article C of the Maastricht Treaty (current Article 3) provided that the Union is "served by a single institutional framework which shall ensure the consistency and the continuity of the objectives carried out…", a dual system of international relations continues to exist, consisting in part of the "supranational" European Community framework and in part of the co-operation on a still largely intergovernmental basis under the provisions concerning the Common Foreign and Security Policy[2]. Then, if the EU wants to "assert its identity on the international scene, in particular through the implementation of a common foreign and security policy", as Article 2 states, and it wants to speak with one voice in the international system, it has to find ways to bridge this dual structure in order to ensure the coherence and the effectiveness of its foreign policy[3].

Beyond this reality, in order to be an active and influential actor in global affairs, the Union must ensure the coherence of political and economic dimensions of its foreign policy. Indeed, coherence is adopted as a guiding principle of the Treaty on European Union. The separation between the economic external relations, conducted by the European Community, and the political external relations, conducted by the Common Foreign and Security Policy, is highly artificial. Despite its obvious imperfection, this dual EFP structure is a fact of political reality due to the Member States reluctance to merge the procedures of the CFSP with those of the EC[4]. "Coherence", as a guiding principle and as a requirement for the EFP, has always been in the political and academic discourses about the process of European integration, and is not a new concept in the legal framework of the EC. Reference to this principle and its importance all over the process of EFP construction can today be found in almost every work on the EU[5]. Increasing the coherence of the external action of the EC/EU has been a recurrent topic since the early eighties, but this question has assumed special importance in the post-Cold War era, due to a number of interrelated reasons[6]:

- the emergence of the Union in 1993 with its three-pillar structure and its creation of the CFSP, thus bringing to the fore the need for consistency in the enhanced external activities of the Union. It meant the consolidation and widening of the pillar structure set out by the SEA
- the need to develop institutional mechanisms to ensure consistency of policy and action at both the national and European levels
- the break down of the traditional areas of "high politics" and "low politics", and the new meaning and scope of "security"
- the development of a European Security and Defence Policy and the importance of consistency by MS within common organisations, such as UN and NATO
- the increasing regionalisation of the international system and the proliferation of the relations of the EU with other regional actors

In the nineties, then, the term "coherence" has become something of a refrain. If one considers the possibility of overlaps between the pillars, and also the presence of the MS on the international plane, it is not surprising that coherence is made into a guiding principle of the

Treaty. But, what is the exact meaning of coherence? What does coherence imply? And, more importantly, what is the scope of coherence?

2. Coherence or Consistency?

The Oxford English Dictionary states that coherence means "the action or fact of sticking together and remaining united in arguments", and as a second meaning "the logical or clear interconnection or relation; consistency, congruity of substance, tenor, or general effect". In relation to consistency, it means "the quality, state or fact being consistent; agreement in substance or form (with something, of things, etc.); uniformity, regularity"[7]. So, what term to be applied to the EFP: coherence or consistency?.

In this point, we can keep in mind two different criteria in order to choose the term to be applied, one legal/institutional and the other political/functional. If we follow the legal approach, we could say that the official English versions of the Single European Act and the TEU[8] speak about "consistency" of the EFP. This term appears as one of the guiding principles of the action of the EU. Article 1 TEU stresses that "the tasks of the Union shall be to organise, in a manner demonstrating consistency and solidarity, relations between the MS and between their peoples".

Furthermore, Article 3 states "The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies". The analysis of the EFP should, according to the Treaty, focus on the term consistency. On the other side, a political guidance leads us to consider that the term "coherence" is used in the academic literature in different ways of expression and meanings[9]. We can apply the same reasoning to the TEU, given that there are several different terms, which express the same concern. In this respect, whereas the English version of the Treaty uses the term "consistency", the other official versions of the Treaty use the term "coherence"[10]. Consistency and coherence in law, even though related, are concepts that have to be distinguished. It is in this sense that whether the concept laid down in the Treaty refers to coherence or consistency, the Treaty itself in its different authentic languages has to be analysed.

What is, thus, the reason to speak of coherence, in the place of consistency? Even though it seems clear that the notion of coherence is one of the main constitutional values of the Union, the wording of the Treaty in the different official languages is somewhat confusing[11]. The discrepancy between the different official languages, so criticised in the aftermath of the ToM, is not as irrelevant as it may seem at first glance[12]. Both in legal and theoretical analysis, the terms coherence and consistency are often distinguished. They are not only not identical concepts, but they have also very different meanings. Since the two concepts carry different legal implications and different degrees of stricture, a clarification of the term is necessary. In law terms, "consistency" implies the absence of contradictions, being a static concept, while "coherence" refers to positive connections, being a matter of degree. This differentiation means that a concept can be more or less coherent, but it cannot be more or less consistent, so it is either consistent or not[13]. Also, in their mutual relationship, consistency might be a necessary but never sufficient condition for coherence[14].

Due to this broader, more dynamic and more flexible meaning of coherence, and despite the English version formulation of the Treaty, this study shall use the term "coherence" to assess and evaluate critically the EFP. Two main reasons lie behind this argumentation. Firstly, the study follows the reasoning of Jörg Monar, who writes the importance of "unity and coherence" as an important criterion for effective foreign policy in some cases, being the most important one the participation of the EU in international conferences and organisations[15]. As he says, "consistency" refers primarily to the absence of contradictions between external actions taken in different areas, and does not necessarily bring more effective "synergy" in the sense of coherent and mutually reinforcing EFP. That is, coherence has to find its corollary in "interaction". It is only when a policy is coherent and the interaction occurs accordingly that all outward distinguishing marks between economic and political external relations will disappear. The study

considers that coherence is a more appropriate term because it refers to the fact that action in one sphere of EFP needs to support action in the other sphere and both must be interactive.

Secondly, it becomes clear that in spite of the importance of the concept of consistency in the Treaty, the notion can only be found in the English version; the Treaty seems to refer to "coherence" and not, as only the English version states, "consistency"[16]. The use of the term "coherence" in most languages of the Treaty should be kept in mind whenever CFSP decision-making is analysed in the light of other external policies pursued by the Union. The more flexible nature of coherence allows for a more balance judgement, taking into account the obviously intended incremental approach towards a single EFP[17]. The use of the term "coherence " in most language versions of the Treaty should be kept in mind whenever decision-making is analysed in the light of external policies pursued by the Union. In a legal sense, one could argue that decisions not meeting the demands of consistency would run the risk of being invalidated, while the more flexible nature of coherence allows for a more balanced judgement[18].

Nevertheless, given the diversity of academic and political uses of both terms, the study will respect the wording used by each author. As it has already said, the most important concern of the study is the scope and the political meaning of the concept of coherence and its later application to the EFP. In this sense, a very important remark to make is that the difference between consistency and coherence has been the subject of legal scrutiny but, when viewed from a political perspective, the terms are not significantly at variance, since both point in the direction of co-ordinated activities with the objective of ensuring that the Union asserts its identity on the international scene and speaks with one voice[19].

3. A Historical Study of Coherence

Krenzler and Schneider state that coherence, applied to EFP, refers to "co-ordinated behaviour, based on agreement among the Union and its MS, where comparable and compatible methods are used in pursuit of a single objective and result in an uncontradictory foreign policy"[20]. This conceptualisation, written in 1994, has the same value and applicability today than it had fifty years ago. Coherence has a very important historical and political background behind, and it had been a recurrent concept of EFP making until it was finally set up in a legal text, in the SEA of 1986.

Already right at the beginning of European Political Cooperation in 1970, the need for interaction with EC was recognised[21]. The summit of the Heads of State and Government in The Hague, in 1969, and the Luxembourg Report of 1970 underlined the fact that for the EC to "exercise the responsibilities which to assume in the world is both its duty and a necessity on account of its greater cohesion and its increasingly important role". That is, the implementation of EC policies required corresponding developments in the purely political field. Despite the explicit attempts to keep the political co-operation isolated from co-operation within the context of EC, the need for some coherence was acknowledged[22]. The international context of the seventies, marked by an increasingly complex interdependence, highlighted the need for consistency between the actions conducted in the context of EPC and EC. The catalyst of the Arab-Israeli conflict and the economic and political vulnerability of the EC showed that in interdependent world policies cannot flourish in vacuums. It would, therefore, result impossible to have an effective economic policy without simultaneously also possessing a coherent foreign policy and a credible security policy[23]. At that time, it became clear right from the outset that this institutional and procedural dualism in European external policies did not correspond to the complex and interdependent structures of the international system[24].

The Paris Summit of 1974 recognized the need for consistency between EPC and EC policies, and for the first time this word appeared in a text relating EPC[25]. The Heads of State and Government "considered it essential to ensure progress and overall consistency in the activities of the Community and in the work of political co-operation.[...] In order to ensure consistency in Community activities and continuity of work, the Ministers of Foreign Affairs, meeting in the Council, will act as initiators and co-ordinators..". Increasingly, the participation of the EC in EPC became evident, being the Commission in some cases the main interlocutor of the MS.

The 1973 Copenhagen Report went further, especially in regard of practical ways and means. It reaffirmed that political cooperation was quite distinct from Community activity, and stressed that the EPC might keep in mind implications and consequences of EC policies and maintain close contact with Community institutions on matters affecting Community activity. The question of resources to support diplomacy had not yet been addressed, for all the growing awareness of the need of coherence with EC external relations[26]. The need for coherence of EC and EPC polices became more and more apparent due to the successful development of the EPC. The London Report of 1981 simply codified the practice of the Commission being fully associated with EPC at all levels and gave the responsibility for coordination to the Presidency.

The concern about the EC as a global actor and the need for a consistent international action was reflected for the first time in an official document in the Solemn Declaration of Stuttgart, in 1983. The declaration stated that "the European Council ensures consistency between EC and EPC". In between the meetings of the European Council, the GAC was entrusted with that responsibility. Furthermore, the Declaration emphasized "the importance of greater consistency and close coordination at all levels in order to allow global and coherent action"[27]. The Draft Treaty on European Union, prepared by the European Parliament in 1984, took a completely different approach. There the traditional distinction between EC and EPC was discarded and replaced by a new equilibrium institutions of the Union, on the one hand, and "common action" and "cooperation" by the MS, on the other[28]. Moreover, the Draft stated that the Union was to ensure that international policy guidelines of the MS were consistent.

This political concern of search for coherence between EPC and EC policies was finally translated into legal terms in the Single European Act in 1987, which not only linked the Community and intergovernmental processes, but also contained several references to the requirement of consistency and the emphasis on its enhancement. The Preamble stressed "the aim at speaking ever increasingly with one voice and to act with consistency and solidarity in order more effectively to protect its common interests and independence…" But the main provision concerning coherence was established in Article 30.5, which said "the external policies of the EC and the policies agreed in EPC must be consistent. The Presidency and the Commission, each within its own sphere of competence, shall have special responsibility for ensuring that such consistency is sought and maintained". Finally, by Article 30.3.b, the SEA fully associated the Commission with the proceedings of EPC.

The SEA meant that, for the first time, the Treaties had created an obligation of consistency, and had conferred responsibility for ensuring its observance on the Presidency and the Commission[29]. Although it did not provide practical interaction rules, the definition of the concept of consistency itself was ambiguous. Its meaning could had been either avoidance of inconsistent policies between the EPC and the EC, either common EPC and EC or subordination of EC external policies to the MS[30]. The SEA was a single document in formal terms, but it encompassed the two separate external relations systems, which had been developed according to different rules, and attempted to coordinate EFP[31]. That is, the spirit of the SEA was to allow coordination and coherence between EC and EPC while at the same time keeping them apart and maintaining their separate identities. The SEA formalised a "twin pillar structure", but the MS thus created an ever more complex machinery amid efforts to develop a foreign policy that was effective, coherent and consistent across the EC's separate pillars[32].

The Commission being granted the right to give its opinion to the Presidency addressed the requirement of consistency and, in turn, the Presidency was obliged to communicate to the Council any EPC conclusions of interest to the Community[33]. But, more important was the fact that for the very first time two previously unconnected areas, that is the external policy of the Community and foreign policy cooperation between the MS, were brought together and subjected, with unusual clarity, to the need for consistency[34]. The MS, resulting in the adoption of a SEA, accepted this view meaning one containing both EPC and EC provisions in one instrument[35]. That is, if there was one important feature whereby SEA's interaction rules differed from preceding ones, it was in the special responsibility for ensuring coherence explicitly entrusted to the Presidency and to the EPC Secretariat assisting it[36]. This growing together, or "consistency", has continued since the coming into force of the Act[37]. Finally, the SEA created the EPC Secretariat, which "assisted the Presidency in ensuring the continuity of EPC and its

consistency with Community positions". Thus, the main task of this body lied in the field of interaction.

Maybe, this "era of interaction" which characterised EPC was the beginning of the coherence problem in EFP, due to the existence of two different bureaucracies, two different structures dealing with the same subjects of external performance. The clear implications were an overlapping of external actions and instruments. EC and EPC used economic diplomacy and foreign policy dialogues to develop coherent and forceful external relations[38]. With the development of EPC the need for coherence in external relations became more apparent, as far as the somewhat artificial divisions between the EC and the EPC eroded during the eighties. Considering that the interests of the MS implied action in the economic and political fields, they had no choice but to recur to EC as well as to the EPC framework in order to obtain satisfactory results[39]. The EC policy in Central America, with special regard to the relations in the framework of the San José Dialogue, was a high success in the articulation of a coherent EFP.

The nature of coherence shifted subtly at the beginning of the nineties, with less emphasis upon interaction amongst the MS and greater emphasis being paid to consistency in the external policies of the EC. The SEA determined the future structure of EFP making. It ensured that institutional reform would henceforth concentrate on ways to bring the two competing systems more closely together[40]. At the same time, the significance of the EC as an economic giant generated increased expectations of coherent policy initiatives from the EC/EU[41]. The internal evolution of the EC and its involvement in the international system and events occurred after the Cold War[42], the achievement of the Single Market programme, launched by the SEA, and the perspective of a Economic and Monetary Union helped to this new dimension. This change and this step by step constitutionalisation of the requirement of coherence was widened an definitively set up in the TEU of 1992, which gave birth to the Common Foreign and Security Policy (CFSP), the successor of the EPC and the result of the interaction between the two big powers, Germany and France.

The new Treaty was really concerned about the need of coherence of the just born international actor. The Preamble stated that "aware of the responsibility incumbent upon Europe to aim at speaking increasingly with one voice and to act with consistency and solidarity in order more effectively…". Article A provided that the Union's tasks should be "to organise, in a manner demonstrating consistency and solidarity, relations between the MS and between their peoples". Given the maintenance of two different foreign affairs frameworks, the Treaty was guided by two general ways to ensure the coherence of EFP. Firstly, Article C referred to the fact that "the Union shall be served by a single institutional framework which shall ensure the consistency and continuity of the activities carried out…The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency".

This new Article C, which introduced new institutional links to connect the individual pillars[43], was and is the main provision referring to the principle of coherence. A major shortcoming, however, of Article C was that no procedural rule were included to guarantee this supervision by the Council and the Commission[44]. However, it soon became clear that this coherent, all-encompassing approach ran well ahead of the limits imposed by unsettled institutional quarrels on competence in the dual EFP structure[45]. This lack of provisions was clear in two Common Positions (new instruments created in the framework of CFSP), referring to Rwanda and Ukraine, in 1994[46]. Both positions defined the Union's goals and priorities towards these countries, including CFSP tasks, such as political relations and security, as well as EC tasks, such as development policy, humanitarian aid and economic co-operation.

Secondly, the new CFSP was the subject of the Title V of the Treaty, Title that replaced the Title III of the SEA. In this Title we find the institutional innovations of the Treaty. As the institutional structure of EFP will be further analysed, only a brief comment is included now. Simon Nuttall argues that we can identify five major developments in the institutional set up of the CFSP: the abolition of old EPC ministerial meetings and their fusion with the Council meetings; the merger of the EPC Secretariat and the Council Secretariat; the new provisions concerning the Working Groups and the merger of EPC and Council Working Groups (these three mergers as a logical

consequence of the single institutional framework[47]); the interplay between PoCo and COREPER; and the fully association of the Commission within CFSP. In all of these provisions, the wording of the Treaty changed notably the wording contained in the SEA.

The ToM also sought greater coherence by linking foreign policy with security policy, specifically by making the Western European Union "an integral part of the development of the Union, to elaborate and to implement decisions which have defence implications", as stated in former Article J.7. Another contribution to the principle of coherence was found in Article J.1, which contained the obligation by the MS to support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. Article J.8, in addition, stated that the Council shall ensure the unity, consistency and effectiveness of action by the Union.

Anyway, as Monar argues, even with the inclusion of all these explicit references to consistency, what is particular striking in respect to the aim of unity and coherence is the fact that the new Treaty once again confirmed the dualism of external economic relations and decision-making on matters of foreign policy. Thus, the question of how to ensure cohesion between the two modes of foreign policy-making had to be addressed. Thus, the main change of the Maastricht Treaty was the introduction of a single institutional framework, with the aim to articulate a coherence functioning of the three pillar structure of the Union, and the refocusing on the Council and the Commission as the actors in charge of the coherence of the EFP.

During the preparatory works for the 1996 IGC, the MS, still very much under the influence of the failure of the Union in the former Yugoslavia, agreed that the Union had "to assume increased responsibilities" and that it had "to give itself the means appropriate to more effective and coordinated external action"[48]. With the continuing growing of the EFP, also in the process of expanding into the areas of JHA, the political and economic aspects of the EFP had to be consistent, coherent and mutually reinforcing"[49]. Yet the ToM had already introduced a number of substantial rules and institutional mechanisms aimed at ensuring "consistency", the 1996 IGC discussed about what could be added on top of these provisions[50]. The report of the Expert Group, published on 5 December 1995, stated in its paragraph 147 that "shortcomings in the operation of Title V and problems of a lack of overall consistency in coping with the new challenges have been detected"[51], while paragraph 148 referred to the fact that "current functioning of the pillars does not make for increased consistency between action undertaken under them".

The ToA has led to several discussions about the effectiveness of its provisions on coherence of EFP. Some scholars argue that, as it was the case in the ToM, the new Treaty did provide little improvement in the management of the consistency[52], and was a major disappointment for those who hoped that the EU would take bold steps towards reforming its institutions, both to prepare for enlargement and to give the EU a more coherent and effective foreign policy. Institutionally, the Treaty made again the Council, COREPER and the Commission responsible for decisions within both pillars I and II, with a view to encouraging more coherence in EFP[53]. On the contrary, others state that as a result of the concern regarding consistency expressed before and during the 1996 IGC, no less than three explicit references to consistency appeared in the new Treaty[54]. Anyway, the ToA added to the formulation of Article C (now 3) the phrase "and shall cooperate to this end" after "[…] ensuring such consistency".

Furthermore, new Article 13 charges the Council with the task of ensuring the "unity, consistency and effectiveness of action by the Union". That is, there was no disagreement on the primary responsibility of the Council and the Commission for ensuring consistency, but the designers of the Treaty wanted to ensure the principle of loyal cooperation between the institutions, and they charged in the Council the ultimate responsibility in that sphere.

According to these provisions, thus, the Council and the Commission shall ensure the implementation of all the external policies of the Union, taking into account the requirement of consistency, but the supervisory power remains at the end in the Council. A real new provision of the ToA is the accord to the European Council to define the principles and general guidelines for the CFSP and to define a new instrument of the CFSP, the Common Strategy, adopted in areas "where the MS have important interests in common". This provision is contemplated in Article 13. Whether the aim of the CFSP in areas with special importance for MS is to construct

a "unitary" foreign policy or is to establish a close coordination of national policies, this new provision has been a further step in order to enhance the coherence of the EFP. CS may well prove to enhance coherence amongst the MS by putting the emphasis on coordination at the highest level but, given the relatively infrequent meetings of the European Council, this may be at the cost of overall coherence of EFP. This new instrument, in comparison with the other instruments of the CFSP and their contribution to coherence, will be subject to a further detailed analysis.

A joint analysis of the Maastricht and Amsterdam Treaties can lead us to argue that the provisions aimed at the strengthening of coherence contained in both of them have proven enormously difficult to be implemented, since open differences still exist between first and second pillar competences in the field of EFP. In addition, the TEU contains only few specific references to the principle of coherence. That is, EFP cannot be built upon CFSP alone, but can arise only if coherence is ensured across the three pillars. Despite the mantra-language about coherence, the Treaties have ensured the emergence and consolidation in Brussels of two rival cultures, each with their own institutional base and their own rationale for assuming responsibility for identifying and representing the European interest[55].

The Nice Treaty, signed on February 26th 2001, and currently in phase of ratification by the MS, introduces substantive modifications regarding the dispositions about the coherence of the EFP. New Article 27a will in the future give the possibility of using the instrument of enhanced cooperation in the framework of the CFSP. The wording of the text says that "Enhanced cooperation in any of the areas referred to Title V shall be aimed at safeguarding the values and serving the interests of the Union as a whole by asserting its identity as a coherent force on the international scene. It shall respect "the principles, objectives, general guidelines and consistency of the CFSP and the decisions taken within the framework of that policy; the powers of the EC, and consistency between all the Union's policies and its external activities"[56]

The introduction of the mechanism of enhanced cooperation in CFSP must, in accordance with the forthcoming Treaty, take into account the requirement of consistency of the EFP. The contribution of this new Article to the coherence in the dual structure of EFP is an open question, given the flexibility of the enhanced cooperation and its clear intergovernmental nature. But, this characteristic must be discussed, given that the new Article restricts the applicability of enhanced cooperation to JA and CP, thus depriving this cooperation of its possible strategic value and scope (the inception stage of EFP) Secondly, it inserts a potential device for incoherence in that it sets ESDP apart from the rest of CFSP as a no-go-area[57].

4. A Typology of Coherence

Simon Nuttall suggests that, beyond the understanding of consistency "as the meaning of the organization of the interface between the largely intergovernmental EPC/CFSP and the largely integrationist external relations of the EC"[58], there are three levels of understanding of the concept: the banal, the benign and the malign[59]. The "banal" refers to the not interference or contradiction between the policies adopted in the first and second pillar. The "benign" refers to the interaction between the instruments of the EC and the objectives of the second pillar. Finally, the "malign" refers to the institutional configuration of power between the two pillars. The present study, given its eclectic approach and its flexibility, will take into account the three forenamed understandings of the concept, in order to apply a dynamic concept, coherence, to a changing reality, the EFP.

Moreover, the complexity of the international relations of the EU, based on a dual structure, and the evolution of the principle of coherence, with its emphasis on the shared responsibility for it between the Union and the MS, require a more comprehensive and concrete categorisation of the concept. Several attempts have been made in order to classify and explain the concept of coherence, its dimensions and its components, and different criteria have been used to establish these parameters. Specifically, two different criteria are taken to analyse the wide amalgam of meaning related to the concept of coherence

4.1 Horizontal, vertical and institutional coherence

Simon Nuttall himself proposes to overcome the mentioned tripartite division and distinguishes between these three kinds of consistencies. The most famous and useful categorisation of coherence explains that this concept is twofold: we can speak of horizontal and vertical coherence.

4.1.1 Horizontal coherence

This concept refers to the consistency between the different policies of the EU, as well as the consistency within the Union and within the foreign policies of the MS; that is, the relation between the intergovernmental CFSP and the supranational EC[60]. It is based on two sets of issues that are, in turn, linked vertically by communication, structure and procedures[61]. The first one is related to how external relations are coordinated within the Brussels bureaucracies, so that then the EU may speak with a single voice. The second set considers how the MS themselves coordinate external relations with the Union. The first dimension of horizontal consistency is the focus of the present study, and consequently will be bettering analysed and explained later, with special emphasis on the institutional configuration of the EFP.

Horizontal coherence requires a leading principle, established in Article 3 of the TEU, referred to the single institutional framework. This Article is the clearest expression of the principle of horizontal coherence. But the single institutional framework *per se* is not enough to achieve the requirement of coherence; it must serve to conduct consistently the EFP.

The second paragraph of Article is referred to this point, and stresses the "need for consistency on the whole of EU's external activities, that is external relations, security, economic and development policies". We can argue that the horizontal dimension of consistency involves primarily the implementation of external policies, with special attention to the supranational organisation, in this case the EC. For that reason, the Council and the Commission shall be responsible for ensuring such consistency ad shall cooperate to this end. They shall ensure the implementation of these policies, each in accordance with its respective powers. Consequently, these two institutions are in charge for the enhancement of horizontal coherence, using the single institutional framework and ensuring the coherent implementation of the whole external activities of the Union.

Besides the provisions of a single institutional framework, another aspect of this principle has to be considered. The principle of obligation of loyal and faithful cooperation does not only affect the relation of the MS and the EU, but also the relations between different organs and institutions of the EU themselves. This principle, set up in Article 11.2 of the Treaty, should also be seen as the underlying idea of what is now called the single institutional framework of the Union. However, and having seen that the Treaty provides for sufficient provisions which would impose the obligation to ensure a single institutional framework and horizontal coherence, both aspects have been criticised for the lack of political and legal interaction between the different actors involved. Even though the Treaty provides for interactions between the CFSP and institutions of the EC, with special attention to the interplay between the Council and the Commission, this cannot be regarded as forming a "single" institutional framework, as the Commission in particular does not maintain its traditional role in the framework of the CFSP, while the European Court of Justice is excluded completely.

To sum up, we can argue that horizontal means that, given the MS reluctance to merge procedures of CFSP with those of the EC, ensuring synergy and coherence does not mean overcoming the dual structure of EFP, but managing it[62].

4.1.2 Vertical coherence

This dimension involves both the processes of coherence between the MS and the EU, and vice versa. Two basic sets of principles govern the EFP in this field: those addressing the role of the MS and those addressing the role of the EU[63]. There are a number of tools for ensuring coherence between the EU and the MS. In this sense, the role of the Council appears as crucial, given that it not only shares the responsibility with the Commission for ensuring coherence in the external relations of the EU, but also has the additional burden of ensuring greater responsibility between the Union and the MS.

This double characterisation is set up in Article 11 of the Treaty, which states that the Council shall ensure that MS support the Union's external and security policy actively and unreservedly and to prevent them from taking action contrary to the interests of the Union. Also, Article 13 charges to the Council the responsibility of ensuring the "unity, consistency and effectiveness of action by the Union". The role of the Council in the vertical dimension of coherence, as well as the instruments used to ensure the coherence between the MS and the EU be further analysed when analysing the institutional framework of the CFSP.

The reverse direction of the continuum is also applied to vertical coherence, that is the coherence between the MS and the EU. Theoretically, as long as it is not too brazen, all MS are afforded the chance to promote coherence between their national interests and those of the Union with the rotating Presidency[64]. In practice, the ability to push a national agenda, determined by the size and the power of the state holding the Presidency, is limited by the short term-in-office of the Presidency and the Commission's obligation to collaborate with the Presidency in ensuring the coherence of the EFP. A separate agenda-setting by the Commission, representing EU in all areas of first pillar competence and the consequent limitation for the national agenda building, and the promotion of national positions in each Presidency has a real cost: the incoherence of the EFP[65].

The division of coherence into its horizontal and vertical variants is a helpful distinction from the conceptual point of view but, at the policy level, the problems encountered in both types of coherence are related. This problem cannot be solved only, or even principally, within the Union itself. It seems from the separate responsibilities of the different national Ministries, each of which will use the framework of the Union as a means of escaping from the supervision of its fellow Ministries at home[66]. As stated by Article 11.2 of the Treaty, ensuring coherence in the EFP is therefore a shared responsibility between the Union and the MS, establishing that they "shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. The MS shall work together to enhance and develop their mutual political solidarity […]".

If we put together both horizontal and vertical coherence, we can say that a joint lecture of these two dimensions leads us to argue that the main underlying problem to enhance both of them lays in the ongoing debates about the extent to which all the EU's external activities, and CFSP in particular, should be primarily intergovernmental or communitarian[67]. Arguably, synergetic effects in external action do not only depend on coherence between external actions in different areas, but also on coherence between the internal and the external capacity to act in a given area[68].

Another major related issue in this field is the question of what degree of coherence in EFP can be established without regarding the Union as a subject under international law. Given the highly possible overlaps between the different pillars, this question is relevant for the international legal status of the Union, taking into account the somewhat contradictory provisions in the Treaty on the division of competences between the areas when the overall external relations of the Union are concerned[69]. In other words, to what extent does the coherence of the EFP depend on its legal capacity in the international system?[70].

4.1.3 Institutional coherence

Simon Nuttall suggests a third form of consistency, the institutional consistency, between the two different bureaucratic apparatuses, intergovernmental and Communitarian[71]. Whereas horizontal coherence refers to the content of policies, that is the policy outcomes, institutional coherence refers to the two different populations, bureaucracies, working methods. Both concepts, of course, are interconnected. As far as the present study will include a specific chapter about the institutional configuration of the EFP, this concept will be analysed later.

4.2 Material and Organizational coherence

Neuwahl distinguishes between material and organization consistency[72]. Material consistency implies that "measures and actions taken must not conflict with one another, that is they must be compatible and, ideally, mutually reinforcing. The responsibility to assure such consistency is incumbent on the Council as far as the CFSP is concerned". The Treaty contains several provisions in order to prevent material consistency, and they focus on the relationship between the CFSP and the action of the MS. By contrast, organizational consistency is a more general requirement of consistency, and it refers primarily to the manner in which relations are organised. Neuwahl suggests that there are no provisions for ensuring organizational consistency in the Treaty, and consequently overlaps may occur between the sphere of action under the different pillars. This classification does not prove to be effective and useful, given its little explanatory power and the fact that we can identify material consistency with the concept of institutional consistency, and organizational consistency with horizontal consistency.

5. The Scope of Coherence

Which is the area of EFP affected by coherence? Schmalz argues that for reasons of systematic analysis, the bridges between the pillars provided by the Treaty can be subdivided into two categories: "functional" and "institutional" bridges. Functional bridges aim at the coherence of procedures, whereas institutional bridges shall ensure the coherence of competencies of the individual institutions in the conduct of EFP[73]. In this first part of the study only the functional bridges are analysed, since the institutional configuration of the coherence of the Union's external activities is further examined in later chapters, in the light of the institutional configuration of the second pillar and its impact on horizontal coherence.

5.1 The objectives of the European Foreign Policy

On the one hand, Article 11 of the Treaty provides the CFSP general objectives and states that the Union shall develop into a cohesive force in international relations[74]. On the other hand, we cannot identify a clear definition of the objectives of EC regarding its external relations. In fact, the EC has always had enormous difficulties in reconciling its own internal policies with its external objectives, which themselves were the subject of much internal contention[75]. With this background, the ToA does not provide for a coherent overall foreign policy strategy, based on clear objectives and priorities of the EU in its international relations. Instead, EFP objectives remain split in two distinct sets between the EC, with different provisions over the Treaty, concerning issues as external economic relations, development cooperation, trade issues or agreements with third countries and international organisations, and the CFSP, set up in Article 11 of the Treaty. The results of this division are the juxtaposition and the overlapping of EC and CFSP objectives and, consequently, their according procedures, means and instruments.

Thus, an unclear defined set of objectives of the EFP cannot lead to a coherent EFP. This strategic and political dualism has several consequences in all the spheres of the EU system of international relations, that is the competences, the instruments, the institutions, the policies and the actors involved. The reference to the EU interests and objectives means that the first step towards a enhanced coherence of EFP must be the definition of the Europe's common foreign policy interests[76].   One case is particularly relevant in this respect. Regarding the EFP towards Turkey, we can observe that the continued economic cooperation (Customs Union, objective to

create a free trade area in 2010..) does not seem to clash in any significant way with the political objectives of democratisation and peaceful relations with neighbouring countries[77]. The incoherence of the EU approach becomes sometimes clear, in particular concerning the lack of condemnation of the EU of some Turkish actions.

5.2 What is to be coherent?

While considering terminology, a brief wording should be said about what is to be coherent. The TEU refers to the importance of "consistency of the EU external activities as a whole in the context of its external relations, security, economic and development policies". This provision of consistency raises to the problem of what is "foreign policy" to the MS and what might it constitute in the context of EFP. Obviously, the scope of national foreign policy is not the same as that covered by the Title V of the Treaty. Thus, coherence should be applied to all areas of EU's external activities, even taking into account the structural impediments to coherence in the realms of security and defence. In this point, an interesting remark must be underlined. Coherence should be applied to security policy, as long as the dividing line between security and defence is very difficult to draw and it therefore appears somewhat arbitrary to include security and exclude defence from external affairs.

5.3 Coherence as a legal requirement

The question about to what extent coherence is a legal requirement of EFP is of some importance when attempting to ascertain whether the MS have a strong legal motive to co-ordinate their external activities. The rules of CFSP, like those of the EPC before them, are not part of Community law. Though CFSP is the subject of cooperation within the Union, it was deliberately not incorporated by the signatories into the supranational domain of EC. However, the need for consistency imposed to the MS by Title V of the Treaty has therefore only a binding character in the area of public international law[78].

While interactions between the different areas of the Union may certainly contribute to attaining coherence of its external activities as a whole in the context its external relations, security, economic and development policies, as stated by Article 3, different legal bases do not[79]. The provisions of the Title V may be generally regarded as guidelines or rules, but they do not fall into the domain of the EC. And, by extension, Article 46 TEU stresses that the provisions of this Title are not subject to the jurisdiction of the ECJ.

Thus, the legal means to enforce coherence in EFP are absent in the second pillar, which implies that the stipulations contained in Title V must therefore considered as legally binding, but not enforceable[80]. The CFSP, with all its components (statements, actions, instruments, policies…), is not binding except under public international law and, in some respects, Community law. The non-justiciability of the consistency requirement in Article 3 TEU results in a situation in which this requirement is reduced (as far as judicial control is concerned) to the extent of Article 47 (preservation of the *acquis communautaire*). This means, first of all, that CFSP provisions cannot be adjudicated as to their conformity with the overall consistency of the EFP, and secondly that the Court is not allowed to view Community decisions in relation to the prerogatives or obligations of the MS in the areas of the Union[81].

5.4 Coherence and Decision-Making

The successive treaties have established a dual structure for decision-making in the EFP. The major difficulties and the major implications of the concept of coherence in the field of EFP making have implications on both the differing competencies between the EU, and its responsibility for external affairs, and the CFSP, especially when many undertakings increasingly fall into a grey between the two[82]. Decision-making procedures are a crucial factor for constituting a coherent EFP between the two modes of integration, namely intergovernmentalism and supranationalism. In spite of the successive efforts of ensuring and

moving towards a common decision-making regime, and in spite of the single institutional framework, the lack of coherence is clearly present in the decision-making procedures and structures in the intergovernmental process of CFSP and the supranational process of the EC.

In this sense, further and more effective means of enhancing coherence would have been to align CFSP decision-making procedures with those of the EC. Closer examination reveals that though that QMV applies to a limited number of circumstances (JA, CP or any other decision on the basis of a CS), the stipulation include the essence of the 1966 Luxembourg compromise[83]. The overall effects of this double system of decision-making procedures may not improve consistency between the communitarian and the intergovernmental pillars, since incentives for those opposed to QMV will be to push for as many decisions as possible to be made on the basis on unanimity. The whole implementation of the double QMV and the exclusion of significant areas from QMV (decisions having military or defence implications, and important and stated reasons of national policy) do not seem so useful to make the interplay between pillars more coherent. Anyway, the impact of coherence of the decision-making procedures and structures of the EFP will be widely analysed later, in the light of the institutional analysis of CFSP framework.

In particular, the decision-making process of the CFSP is characterised by a low level of transparency, slow reactiveness and a high bureaucratic complexity[84]. The main purpose of the EFP is to assert the identity of the Union on the international scene, by adopting and implementing a common policy within the scope defined by the Treaties. This foreign policy, in turn, is formed on the basis of adopted decisions. The provisions of the Treaties not only entail the legal basis that serves as the source of the decisions, but often also describe the way in which decisions are to be taken[85]. The main instruments of the CFSP are enumerated by Article 12 TEU, which outlines that "The Union shall pursue the objectives set out in Article 11 by: defining the principles of and general guidelines for the common foreign and security policy; deciding on CS; adopting JA; adopting CP; and strengthening systematic cooperation between MS in the conduct of policy. The provisions of the Treaty concerning the instruments and means of CFSP have a clear and direct implication for the coherence of EFP, given that the instruments of the EC are not mentioned as means at disposal of the second pillar. Two cases are particularly important: trade relations and economic sanctions.

Article 13.2 provides the general decision-making competence of the Council. Apart from this general competence, this provision seems to establish the faculty of the Council to take decisions whenever this is necessary for the definition and implementation of CFSP, using the mentioned Article as an autonomous legal basis. The procedural decision rules start with the European Council defining the overall principles of CFSP, adopting CS and specifying the general guidelines for JA and CP. Then, the Council takes the actual decision necessary for the implementation of these instruments. The Presidency, assisted by the HR, acts as the executive in the area of CFSP and represents the Union in issues that fall under CFSP. And, the bodies start all this process responsible for the preparation and implementation of the Council decisions in CFSP matters, that is COREPER, COPS and PPEWU.

Generally speaking, decision-making on CFSP matters still requires a unanimous vote. Although the ToA opened the door to QMV and introduced the possibility of a "constructive abstention"[86], decisions continue to be taken by the Council unanimously[87]. Hence, that is clear that the MS, through the consensus rule and through the Presidency, continue to operate as the central managers of the CFSP. The general absence of the Commission in the process is a matter of fact. Consequently, the coherence of EFP is affected by the decision-making rules of second pillar.

The importance of the existence of CS is in particular clear when the voting procedures are concerned. Article 23 allows for JA and CP to be adopted by QMV once these decisions are based on a CS. These circumstances underline the legally and politically important nature of the new instrument of CFSP. Once adopted, the CS are to be implemented by the Union; this seems to create an unconditional obligation for the Council indeed to come up with concrete CFSP decisions once the European Council has adopted a CS.

5.5 The financing of CFSP

A further contentious area of concern for coherence in EFP is financing, in particular due to the lack of serious financial provision for the operation of CFSP until the ToA. No aspect of the implementation of CFSP decisions has been handled more disastrously during the last years than financing[88]. Since the EP is thought circumscribed to laying down the annual CFSP budget in certain pre-determined areas, a question of coherence between the different decisions taken and instruments used is needed.[89]. One reason for the modest performance of the CFSP after Maastricht was the absence of a stable financial regime for the CFSP[90], and the new Article 28 helps to ensure the coherence and continuity of the EU's external activities[91]. This is clear, for instance, in the EC financing of civilian CFSP operations in crises.

In general, the implications of the financing of the CFSP for the coherence of EFP are clear and obvious. Keeping in mind the unity in the institutional structure foreseen by the Treaty, it will not come as a surprise that no distinction between CFSP issues and EC issues regarding the administrative expenditure of the institutions[92]. All administrative costs incurred by the institutions in the area of CFSP are charged to the budget of the EC. But, it has always been a matter of fact the operational expenditure of CFSP, because of its clear implications for the inter institutional relations and the coherence of EFP.

The confusion regarding CFSP operational regulations has been a source on inter institutional controversies from the day the first JA was adopted, and, consequently, an aspect with implications for the coherence of EFP. After the JA on supporting the envoy of humanitarian aid to Bosnia-Herzegovina, on November 8th 1993, the conflict between "keeping CFSP intergovernmental" and "sparing national budgets" became apparent, and continued to hamper efficient decision-making[93]. This example showed the ability of financial procedures to block the efficiency of the implementation of CFSP. The only exceptions made concern operational expenditure arising from operations having military or defence implications and cases where the Council unanimously decides that the operational expenditure is to be charged to the MS.

The new Treaty provisions concerning the financing of CFSP suppose an improvement in the coherence of EFP. At least, concerninhif we look the implementation. Before Amsterdam, the Council, with its preference for independent intergovernmental decision-making and financing in the area of CFSP, countered the actions undertaken *inter alia* by putting pressure on the Commission to use the ordinary CE funds for CFSP purposes. With the ToA, the Council has accepted the principle of CFSP operational expenditure forming part of the EC budget, with the subsequent application of TEC budgetary provisions. These new provisions, which strengthen the link between CFSP and EC, have been also contemplated in the Interinstitutional Agreement of 6 May 1999, just after the ToA entered into force[94]. This Agreement contains a conciliation procedure between the three institutions and maintains a speedy implementation of CFSP, because the Commission has the authority to transfer appropriations autonomously between the six articles in the CFSP budgetary chapter. That is, after a long period of dissension on this issue, Amsterdam confirmed that there would in future be a specific CFSP line in the EC budget.

But the reforms on the budgetary procedures, which preserve the division between administrative and operational expenditure of the EU, can actually undermine the coherence requirements between actions taken in the two pillars, and create tensions amongst them. Beyond the question of the clear definition of administrative and operational expenditure, other difficult issue is the responsibility of the implementation of the CFSP JA[95]. Since these actions, in accordance with Article 13, "shall address specific situations where operational action by the Union is deemed to be required, and shall lay down their objectives, scope, the means available to the Union, if necessary their duration, and the conditions for their implementation", they are object of an overlapping responsibility for their implementation. This is due to the fact that the TEU confers to the Council Presidency the responsibility to implement JA, while the TEC confers to the Commission the responsibility for the implementation of EC budget.

Monar argues that no aspect of the implementation of the CFSP decisions has been handled more disastrously during the last years than financing[96]. In many cases the financing of the CFSP actions has been inadequate, seriously delayed and/or based on doubtful budgetary

practices, which have led to serious friction between the Council, the Commission and the EP over questions of procedures and budgetary powers. This has impaired both the effectiveness and international credibility of external action of the Union, so the coherence of the EFP.

5.6 Coherence and external representation of the EU

Who would Henry Kissinger call in the Europe of today[97]? The coherence of the EFP has implications also for the external representation of the EU in world affairs. The diversity of spokesmen, each cancelling the others out, is not only an operational weakness, but also an institutional aberration[98]. The lack of visibility, continuity and unity of the EU as a global actor all over its existence, and with special emphasis since the entry into force of the ToM, led to the introduction, in Amsterdam, of the figure of the High representative for the CFSP, who is also the Secretary General of the Council. The HR assists the Presidency and, ideally, would be the external face of the EU and would assure the continuity of the EU representation in international context.

The characterization of the HR as the external face of the EU represents its potential contribution to the enhancement of the coherence of the EFP. As a member of the new-style troika[99], composed by the HR, the President of the Council and the Vice-President of the Commission responsible for External Relations, he/she will ensure a coherent EFP, speaking with one single voice in international affairs and asserting its identity on the international system. The interaction of the HR with the Commissioner for External Relations appears as a crucial question in order to assure a coherent and single representation of the Union, since the latter can play a more active role in the troika, and it can allows to a greater coherence between EC and CFSP and a greater coherence for an external representation of the Union as a whole[100], but this relation can also provoke profound tensions between the two pillars and the two personalities.

Furthermore, there is another provision in the Treaty in order to enhance vertical coherence, which has clear implications for the external representation of the Union. Article 20 previews that "the diplomatic and consular missions of the MS and the Commission Delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that common positions and joint actions adopted by the Council are complied with and implemented".

6. Barriers to Coherence in European Foreign Policy

There would seem to be seven identifiable barriers to coherence in general[101]. First, it clearly depends upon the efforts of the MS to take the initiative to enhance coherence, starting at the national level, that is avoiding the rivalries and discrepancies between the political and the economical sections of the Foreign Affairs ministries, and between the Foreign Affairs ministries and the other Ministries. The political will of MS, as it is the case in other areas of the EU, marks the rhythm and the scope of European integration. Second, successive reforms of the treaties and legal texts refer to "common interests" of the Union, but these interests are inadequately defined. The configuration of these common interests, defined in Articles 2 and 11 of TEU, as the basis of EFP is inadequate to promote the EU as a global actor, as a powerful and single actor in the complex system of international relations of today. Third, the introduction of the mechanism of QMV into the second pillar has really not helped to foster coherence, given that the requirement in practice remains that of unanimity, thus making agreement dependent on compromise and political opportunity.

Fourth, CFSP has been repeatedly criticised for its reactive rather than proactive decision-making and for its lack of any longer-term planning[102]. This reality has led to a lack of coherence in the EFP. The introduction of the Policy Planning and Early Warning Unit (PPEWU) in the ToA may prove useful means of ensuring coherence, due to its role in the identification of common risks and threats to the EU by joint policy analysis mechanisms. But the precise performance and functions of this unit are not clear, and the coordination of MS services of planning and

intelligence inside this unit remains precarious. Fifth, complementing the last point, alongside the lack of intelligence and policy planning, the absence of prepared priorities in the context of the EFP necessarily puts the emphasis on reaction rather than pro-action. Sixth, the effect of enlargement upon the coherence of the EFP, and especially of the second pillar, needs to be taken into account. The accession of a large number of states, with many differences in their interests, conceptions and priorities in foreign policy, and the cleavage between unanimity/QMV in the future decision-making procedures of the 27-Member Union, will make so difficult the articulation of an, at least, co-ordinated position in CFSP matters.

Lastly, a major source of incoherence in EFP is related to the security aspects, and is to be found in Washington DC as well as the European capitals. At this point, the development of the European Security and Defence Policy and the intended new role of the Union in global affairs, including all dimensions of security and defence, imply that the MS and the EU enunciate clear goals, clear purposes and clear priorities. The changes in the international system since the end of the Cold War, and the several events occurred in Europe over the last twelve years, make this reality much more urgent and imperative than it has always been. Only with a clear settlement of the interests and the priorities of the EFP the requirement of coherence should be applied and effectively assessed.

III. CONCLUSIONS

The most important conclusion about the principle of coherence of the European Foreign Policy must be explained in institutional terms. What we can understand and extrapolate from the concept of coherence arises from the institutional point of view. Even though the Treaty of Amsterdam does not resolve the central problem of incoherence between the pillars, it has refined and strengthened the CFSP mechanisms. But a central problem is still on the table. A coherent European Foreign Policy would inevitably require a more proactive input from the Commission at a number of levels, given its role in implementation and the sheer scale of its external relations effort. And, the basic question of who is in charge in European Foreign Policy making remains disputed. There is a not an intrinsic contradiction between the provisions of the Treaty and the articulation of a coherent EFP, or, in other words, this problem does not arise from the existence of three different pillars[103.]The Amsterdam Treaty has given maturity to EFP, has shown the limits and the boundaries of EFP, and we must consider that CFSP is an ongoing process with only ten years of existence. The EFP is constructing in parallel to the foreign policy of the Member States, and we should never expect a single foreign policy. The new starting point for EFP set out by Amsterdam is in some respects extremely positive for the EFP. But, as usually, the real problems come on the ground, when the actors involved have to overcome the incoherence problems but they want to safeguard their interests.

In the day-to-day EFP business, coherence is ensured in two main ways. First of all, the TEU has provided a framework, resources, methods and patterns of work for implementing the CFSP, whilst keeping it within the single institutional framework, the framework that already existed in the EC sphere of action. Such co-ordination is strengthened by the fact that the Commission is fully associated at all levels and discussions on CFSP And the interplay between the Commission and the Council structures is, at all levels, satisfactory. Secondly, it is for the European Council, by setting out guidelines for the development of the Union, to ensure the coherence of CFSP with EC policies, in the light of the definition of the great orientations of EFP. But, in practice and even the wording of the Treaty, the Commission's primary partner in ensuring coherence and synergy in different areas of EFP will always be the Presidency, not the Council or its structures. Synergy effects in external action do not only depend on coherence between external actions in different areas, but also on coherence between the internal and the external capacity to act in a given area.

In essence, coherence of EFP is more a political than a legal question, and is a real problem for the objective of the EU to assert its identity on the international scene. Is much more than an academic term or a current aspect of the CFSP debates. And, in the daily business of the EU institutions, there is a great awareness of this weakness[104.] The successfully performance of the EU I n the Balkans has reopened the debate about coherence and effectiveness of EFP[105.] The

last efforts of the GAC and the HR in assuring coherence in EFP are a clear proof of this reality, and it has become a crucial aspect of the external performance of the Union. Unfortunately, the scope of the present study does not allow to making an accurate analysis of the last meetings of the GAC and their conclusions[106]. Today, achieving coherence in EFP is markedly different from yesterday. The emphasis, in fact, has shifted from the E of European to the P of Policy. So, it has shifted from a institutional to an horizontal dimension. Nowadays, is not the interplay between the institutions the real problem, but the outcomes of the EU's international performance, the results, the objectives, how instruments of EC and CFSP are combined.

The final conclusion of the study is that the institutional setting of the Treaty allows for the articulation of a greater coherence between the various aspects of the EFP, especially the outcomes, the policies conducted by the two pillars. The Treaty, in fact, is only an umbrella, a framework that says what the EU can do. But it is never an impediment, an obstacle. The competition of the two bureaucracies is only clear in some areas and is easily avoidable. The main problem for the coherence of EFP is the existence of divergent interests of the Member States, and not the existence of different pillars. The merger of pillars, or even the abolition of the pillar system, does not seem a good idea for the author of the present study. The only think to do is to make the two different decision regimes as closer as possible and make the interests of Member States more convergent. In the end, however, the success of the external performance of the Union will not depend not so much on the institutional structure of the Union, but on the political will of its Member States. The principle of coherence is an excellent example to be aware of the misery of the European Foreign Policy.

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- **Cristina Gallach,** Chief of Division, Press Service, Cabinet of the Secretary General/High Representative, General Secretariat of the Council, Brussels, 18.04.2002
- **Michael Koehler,** Deputy Head of Unit, Unit European Correspondent, Directorate A, Multilateral Affairs and North America, East Asia, Australia, New Zealand, EEA and EFTA, CFSP, College of Europe, Bruges, 20.04.2002
- **Björn Larsson,** Mediterranean Unit, Policy Planning and Early Warning Unit, Brussels, 10.04.2002
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[34] Krenzler, *op.cit.,* pp 134

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[62] Schmalz (2), *op.cit.,* pp 426

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[64] Duke, *op.cit.,* pp 31

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[67] Duke, *op.cit.,* pp 29

[68] Monar, *op.cit.,* pp 434

[69] Wessel, *op.cit*., pp 295

[70] Tietje, *op.cit.,* pp 227

[71] Nuttall, 2001, *op.cit.,* pp 3

[72] Neuwahl, *op.cit.,* pp 235

[73] Schmalz, *op.cit.*, pp 2

[74] These objectives are: to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter; to strengthen the security of the Union in all ways; to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders; to promote international cooperation; and to develop and consolidate and the rule of law, and respect for human rights and fundamental freedoms.

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[81] Wessel, 2000, *op.cit.*, pp 1152

[82] Duke, *op.cit.,* pp 20

[83] Duke, *op.cit.*, pp 23

[84] Kiso, Jan Ole, "An Uncosy Relationship: COREPER, Political Committee and CFSP", in *CFSP Forum*, 2/97, pp 3

[85] Wessel, op.cit., pp 69

[86] Article 23.1 tries to make decision-making in CFSP matters more effective, and states that "When abstaining in a vote, any member of the Council […] shall not be obliged to apply a decision, but shall accept that the decision commits the Union".

[87] Soetendorp, Ben, "The common foreign policy decision regime…", in idem, *Foreign Policy in the European Union. Theory, History and Practice*, London, Longman, 1999, pp 79

[88] Monar, *op.cit.,* pp 428

[89] In the light of Article 28.2, "Administrative expenditure which the provisions relating to the areas referred in this Title entail for the institutions shall be charged to the budget of the European Communities

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[101] Duke, *op.cit.,* pp 33

[102] Monar, *op.cit.,* pp 416

[103] Interview, Cabinet of the High Representative, General Secretariat of the Council

[104] Interview, DG Relex, European Commission

[105] Interview, Cabinet of the High Representative, General Secretariat of the Council

[106] The most important ones are the GAC of 09.10. 2000, the GAC of 22.01.2001, the GAC of 26.02.2001 and the GAC of 18.02.2002. See the most relevant provisions of these meetings concerning coherence of EFP in the Annexes