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Review of [European Foreign Policy: Legal and Political Perspectives] by [Koutrakos, P.]

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BOOK REVIEWS

Panos Koutrakos (ed.), *European Foreign Policy: Legal and Political Perspectives* (Cheltenham/Northampton: Edward Elgar, 2011), 978-1-849804097 (hbk), GBP75 (hbk), ix + 298 pp.

In 1995, Anne Marie-Slaughter famously stated that '[i]nternational law and international politics cohabit the same conceptual space'. (A.-M. Slaughter, 'International Law in a World of Liberal States', *European Journal of International Law* 6 (1995): 503). However, forging both into a unified field of study framed by integrated theoretical debates has proved to be an extremely challenging, and at times frustrating, exercise. With Panos Koutrakos' edited volume, legal and political science scholarship on the foreign policy of the European Union 'cohabit' a single book.

While not going as far as claiming to unify the disciplines, instead it endeavours 'to make legal, political science and international relations scholarship meet around certain threads which underpin the EU's external relations (p. 4)'. It is thus, in the first place, an academic dialogue aimed at mutual understanding, through which readers can draw their own conclusions on how law and political science can illuminate the foreign relations of the sui generis entity that is the EU. The five threads that were selected represent issues of interest from both disciplines that are central to the EU's identity, its global relevance, and affect the entirety of its policy spectrum: coherence, the international-law friendliness of the EU judiciary, the Union's relations with its neighbours, the Common Security and Defence Policy (CSDP), and the EU's role in international organizations.

Two general impressions stand out as to the principal 'added value' of this work, the aspects that set it apart from the considerable *acquis* of scholarly literature already available in this field: first, in terms of content, the way it integrates some of the recent 'big moments' in European integration into the wider context and, secondly, in terms of methodology, the different ways with which the book experiments with interdisciplinarity.

Concerning content, this book is a fine illustration of the upcoming literature that moves some of the recent grand events of European integration out of the glare of the spotlight and consolidates them into the overall appraisal of the EU as an international actor. The two most prominent of these are the entry into force of the Lisbon Treaty and the European Court of Justice's (ECJ's) judgment in *Kadi*. Both are of great consequence for the framework through which the EU interacts with the outside world, with the treaty reform aimed at strengthening and streamlining the EU's voice on the international scene, while *Kadi* (Joined Cases C-402/05 P and C-415/05 P, *Yassin Abdullah Kadi and Al Barakaat International Foundation v Council of the European Union and Commission of the European Communities* [2008] ECR I-06351) judicially entrenches the autonomy of the EU's legal order vis-à-vis international law (and the United Nations in particular). Both have already received a tremendous amount of scholarly attention as such. Here, both legal scholars and political scientists manage to situate them as the latest coordinates in the overall trajectory of the development of EU foreign policy. Since both are primarily legal issues, there is particular value in the assessment provided by political scientists who offer an insight into the extent to which the EU manages actually to live up to these legally enshrined global aspirations.

Regarding methodology, this volume presents us with three different interdisciplinary approaches to topics in the realm of EU external relations. The approach that juxtaposes two views on the same topic, one provided by a legal scholar and the other by a political scientist, is used several times. In the first case, Simon Duke and Marise Cremona both tackle 'coherence' in EU foreign policy. This is undoubtedly a subject cutting across all of the Union's policy fields but of particular relevance in its external action. Both manage to significantly reduce the elusiveness and

vagueness of this concept prevalent in their respective disciplines by introducing more systematic approaches that will make it easier to assess more effectively the degree of coherence in particular case studies.

The second case of juxtaposition is on the subject of the CSDP in chapters by Mark Webber and Panos Koutrakos. These two contributions harmonize well in that they both stress the limited role of law in ‘classic’ foreign affairs, yet both also rightly emphasize the importance of capability generation and spending efficiency in the EU defence sector as a *sine qua non* for a viable CSDP. It is in this respect that law re-enters the picture with vigour: in his chapter, Koutrakos focuses on European defence industries and the gradual rolling back of exceptions from common market rules through both legislative as well as adjudicative action. This demonstrates, first, that a limited role of law in security and defence policy does not mean that law cannot play a decisive role in shaping the industrial basis of this very policy. Secondly, it clearly illustrates that despite the oft-evoked peculiarity of foreign policy, this area of so-called high politics is inseparably linked to the ‘low politics’ of economic integration.

In the final chapter of the book, political science and legal approaches are joined in a single contribution by Knud Erik Jørgensen and Ramses Wessel on the EU’s position in international organizations. In rather general terms, they set out the main issues that concern legal scholarship in this regard and the variety of political science theories available to assess the Union’s performance in such organizations. However, they do go further than the others by proposing a joint future research agenda for this area.

A second mode of interdisciplinary enquiry used in this volume is that of dialectics. This is the case with Jan Klabbers’ and Achilles Skordas’ differing assessments of the attitude of the EU’s judges towards international law. While Klabbers challenges the conventional wisdom that the EU is particularly friendly towards international law (well captured by the German term *Völkerrechtsfreundlichkeit*), Skordas counters by questioning Klabber’s premise of openness and compliance as the decisive factors in determining such *Völkerrechtsfreundlichkeit*. Without saying so, both in fact elaborate the enigmatic dichotomy of Article 3(5) TEU between ‘strict compliance’ with international law (as it stands) and its (future) ‘development’. At face value, this is not an interdisciplinary approach, as both are legal argumentations. Nevertheless, this dialogue between legal scholars might prove to be particularly insightful for non-lawyers. Not only does it show that the legal discourse is not as uniform as seems to be commonly assumed by political scientists but it furthermore provides those unfamiliar with legal intricacies with the seminal cases, issues, and debates on the relationship between EU law and international law. Instead of being (literally) indoctrinated, it is thus left to the readers to decide which argument they find more convincing. It is regrettable, however, that in a volume on EU foreign policy, the role of international law is restricted to its reception by the judicial branch of the EU. *Völkerrechtsfreundlichkeit*, it would appear, is not just a matter for Europe’s judges but for all its constitutional branches.

The third interdisciplinary approach is of a top-down nature, moving from the general (legal) framework to a particular case in order to ascertain how it is implemented in practice. This approach is applied here in the context of the European Neighbourhood Policy (ENP). While Bart Van Vooren addresses ‘the big picture’ of the innovative features, as well as the drawbacks of this policy, Stephen Keukeleire, Arben Kalaja, and Artan Çollaku zoom in on the EU’s role in the specific and highly interesting case of Kosovo. The combination of these two perspectives proves very conducive to a firmer understanding of the ENP. Their nuanced analyses reveal that while dissension among the Member States may limit the ‘effectiveness’ of the Union’s foreign policy, it yet allows for positive impacts both at large and on the ground in ways ordinary states could not muster.

In sum, with regard to the subject matter, this volume is an encouraging attestation of the fact that EU foreign policy, even though at times appearing woolly and inert, is moving forward across the board. With regard to scholarship, it demonstrates, in an equally encouraging manner,

that the 'cohabitation' of law and political science/international relations does not have to result in 'a house divided'.

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