FOREWORD

It has been said that the emerging European governance 'is a "postmodern", postnational island – albeit a large one – in a world that consists primarily of "modern" nation-states (like China, Iran, and the United States) and still "premodern" chaos'.[1] It is no wonder, therefore, that the integration of this new creature in international relations and international law creates scores of new problems, not only of a theoretical, but also of a practical nature. Being neither a State nor an international organisation in the classical sense, the participation of the European Union in international relations often raises questions for which the tenets and practices of international law, used to dealing with either States or international organisations, fail to offer ready-made answers.

It is not only the inadequacy of the existing doctrine and practices of international law that cause a problem when dealing with this new phenomenon. The European Union itself is also part of this problem. It suffers from a split personality, trying to accommodate in one and the same structure the three Communities and two forms of intergovernmental cooperation, one concerning a common foreign and security policy, the other relating to police and judicial cooperation. Its legal personality is subject to doubt, though the Communities, belonging to one of its component parts, are unquestionably international legal persons with the capacity to enter into legal relations with third States and international organisations. It lacks a clear and stable division of powers between the Union and its Member States and between the institutions representing it. And, last but not least, the scope of the external competences of each of these institutions is often ill-defined.

In the more than 40 years of their existence the external activities of the Communities have developed at an increasing pace. Diplomatic relations with third States and international organisations have been established, numerous international agreements have been concluded, and different modes of participation in the decision-making process of regional and worldwide organisations have been provided for. Legal problems arising in this context have been solved more or less satisfactorily *de ambulando*. Moreover, the Court of Justice has had the opportunity to clarify some fundamental questions concerning the external competences of the Communities and their institutions as well as the interrelationship between interna-

[1] E. Pond, *The Rebirth of Europe* (1999), p. 204 referring to the analysis by Robert Cooper *in The Post-Modern State and the World Order* (1996), p. 33.

tional and Community law in the domestic sphere of the Communities and the Member States. But many legal questions still remain unanswered and the creation of the European Union causes many new problems that have not yet been exhaustively explored.

We should therefore be grateful to the editor for bringing together a group of able young international lawyers ready to investigate a series of interesting legal problems posed in practice by the not always so peaceful coexistence of the law of the European Union and international law. For it is only by studying such practical examples, the problems encountered and the solutions found or envisaged, that a better understanding can be furthered of the intricate interrelationship between these two branches of law, so similar in some aspects, and yet so different in others.

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