

## FOREWORD

This study reviews the evolution of the exclusive power of the European Community to conclude international treaties in certain areas. The member states' acceptance of the principle of surrendering their international treaty-making power and delegation of this power to the principal organs of the Community - while dividing functions between the Council and the Commission - is a phenomenon of paramount importance. One must bear in mind that the states concerned were formerly world powers with a tradition of intensive involvement in international affairs, and treaty-making power is indubitably a distinctive feature of sovereignty at the international level.

My research has opened a window on the fascinating evolution of the Community's international treaty-making power. This power has witnessed significant development, beginning from a position whereby doubt was cast on the very power of international organizations to conclude treaties, extending to the establishment of a treaty-making power for the Community, and reaching a situation in which exclusive power in certain areas has been conferred upon the Community.

The Community's international treaty-making power is extremely dynamic, resulting inevitably in far-reaching consequences. In areas where in the seventies it was doubted whether the Community has any treaty-making power whatsoever, the Community now has exclusive power.

I have attempted to explain in this book several of the principles upon which the Community's international policies are based, to facilitate a more thorough understanding of the processes that are making Europe one of the most important concentrations of power in the world, and possibly the most important of all.

Most of the source materials are located beyond Israel's shores, and the progress of my research necessitated visits to the Community's centres of activity and resources, without which this study may never have come to fruition.

From Israel's point of view, one cannot overstate the importance of its relations with the Community, because of the vital role played by the Member States (which have a combined population of almost 350 million) in the international arena, coupled with the fact that they account for a large proportion of Israel's foreign trade. In many respects, academic research on the subject in Israel is a voyage into uncharted waters, and I hope it will contribute to the fostering of closer ties between Israel and the European Community.

\*\*\*

This book is based on a doctoral thesis submitted to Tel-Aviv University. No research of any kind can be accomplished without the collaboration and assistance of others, particularly a legal research undertaking of this kind, which stretched over a period of almost a decade and was conducted in tandem with day-to-day involvement in the routine, prosaic activities of a legal practice, community work and family life.

I therefore owe a debt of gratitude to many individuals and organizations, only a few of whom I can mention here.

First and foremost, I wish to commemorate my late mother, Chaya Mershine (née Panzer); during the month of mourning following her passing, I was officially notified of the award of my doctorate. Imperilled by the Holocaust, it was she who intrepidly protected her young children and with her faith gave them life. With innate wisdom, she inculcated in her children a love of learning and thirst for knowledge. Her noble memory will remain with us for evermore.

Profound thanks to my doctoral thesis instructors: Professor Yoram Dinstein, former Rector and current President of Tel-Aviv University, whose uncompromising guidance paved the way for me to write the thesis, in both form and content; and, of course, my teacher, Professor Chava Eva Shachor-Landau of Webster University, Geneva — and lecturer at the Tel-Aviv University—, who spared no effort to help me gain access to the legal sources and inner workings of the European Community. Her scientific guidance and comments were of invaluable help throughout many years of research.

I wish to thank Professor C.D. Ehlermann, former General Director of the Commission's Legal Service, with whose help I conducted a study tour at the Community's institutions in Brussels: the Commission and Council. At his initiative, I met with legal consultants and the directors of departments dealing with fields related to my research, as well as with professors and researchers of European Community Law, and was provided materials and information (including internal working papers) from first-hand sources.

I am also most obliged to the Delegation of the E.C. Commission in Israel — initially under the leadership of Ambassador Mr. Niels Westerby and subsequently Mr. Gwyn Morgan - for its support at all times. With the Delegation's recommendation, I visited U.N. Headquarters in New York and the Community's Delegation to the U.N. and the USA, and met with experts on the subject in the U.N.'s Legal Service and International Treaties Department, Community Delegation heads and the staff of the Maritime Law Department. The individuals I had the good fortune to meet kindly gave me access to their internal materials, including opinions, minutes and reports that are not available to the general public.

Last, but by no means least, I thank my wife - Sarah - who helped shoulder the burden and provided constant support. I can sincerely say I made every effort to ensure that the countless hours spent on my research while pursuing a family life and raising the children would be to their credit, rather than at their expense.