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EU Foreign Policy and the High Representative's Capability-Expectations Gap: A question of Political Will

Niklas HELWIG*

Once again the European Union (EU) foreign policy is characterized by a capability-expectations gap: the expectations towards the redesigned High Representative of the Union (HR) are high, with the hope of a single voice representative being able to shape and align the positions of the Member States and EU institutions. By contrast, the actual capabilities of the new post are limited, as it is confronted with the prerogatives of the European Commission in the field of integrated aspects of external action, while the framework of Common Foreign and Security Policy (CFSP) remains intergovernmental. Hence, reducing the capability-expectations gap is now mainly a matter of Member States' political will to use the potential of institutional innovation. To that end, co-leadership of the HR with Member States, the European Commission and the European Parliament is needed to provide new momentum to the common foreign policy project. This argument is developed using three cases that exemplify the dynamics in the new EU foreign policy architecture: the setup of the European External Action Service (EEAS), the immediate reaction to the crisis in Libya and strategic thinking. Based on the findings, conditions and measures to overcome the capability-expectations gap are discussed.

1 INTRODUCTION

Almost twenty years ago, Christopher Hill formulated the well-known capability-expectations gap of the European Communities¹ On the one hand, the community of states would face high expectations on the global stage after the breakdown of the bipolar system. On the other hand, the capabilities in form of 'its

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¹ C. Hill, *The Capability-Expectations Gap, or Conceptualizing Europe's International Role*, 31 J. Com. Mkt. Stud. 305–328 (1993); the concept was frequently used and/or discussed in contributions to this journal, see for example H. Haukkala, *The EU's Common Strategy on Russia: Four Lessons Learned About Consensus Decision-Making in Foreign Policy*, 13 European For. Affairs Rev. 317–331 (2008); R. Whitman, *Road Map for a Route March? (De-)civilianizing through the EU's Security Strategy*, 11 European For. Affairs Rev. 1–15 (2006); B. Rosamond, *Conceptualizing the EU Model of Governance in World Politics*, 10 European For. Affairs Rev. 463–478 (2005).

ability to agree, its resources, and the instruments at its disposal² were not sufficient to deliver what it was talked up to do.

Since then much has changed. Not only did the European Union (EU) foreign policy machinery undergo various treaty changes (the last one being the major Lisbon treaty reform), but also the structural conditions in which this machinery is working are different, as the centre of gravity in a multipolar world moved away from crisis-troubled Europe towards emerging economies. This has an effect on the capability-expectations gap that the new post of High Representative of the Union (HR) and its first incumbent Catherine Ashton is facing today. Capabilities in the form of institutional resources have substantially improved, as the Lisbon treaty reform places the post at the heart of EU external action, especially in the Common Foreign and Security Policy (CFSP). However, expectations connected with the post grew at the same time, forming once more a gap between capabilities and expectations.

How can this gap be closed? The argument presented here is that, contrary to the original concept, the gap cannot be filled with new procedures, instruments and resources. Instead, the capability of the HR to act is mainly a function of structural factors such as the political will of Member States to leave scope of manoeuvre for the HR and the new European External Action Service (EEAS). The performance of the HR is contingent on the support of its policy initiatives. Co-leadership, defined here as the leadership by the HR in close cooperation with its EU partners, can reduce the capability-expectations gap.

To provide substance to this argument, the article will briefly explain the theoretical backdrop and introduce the main expectations and limitations of the Lisbon treaty reform. In the main part three different empirical cases in which the HR was active will be examined: the setup of the EEAS, the immediate reaction to the crisis in Libya in early 2011 and strategic planning of EU foreign policy. In the conclusions, conditions and ways to overcome the capability-expectations gap are discussed based on the findings.

2 EXPLAINING THE HR'S CAPABILITY-EXPECTATIONS GAP

The HR's capability-expectations gap is in its essence another variant of the question that scholars interested in the post-Lisbon foreign policy performance of the EU are asking themselves: why does the Lisbon treaty reform in the field of foreign policy not meet the expectations to which it was held?³

² Hill, *supra* n. 1, at 315.

³ Methodology: To evaluate the research question, forty-two interviews were conducted with officials in the European External Action Service, the Commission, permanent representations and headquarters of Member State foreign ministries and members of the European Parliament. The interviews were

Two broad possible explanations can be identified.⁴ The first one is institutionalist in nature. From this perspective, institutions are the independent variable that account for the actions of actors involved and the respective success or failure.⁵ The reason for the limited outcome of the Lisbon treaty reform lies thus in the implementation of the new institutional setup, or maybe even in the institutional setup of the Lisbon treaty itself. The solution would be adjustments in the institutional EU foreign policy architecture. This could be a revision of the competences and working relations of the HR and EEAS with its EU partners – the Commission, the Member States and the European Parliament – via a major review of the EEAS, or yet another treaty reform.

The second explanation sees EU foreign policy as a function of the political will of the Member States.⁶ The success and failure of the Lisbon–treaty reform is less a function of the actions of institutionalized agents, but more of the structural prerequisites it is nested in, meaning the distribution of interests and power between Member States within the EU. Hill himself concludes, '[w]ithout the three major states taking initiative [Britain, Germany and France], CFSP would be a hollow shell'.⁷ As a consequence, the 'political will' of Member States becomes the crucial necessary condition that translates knowledge and tools of EU institutions into actions. It is not an institutional correction that increases the EU's capability to act, but the vitalization of political will from the principal foreign-policy actors. Therefore, the capability-expectations gap has to be

mainly part of a report published by the Centre for European Policy Studies with a focus on inter-institutional practices and procedures, N. Helwig, P. Ivan & H. Kostanyan, *The New EU Foreign Policy Architecture: Reviewing the first two years of the EEAS*, CEPS-paperback (Feb. 2013). Interviews were conducted by three interviewers based on a semi-structured list of questions. Interviews represented a purposive sample of the actors involved in the EU foreign policy architecture. Accordingly, they were spread across desks, hierarchical levels, Member States and political parties. In order to allow for an open interview environment it was agreed that no name, exact affiliation and exact date of the interview will be mentioned. Where possible, this article contains anonymized references to interviews. Information from interviews was complemented with other sources, such as newspaper articles and official statements.

⁴ Compare also A. Bendiek, *Handlungsfähigkeit durch politische Führung in der Gemeinsamen Außen- und Sicherheitspolitik*, in *Entwicklungsperspektiven der EU: Herausforderungen fuer die deutsche Europapolitik*, 60–69 (ed. A. Bendiek, B. Lippert & D. Schwarzer, Stiftung Wissenschaft und Politik, Berlin, 2011).

⁵ Institutions determine actors' choices, be it by a rational 'logic of expected consequences' or a sociological 'logic of appropriate behaviour', J. March & J. Olsen, *The Institutional Dynamics of International Political Orders*, 52 *Int. Org.* 943–969 (1998).

⁶ Based on a definition of 'political will' as the willingness to apply a certain policy given that the necessary knowledge and tools for the initiative already exist, see L. Woocher, *Deconstructing 'Political Will': Explaining the Failure to Prevent Deadly Conflict and Mass Atrocities*, 12 *J. Pub. & Intl. Affairs* 179–206 (2001).

⁷ C. Hill, *The Big Three and the High Representative: Dilemmas of Leadership inside and outside the EU*, in *The EU Presence in International Organizations* 78–95 (S. Blavoukos & D. Bourantonis eds., Milton Park 2011).

understood differently, as a gap between what the EU is expected to do and the political will of the Member States to use existing capabilities to deliver.⁸

If this explanation holds true (which is argued here), co-leadership of the HR might increase the EU's capability to act. Leadership can be defined as 'any action by one actor to guide or direct the behaviour of other actors (be they the whole group or only a smaller coalition) towards a certain collective goal'.⁹ Leadership is thus a solution to a collective action problem. While the pay-offs of cooperation might be collectively rewarding, the individual costs for the Member States of getting to the agreement might be prohibitively high. In this situation, a leader can activate certain power resources, such as procedural control or informational advantage to enable consensus.

The HR, who *inter alia* chairs the foreign affairs ministerial meetings and has a right of initiative in matters of CFSP, possesses the necessary instruments to exert leadership.¹⁰ However, the HR lacks structural power of the Member States in the form of material, hard power resources (money and troops) and the democratic legitimacy to activate those.¹¹ Thus it has to fulfil this leadership function together with the Commission and a number of Member States; the HR has to exert *co-leadership* with those actors to help the EU to live up to its expectations.¹²

3 EXPECTATIONS AND LIMITATIONS OF THE LISBON TREATY

The adoption of the Lisbon treaty and the creation of the EEAS and the post of the HR are often seen as the solution to the lack of actorness of the EU in the world.¹³ Brian Crowe, former Director General of the foreign policy department in the Council Secretariat, analysed the opportunities of the new framework and concluded that 'the Lisbon Treaty reassigns functions and changes the roles of the principal actors so as to remedy these defects, providing for more coherent and

⁸ See also the concept of the consensus-expectations gap, a gap between what the Member States are expected to agree on and what they are actually able to consent to, A. Toje, *The Consensus-Expectations Gap: Explaining Europe's Ineffective Foreign Policy*, 39 Sec. Dialogue 121–141 (2008).

⁹ *Leadership in the Big Bangs of European Integration* 6 (D. Beach & C. Mazzucelli eds., 2007).

¹⁰ The delegated institutional powers in the area of representation, agenda-management and brokerage that the High Representative enjoys, gives the post privileged access to information and procedural control that can be used for leadership, see J. Tallberg, *Leadership and negotiation in the European Union* (2006).

¹¹ These power resources are primarily the domain of the Member States, which have the material resources to change other actors' dependence on an agreement, see Beach & Mazzucelli, *supra* n. 9.

¹² For the concept of co-leadership see also E. Lübckemeier, *Führung ist wie Liebe*, SWP-Studie, Stiftung für Wissenschaft und Politik (Berlin, 2007).

¹³ Actorness can be seen as a function of coherence of policy output, recognition by other actors, autonomy of the common institutions as well as their resources, see J. Jupille & J. A. Caporaso, *State, Agency and Rules: The European Union in Environmental Politics*, in *The European Union in the world community*, 213–229 (Carolyn Rhodes ed., 1998); C. Bretherton & J. Vogler, *The European Union as a Global Actor* (Milton Park 2006).

effective leadership. In other words, the management of EU foreign and security affairs is at last being made fit-for-purpose'.¹⁴

This often neglects the fact that the creation of the EEAS and the HR from their initiation in the European Convention represented a compromise, between those Member States who were in favour of further integration of foreign policy and those, who rejected the idea of giving a strong role to the Commission in this area. Especially small Member States such as the Benelux countries and Finland were in favour of integrating CFSP in the Commission, albeit still with different decision-making procedures.¹⁵ This, however, was opposed by countries such as the UK¹⁶ and also France. Two options were left: (1) establishing greater coordination mechanisms between the separate foreign policy administrations in the Commission (DG RELEX) and in the Council Secretariat (Policy Unit and DG E¹⁷), or (2) to create a personal union of the posts of the HR and the Commissioner for external relations and merge the administrative bodies into a single external service. This idea of a 'double hat' was the final compromise and is based on a Franco-German initiative.¹⁸

The assignment of functions of the HR and the external relations Commissioner to one post was linked to the expectation of reaching more coherent external policies within the Commission and the Council's remit. Additional institutional innovations were designed in order to tackle several other shortcomings of EU's ability to act. The HR was introduced as the permanent chair of the new dedicated Foreign Affairs Council formation to provide continuity of the planning of foreign policy.¹⁹ Furthermore, the new permanent President of the European Council obtained a role in CFSP 'at his level and in that capacity'.²⁰ Fresh impetus in matters of CFSP should originate from the right of initiative of the HR.²¹

These institutional innovations were controversial. Some participants in the European Convention pointed out that introducing a HR with a dedicated service would lead to more complexity in the foreign-policy setup, contrary to the initial goal of the convention to reduce complexity in the administration.²²

¹⁴ B. Crowe, *The European External Action Service - Roadmap for success*, Chatham House Report 27 (2008).

¹⁵ Interview, member of the European Convention, March 2012.

¹⁶ European Convention, *The comments by Mr Peter Hain to the preliminary draft final report of Working Group VII on External Action (WD 021 - WG VII) and to the draft text on principles and objectives of EU external action (WD 007 - WG VII)*, WD40, Working Group VII (2002).

¹⁷ Directorate-General for External and Political-Military Affairs.

¹⁸ M. Jopp & S. Matl, *Perspektiven der deutsch-französischen Konventionsvorschläge für die institutionelle Architektur der Europäischen Union*, 26 *Integration* 99–110 (2003).

¹⁹ Article 18 (3) TEU.

²⁰ Article 15 (6) TEU.

²¹ Article 18 (2) TEU.

²² See European Convention, *Towards a more effective EU in international relations - paper by Ms Teija Tiilikainen, member of the Convention*, WD 19, Working group VII (2002).

The combination of the right of initiative and the permanent chairmanship of the Council bodies was seen as especially problematic, as it might question the impartiality of the chair towards its own proposals and represented an unusual concentration of powers.²³ In general, the pure number of tasks of a ‘double hatted’ post was seen as an obstacle for success.²⁴

Ten years after the European Convention, its expectations seem unsatisfied and the limitations of the changes have become visible. By placing the HR and the EEAS as an additional administration between the existing and still relevant actors – the rotating Council Presidency and Commission – more coordination is required. The fact that the EEAS is not part of the Commission further complicates the main goal of coordination of all external-action policies. The implementation of financial instruments has to legally be part of the Commission, which leads in some cases to a split of the programming processes between the EEAS and the Commission,²⁵ and to the creation of the Foreign Policy Instruments Service.²⁶ As the Commission lost DG RELEX to the EEAS, it lost its service for the internal coordination of external policies. At the same time, the Commission is unwilling to be coordinated from the outside. Hence, it developed additional structures for internal coordination. For example, the Commission has a representative in all working groups preparing the Foreign Affairs Council. Without DG RELEX, several ‘lead DGs’²⁷ take over the representation and coordination of the Commission position in these groups. The complexity of the external action administration has – so far – increased rather than decreased.

The fact that the HR and the EEAS have taken over the CFSP Presidency and are chairing the majority of preparatory working groups, as well as the Foreign Affairs Council itself, is seen as positive by Member States officials, in so far as it contributes to the continuity of the agenda.²⁸ The collaboration between permanent EEAS chairs and national officials is generally seen as positive (especially in the Political and Security Committee, PSC). However, the downside of an institutionalized fixed presidency is a lack of political ‘drive’. Priorities and ambitions that stem from geographical and historical characteristics of the

²³ Interview, member of the European Convention, Mar. 2012.

²⁴ See for example the notes on Solana’s intervention in the working group VII of the European convention, in which he pointed out that ‘in addition to the practical difficulty for one person to do both jobs, such a merger would be in conflict with the collegiality of the Commission’, European Convention, *Summary of the meeting held on 15 October 2002*, CONV 356/02, Working Group VII (2002).

²⁵ For instance, for the Development Co-operation Instrument and the European Development Fund, where the EEAS desks are in the lead for the first three stages of the programming cycle.

²⁶ A complex structure of a Commission service co-located in the EEAS under the supervision of the HR as Vice-President of the Commission.

²⁷ In most cases, the DGs for Development Cooperation and Trade, European Commission, *Vademecum on Working Relations with the European External Action Service*, Sec. (2011) 1636 (2011).

²⁸ Interviews, high-level Member State officials, May/June. 2011, Brussels.

Member State holding the presidency are not 'naturally' given to an institution such as the EEAS. This issue is also addressed in a letter from twelve foreign ministers to HR Ashton, pointing out that '[w]ays to further optimize the identification of political priorities should be explored'.²⁹ They suggest a yearly agenda of the meetings as well as more regular decision-making and policy papers. In any case, a better carving out of political priorities of the EEAS is seen as crucial by Member State officials.

Criticism – especially in the media – pointed to a weak performance and weak implementation of the Lisbon treaty and particularly focused on Catherine Ashton as the first HR under new rules. Her appointment in late 2010 was seen by some commentators as the deliberate selection of a low-profile candidate that would not contest Member State leaders on the world stage. This interpretation was challenged in this journal and her appointment might rather have been a concession to the UK, which was not represented in the nominations of the other top posts.³⁰ However, a decline of Member States' interests in common foreign policy – not just in the UK, but across-the-board – can be observed. Crises, such as the inconsistent response to the 2003 Iraq war and the failed Constitutional Treaty, have in some cases weakened the aspirations of Member States for the EU foreign-policy project. But also in Member States that are traditionally strongly committed to a common foreign policy, resources and attention for its further development are absorbed by the on-going 'Eurocrisis'.³¹

To sum up, this overview suggests that expectations linked to the treaty innovations were high, while the capability to perform is limited by a missing political will and the complexity of the new institutional setup. In the following sections, detailed analysis of the selected cases will shed more light on the role of institutional factors and political will in this process.

4 WORK IN PROGRESS: FILLING THE CAPABILITY-EXPECTATIONS GAP

Three cases have been chosen to analyse the interplay of the HR, the EEAS, the Member States, the Commission and the European Parliament (EP) more closely: the setup of the EEAS, the immediate reaction to the crisis in Libya in early 2011 and strategic planning of EU foreign policy.

These three cases are different enough to offer a variance of scope conditions in which this interplay takes place. The setting-up of the EEAS represented a first

²⁹ Joint letter from the Foreign Ministers of Belgium, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland and Sweden to the HR of the Union (8 Dec. 2011).

³⁰ J. Howorth, *The 'New Faces' of Lisbon: Assessing the Performance of Catherine Ashton and Herman van Rompuy on the Global Stage*, 16 *European For. Affairs Rev.* 303–323 (2011).

³¹ Interview, Member State officials, May 2012.

litmus test for the actors' willingness and ability to implement the institutional innovations of the Lisbon treaty. The immediate reaction to the crisis in Libya was a case in which swift, highly political decisions had to be taken. In contrast to that, the strategic planning, though also highly political, represents a long-term exercise. In addition, these three cases also represent a purposive sample of the main political challenges that the HR had to face in the first half of her time in office.

4.1 BUILDING THE NEW SERVICE: THE EEAS IN THE BRUSSELS TRIANGLE

That the new EEAS building (early 2012) is called the 'Triangle Building' is due to its shape and not because of the negotiations preceding the establishment of the service. However, the service had to find its balance point in the middle of the institutional interests of the Brussels triangle: the Commission, Council and EP. This was a challenging task for the HR as the Lisbon treaty said little about the design of the EEAS. The service is supposed to bring together staff from the Commission, the Secretariat of the Council and seconded officials from the foreign ministries of the Member States.³² All details should be part of a decision by the Council with the consent of the Commission and consultation of the EP acting on a proposal by the HR. The negotiation process, as well as the resulting organizational structure, shows how much the EEAS and the HR have to rely on the support of the other actors in the triangle to provide leadership in EU foreign policy.

For this end, the first negotiations in the Committee of Permanent Representatives (COREPER) already started before the nomination of the HR under the Swedish Presidency. In the report of COREPER to the October European Council, a task force from fifteen to twenty people coming from the Commission, the Council Secretariat and the Member States was envisaged.³³ The idea of a high-level group lead by the HR also made it into the Swedish Presidency report on the External Action Service.³⁴ After her nomination, Catherine Ashton convened a thirteen people strong high-level group, consisting of representatives of the Council Secretariat and the Commission as well as of the three permanent representatives of the trio presidency. Despite the attention of the media³⁵ and the protest of the EP for not being involved,³⁶ close observers report

³² Article 27 (3) TEU.

³³ Interview, Brussels official, May 2012.

³⁴ Swedish Presidency of the EU Council, *Presidency report to the European Council on the European External Action Service*, 14930/09 (2009).

³⁵ *EU Mandarins Drafting Blueprint for Diplomatic Corps*, EUobserver (22 Jan. 2010) <http://euobserver.com/>.

³⁶ see L. Erkelens & S. Blockmans, *Setting up the European External Action Service: An institutional act of balance* (1 CLEER Working Papers, 2012).

that only little progress was made in those meetings and that it did not live up to the initially foreseen idea of a task force.³⁷ By the end of February, discussions had produced only limited results and the deadline set by the European Council for end of April was approaching.³⁸ As a consequence, the HR appointed Poul Skytte Christoffersen as her special advisor on the setting-up of the EEAS. He convened his own task force to write a draft for the Council decision based on a first report of COREPER.

As far as her working schedule allowed for, Catherine Ashton gave input to the draft on the decision on the basic structure. However, she was more active together with her Head of Cabinet in reaching consensus within the Commission on issues concerning the functioning of the EEAS and its cooperation with the Commission. This was necessary as the right of initiative for the staff- and financial-regulations lay with the Commission and not with the HR. Among the issues that had to be worked out were the nomination of Heads of Delegations, instructions to delegations and the delineation of competences of the Commissioner for Development and the HR.

On 25 March 2010, the Council adopted the proposal of the HR for a decision on the EEAS.³⁹ With only limited consultation of the EP up to this point, the Members of the European Parliament (MEPs) threatened to veto the financial and staff regulation, if their views were not taken into consideration. The main concerns of the European Parliament can be summarized as a greater communitarization of EU foreign policy as well as more political accountability towards the EP.⁴⁰ By coupling the separate decisions on basic structure, staffing and budget of the EEAS, they managed to create a 'virtual co-decision procedure' and were able to promote their position more assertively.

To settle remaining issues a quadrilogue was set up, involving the HR special advisor Christoffersen (and at the last meeting also HR Ashton) and representatives of the Commission, Spanish presidency, and the EP. While portrayed in the media as a 'turf war over the EEAS'⁴¹ between the Member States, the Commission and the EP, the negotiation followed the traditional pattern of finding a compromise that satisfied (some of) the goals of every actor involved.⁴² The EP, however, was the 'wild card' during the quadrilogue, carefully watching that the institutional

³⁷ Interview, Brussels official, May 2012.

³⁸ European Council, *Presidency Conclusions* (11 Dec. 2009).

³⁹ High Representative, *Draft Council decision establishing the organisation and functioning of the European External Action Service* (2010).

⁴⁰ See also Erkelens & Blockmans, *supra* n. 36.

⁴¹ See, *Turf War continues over EU's Diplomatic Corps*, European Voice (2010); *Diplomatic Service talks Proceed in Fractious Atmosphere*, EU Observer (2010).

⁴² Interview, Brussels official, May 2012.

positioning of the EEAS was rather tilting towards the Commission than to the Member States and the Council.⁴³

The EP's main points were: (1) to have the EEAS close, if not integrated in the Commission, and (2) politically accountable deputies of the HR to interact with the EP. An integrated service as well as politically accountable deputies turned out to be impossible demands, as both issues had already been rejected during the European Convention and the discussion on the Lisbon Treaty. The issue of politically accountable deputies in particular raised legal concerns on the side of the Council Secretariat on how they would be positioned vis-à-vis Commissioners.⁴⁴ The fall-back position of the EP was the introduction of a declaration on political accountability that was strongly advocated by Elmar Brok, the representative of the Committee on Foreign Affairs of the EP.⁴⁵

The document on political accountability⁴⁶ tackled a broad number of issues, such as the informal right to be consulted in the preparation of missions and exchanges of views with newly appointed ambassadors. Instead of politically accountable deputies within the service, the MEPs would interact with a Commissioner on issues of exclusive and mixed Commission competences⁴⁷ and with a member of the trio Presidency for CFSP. The HR herself agreed to speak at the plenary in Strasbourg six times a year, of which two sessions would have a special question hour. Because of the insistence on political accountability the HR cannot be replaced by an official of the EEAS. As a consequence, the rotating Presidency is debriefing MEPs on foreign affairs ministerial meetings. Officials of the EEAS,⁴⁸ but also influential MEPs,⁴⁹ see this as a lost opportunity to use the EEAS as a continuous interlocutor. The EP managed to guarantee full budgetary oversight over the administrative expenditure of the service, subject to the same discharge rules as the Commission's budget. Regarding the operational budget, the HR provides the EP with a detailed account of the expenditures for delegations and missions.

⁴³ This was already an issue of concern for the delegation of the EP during the arrangement of the seating order of the quadrilogue. The MEPs insisted that the representative of the HR sat independent of the Member States on a four-sided table, Interview, Brussels official, Jul. 2011.

⁴⁴ Interview, Brussels official, Jul. 2011.

⁴⁵ E. Brok, *Prejudices, challenges and potential: an impartial analysis of the European External Action Service*, 199 Policy Paper Fondation Robert Schuman (2011).

⁴⁶ High Representative, *Declaration by the High Representative on political accountability* (2010).

⁴⁷ The question of who is allowed to represent issues of mixed competence was also controversial. Member States however gave way to the claim of the MEPs and allowed Commissioners to represent issues that are 'prevailing' Commission competences; Interview, Brussels official, May 2012.

⁴⁸ Interview, Brussels official, May 2011.

⁴⁹ Interview, Member of the European Parliament, June 2011.

The structures of the EEAS are still preliminary, constantly changing and subject to a review in 2013.⁵⁰ However, the setting-up process, as well as the resulting structure, shows that the service and the HR are particularly dependent on the relations with other actors for their performance. The EEAS has cooperated with the respective DGs for development, trade or energy policy in the Commission to ensure the coherence of EU actions. The Member States can give the necessary legitimacy in matters of CFSP and diplomatic affairs. The EP is in general a supporter of common EU foreign policy initiatives and can potentially be an additional source of legitimacy. With the EEAS being established, the HR has structures and procedures in place to interact with these different players, such as the post of the Vice-President in the Commission, the chairs of the working groups for the foreign affairs minister meetings, or the representation in the EP. However, as we will see, the procedures to work with the other actors do not always function in the most optimal way.

4.2 REACTING TO LIBYA: THE DWARFED HIGH REPRESENTATIVE?

The immediate management of the crisis in Libya in early 2011 represented a scenario in which the EU and Member States' foreign policy machinery had to react swiftly to international developments. Time for lengthy consultations was limited: it took little more than a month from the first protests in Libya to the first airstrikes by the NATO partners on 29 March 2011. The performance of the HR provoked criticism from the media⁵¹, as well as by MEPs,⁵² but what role could the HR have played in such a scenario?

EU Member States were quick to condemn the use of force and to call for reforms in Libya as well as to increase pressure by a pro-active sanctions policy. Agreement on two declarations from the HR on behalf of the EU calling for 'an immediate end of the use of force'⁵³ could be reached without the need for a meeting of foreign ministers, but were approved via the network of European Correspondents and the PSC. The EEAS also started to prepare sanctions before

⁵⁰ Especially the integration of the CSDP structures is subject to the lessons drawn from first experiences. A repeatedly reported problem stated by close observers and officials of the EEAS is the very hierarchical structure of the service, partly inherited from the Commission, which should be flattened to allow for a better coordination and input from lower levels. Interviews, Brussels officials 2011/2012.

⁵¹ S. Castle, *Lady in Waiting. So where is the EU's Foreign Policy Chief?* For. Policy (31 Mar. 2011).

⁵² See the EP plenary debate on general aspects of CFSP and the common security and defence policy (CSDP), 11 May 2011.

⁵³ High Representative, *Declaration by EU High Representative, Catherine Ashton, on behalf of the European Union on events in Libya* (20 Feb. 2011); High Representative, *Declaration by EU High Representative, Catherine Ashton, on behalf of the European Union on Libya* (23 Feb. 2011).

the UN Security Council (UNSC) passed a resolution in this regard.⁵⁴ This way, the EU was the first entity to impose sanctions against the Libyan regime one day after the resolution of the UNSC.⁵⁵

In the beginning, the competences that the Lisbon Treaty granted to the post of the HR – head of the EEAS and presidency in CFSP *inter alia* – enabled her to play a central role in the reaction to the crisis. The HR was engaged in keeping contact with relevant international partners on the matter of Libya, such as Anders Fogh Rasmussen, Ban Ki-Moon and Hillary Clinton.⁵⁶ She sent a fact-finding mission to Libya⁵⁷ and convened a special meeting of foreign ministers before the extraordinary European Council dealing with the Southern Neighbourhood on 11 March.⁵⁸ Furthermore, with the beginning of the Arab spring the PSC started to meet almost daily to consult on the newest developments.⁵⁹

However, the rising issue of recognizing the opposition in Libya and the possibility of a military intervention further politicized the issue and revealed mismatches among the positions of the Member States.⁶⁰ As a consequence, the decisions shifted to a higher decision-making level in the Member States: it was not the foreign ministers who decided in the national capitals, but the heads of state and government. Accordingly, the meeting of the foreign ministers on EU level, chaired by the HR, was no longer in charge of decision-making and responsibility moved to the European Council. According to a high-level diplomat, Catherine Ashton realized from the discussions at an ambassadorial level and the political statements from the Member States, that there were huge differences between the Member States on how to get involved in the Libyan situation. Hence, the ambassadors agreed that it was only logical to refer the issue to the European Council.⁶¹

The heads of state and government took the centre stage. After Nicolas Sarkozy failed to foresee the rapid changes in Tunisia and Egypt, and was criticized domestically, he wanted to be on ‘the right side of history’. The extraordinary European Council meeting on the 11th of March was convened at the request of

⁵⁴ High Representative, *Remarks by EU High Representative, Catherine Ashton on Libya in the Margins of the Informal Defence Ministerial Meeting* (25 Feb. 2011).

⁵⁵ Targeted sanctions were imposed without further discussion in the FAC but were agreed on in the Transport, Telecoms and Energy Council formation; Council of the EU, *Libya: EU Imposes Arms Embargo and Targeted Sanctions* (28 Feb. 2011).

⁵⁶ High Representative, *supra* n. 54.

⁵⁷ European External Action Service, *EU High Representative Catherine Ashton sends fact-finding team to Libya ahead of European Council*, press release (6 Mar. 2011).

⁵⁸ European External Action Service, *High Representative Catherine Ashton convenes an extraordinary Foreign Affairs Council*, press release (3 Mar. 2011).

⁵⁹ Interview with Member State diplomat, Brussels, May 2011.

⁶⁰ N. Koenig, *The EU and the Libyan Crisis - In Quest of Coherence?* 46 *The Intl. Spectator* 11–30 (2011).

⁶¹ Interview with senior Member State diplomat, Brussels, Jun. 2011.

France and with reluctance on the side of Germany.⁶² Before the meeting, David Cameron and Nicolas Sarkozy issued a letter to the President of the European Council in which they specifically mentioned a No-Fly-Zone.⁶³ However, due to concerns from Germany amongst others, they did not succeed in having it inserted in the final conclusion, which specified that 'in order to protect the civilian population, Member States will examine all necessary options, provided there is demonstrable need, a clear legal basis and support from the region'.⁶⁴ In the view of the European Council such an intervention would need a vote by the UNSC and the support by the African Union and the Arab League as a prerequisite. This also reflected the position of the majority of the Member States and of the HR.⁶⁵

Next to the issue of the No-Fly-Zone, the recognition of the National Transitional Council as the political interlocutor in Libya was a controversial issue. Catherine Ashton was hesitant to take a clear position on this issue in the beginning. When representatives of the National Transitional Council happened to be at the EP in Strasbourg at the same time as HR Ashton, on 9 March 2011, she refused to publicly meet them. Only a meeting outside the eyes of journalists could be arranged.⁶⁶ One day later, Cameron and Sarkozy backed the recognition of the opposition group,⁶⁷ and two days later the European Council recognized the group as an official political interlocutor.⁶⁸ In the European Parliament, this was perceived as a HR that is waiting for the Member States to find their positions, instead of taking the initiative for which it would have had the support of the majority of MEPs.

After the European Council conclusion in March, the Libya issue moved out of the remit of the EU institutions. France, UK and after initial hesitation also Italy, allied with the US and imposed a No-Fly-Zone after the positive vote of the UNSC.⁶⁹ The decision on an EU military operation to support humanitarian aid for Libya taken by the Council on 1 April 2011, based on a formal initiative by the HR, was a success only on paper.⁷⁰ The EU did not receive the necessary request by the UN Office for the Coordination of Humanitarian Affairs.

⁶² Interview with Member State diplomat, Brussels, May 2011.

⁶³ David Cameron & Nicolas Sarkozy, *Letter from the PM and President Sarkozy to President Van Rompuy* (10 Mar. 2011).

⁶⁴ European Council, *European Council Declaration* (11 Mar. 2011).

⁶⁵ *Libya no-fly zone setback for David Cameron*, *The Guardian* (11 Mar. 2011); Interview with Member State diplomat, Brussels, Jun. 2011.

⁶⁶ Interview, Brussels official, Jul. 2011.

⁶⁷ Cameron & Sarkozy, *supra* n. 63.

⁶⁸ European Council, *supra* n. 64.

⁶⁹ R. Santini & A. Varvelli, *The Libyan Crises seen from European Capitals*, Brookings Institution (2011).

⁷⁰ Council of the EU, *Council decision on a European Union military operation in support of humanitarian assistance operations in response to the crisis situation in Libya (EUFOR Libya)* (1 Apr. 2011).

The immediate actions and decisions around the crisis in Libya show that the HR can only play a limited role as a crisis manager. The scope of action is determined by the nature, timing and salience of the crisis and defined by the Member States. The HR was able to show a high profile in both the case of traditional EU-level instruments (sanctions) and in the case of consent among Member States (statements, diplomacy). This might explain why CSDP is not among the top priorities of the HR.⁷¹ Civilian and long-term assistance, as it started in Libya with the opening of an EU office in Benghazi in late May 2011, is rather in the focus of the post-Lisbon HR and also mirrors the wider range of instruments she has at her disposal.

4.3 STRATEGIC THINKING: LIFE IS WHAT HAPPENS WHILE YOU'RE BUSY MAKING OTHER PLANS

A recurrent criticism of EU external action is the absence of a guiding strategy: how to interact with partners and safeguard interests in the world. The Lisbon Treaty names the European Council as the body to identify and formulate strategic interests of the EU.⁷² Nevertheless, as the head of the foreign-policy administration and chair of the foreign-minister meetings, the HR is seen as a key figure to promote and provide the strategic outlook. A closer analysis, however, shows that strategic thinking is not only a question of the right organization, but also requires the support of parties involved.

The EU's relationship with strategic partners in the world was one of the three priorities that Catherine Ashton announced for her term.⁷³ However, this can be seen more as a task delegated to her by the European Council than as her own initiative. The idea to review strategic partnerships of the EU goes back to van Rompuy's reaction to the 2009 climate change conference in Copenhagen, which he perceived as a 'disaster for Europe'.⁷⁴ He announced a special meeting of heads of state and government and foreign ministers to discuss how to better engage with strategic partners, which was held in September 2010.⁷⁵ There, the HR named nine strategic partners: Brazil, Canada, China, India, Japan, Mexico, Russia, South Africa and the US. As this was only the 'beginning of a process', the European Council delegated the task of preparation and implementation of a

⁷¹ Interviews, Brussels officials, May/June 2011.

⁷² Article 22 TEU.

⁷³ The other two priorities that she especially mentioned were to setup the EEAS and policies towards the neighbourhood, High Representative, *Remarks by HR/VP Catherine Ashton at the AFET Committee European Parliament* (27 Oct. 2010).

⁷⁴ US cable, *EU President van Rompuy's plans following Copenhagen and for Afghanistan* (2010).

⁷⁵ European Council, *European Council Conclusions* (25/26 Mar. 2010).

review of these strategic partnerships to the HR.⁷⁶ Based on this mandate, the HR started to work on the evaluation of a set of three countries – US, China and Russia – that was extended to Brazil, India and South Africa in 2011.

Since this initial process, the topic of strategic partnerships has appeared repeatedly on the agenda of the Foreign Affairs Council⁷⁷ and the European Council⁷⁸. Nevertheless, close observers raised concerns that the evaluation of the strategic partnerships lacks the organizational structure to guarantee sufficient input from relevant actors. The drafting process of the first set of recommendations was mainly in the hands of the HR's Cabinet, with little consultation of other actors. Especially DGs in the Commission that deal with crucial aspects of the relations with those countries (such as energy or trade) were concerned that their views and input were not requested and taken into account. The HR – as Vice-President of Commission – has in theory the possibility to use the chairmanship of the RELEX group of commissioners. However, meetings did not take place in this context.⁷⁹ The Gymnich meeting in autumn 2011, at which the second set of strategic partners was discussed, raised eyebrows among Member State officials regarding its organization: papers were circulated last minute and discussions were unfocused.⁸⁰ The implementation of the strategic partnership review has – so far – not always made full use of the competences of the HR. In addition, questions remain about how the review translates into concrete policies for the Commission, EEAS and the Member States.⁸¹

The question of a more effective engagement with strategic partners is part of a wider debate on strategic thinking in EU foreign policy. In the past years, the EU has been especially active in the adoption of sectoral or regional strategies, such as the Sahel Strategy⁸² and the Action Plan on Human Rights.⁸³ An update of the European Security Strategy (ESS)⁸⁴ seemed however unlikely, even though it will have its tenth anniversary in 2013 and was only revised once in 2008.

The general appetite for a big new debate on a strategy document is low. Close observers sense a lack of initiative on the side of the HR and the EEAS. From their perspective, the HR should be eager to have her own strategy

⁷⁶ European Council, *Remarks by Herman van Rompuy, President of the European Council, at the press conference following the meeting of Heads of State or Government* (16 Sep. 2010).

⁷⁷ The Foreign Affairs Council in November and December 2011, the Gymnich meeting in Sopot, Sep. 2011.

⁷⁸ European Council, Dec. 2010.

⁷⁹ Until the end of 2012, the group has only met five times, the first being a non-meeting without an agenda. Some of the meetings were chaired by the Commission President, who retained the right to chair the RELEX group on his request.

⁸⁰ Interview, Member State official, March 2012.

⁸¹ T. Renard, *The Treachery of Strategies: A Call for True EU Strategic Partnerships*, 45 Egmont Papers (2011).

⁸² European External Action Service, *Strategy for Security and Development in the Sahel* (2011).

⁸³ Council of the EU, *EU Strategic Framework and Action Plan on Human Rights and Democracy* (2012).

⁸⁴ J. Solana, *A Secure Europe for a Better World* (2003).

document; however she would be hesitant to put such a process forward.⁸⁵ From the Brussels perspective, the current political situation is pointed out as a limiting factor for a rewriting of the ESS.⁸⁶ A new EU foreign policy strategy might be a ‘non-starter’ without the political will of the Member States. Indeed, while supporters of an update make their voice heard – namely Sweden, Italy and Finland – broad support among the Member States is missing in comparison to the writing of the ESS in 2003. France and Germany are, this time, lacking clear support for such an initiative. The eurocrisis is further undermining ambitions in this policy field. An additional argument is that a new European *Security Strategy* would neglect other aspects of external relations. These would be better covered in a comprehensive External Action Strategy.⁸⁷

Against this backdrop, the foreign ministers of four countries – Sweden, Poland, Spain and Italy – launched an informal initiative in collaboration with their major national think-tanks to formulate elements for a new European Global Strategy (EGS).⁸⁸ The announcement was made at a low-key press conference after the main press conference of the July 2012 Foreign Affairs Council meeting, with some dutiful opening words of the HR welcoming the initiative of the four Member States. The HR’s approach can be seen not as a glowing endorsement of the initiative, but as the diplomatic reaction of the HR confronted with the ambitious plans of a few Member States. A final report on possible elements of an EGS is planned for May 2013. The aim of the exercise is to develop strategic visions for the long term, covering all aspects of EU external action.

The formulation of clearer priorities is connected with ambitions to delegate to the EEAS a couple of policy areas in which it can concentrate and act more proactively. This would represent a move away from the current ‘fix it approach’ of the EU and of the HR, which is mainly concerned with reactively providing a ‘fix’ for international crises, to the extent that the Member States allow the EU to act. However, other Member States are sceptical of a large strategic exercise. Instead of having a new comprehensive strategy, Member States such as Germany prefer to have debates on general priorities.⁸⁹ It is seen as unlikely by experts in the field that a new global strategy will kick-off before the new HR’s mandate.

The two examples of strategic planning – strategic partnerships and the ESS/EGS – show how much the HR and the EEAS are dependent on their interaction with the Commission and the Member States. Even though the EEAS might have the necessary tools to pool the knowledge and strategic outlook on

⁸⁵ Interview, Member State official, May 2012.

⁸⁶ Interview, Brussels official, May 2012.

⁸⁷ Interview, Member State official, Jul. 2012.

⁸⁸ See website of the European Global Strategy think-tank initiative: www.euglobalstrategy.eu.

⁸⁹ Interview, Member State official, Jul. 2012.

EU level, it is dependent on the political will of the Member States and the input from the Commission. The inclusion of the Commission will be important because the formulation of priorities and strategies is incomplete without input from its external action portfolio. The Member States have to be closely involved, as they are the source of legitimacy for the EEAS to get active on certain priority areas. However, the EEAS and the HR hold the key for the organization of strategic thinking and its institutional tools have not been used to its full extent, for example in the revision of the strategic partnerships.

5 CONCLUSIONS

The capability-expectations gap has changed its nature. While two decades ago institutional changes and adjustments were seen as the solution, now often the political will of the Member States to activate the possible instruments is the 'bottleneck'.

The analysis of the three cases gives support to the argument that the EU's capability to act is a function of the political will of the Member States. As the common foreign policy is still widely intergovernmental, the HR is dependent on the willingness of the Member States to allow her and the EEAS to get active. In the period after the Lisbon Treaty that was often not the case. The Libyan example even showed that the HR and the service can easily be deliberately sidelined, if the domestic attention in the Member State rises and heads of state and government come into the limelight. But also in cases in which the HR is developing policies over a longer period of time, such as in strategic planning, Member States remain the masters while the HR is the 'puppet on the string'. It is hardly possible for the EU institutions to create common priorities and visions for the future EU foreign policy, where there are none in sight. The HR's retreat to a management of the status-quo and common denominator is then only a logical consequence of an environment that leaves little leeway. But also the Commission (including its President and Directorate-Generals that touch on external activities) might have to give room of manoeuvre to the HR and the EEAS to assume their roles.

Nevertheless, the influence of institutional factors in overcoming the capability-expectations gap cannot be completely neglected. Successful cooperation with the Member States and the Commission also depends on the institutionalized procedures that define their working relations. The case of the setting-up of the EEAS shows that the right organization of the process under the involvement of all relevant actors helped to find a compromise on the EEAS' decision in a smooth and timely fashion considering the variety of issues concerned. The review of the strategic partnerships revealed that not involving the

necessary stakeholder in the decision-making process leads to dissatisfaction among the partners of the HR and the EEAS.

It has been identified that political will of the Member States is crucial to overcome the capability-expectations gap. The question remains: how to provide co-leadership towards that end. For an evaluation of this question, we can identify a set of conditions that determine the likelihood of successful co-leadership deduced from the empirical part of this article.

On the one hand, the conditions are structural in nature. The degree to which common institutions are able to exert leadership in any given moment depends on the pressures of the international system and the associated cost of not having a joint answer. The example of the financial and fiscal crisis in Europe shows that Member States are willing to put their resources into common problem solving if the stakes are high. But also regarding foreign policy, with signs of US foreign policy shifting its focus away from Europe, the cost of individual and uncoordinated member state actions are increasing. The Libyan case revealed difficulties of the member states to jointly ensure stability in their neighbourhood. However, it might still be difficult for the member states to identify the immediate added value of joint foreign policy efforts. Immediate benefits of joint action are especially important in times of austerity and have to be visible in the short term. As a consequence, the capability-expectations gap may be narrowed by highlighting the added value of the HR and its service. For example by providing information or reporting and giving logistic support for EU level actors as well as Member States abroad. When it comes to bolder foreign policy initiatives, the examples show that it is extremely vital to have the big member states on-board. But also groupings of Member States with equal interests on particular issues – such as the enlarged Weimar defence cooperation comprising Germany, Poland, France, Spain and Italy – can be used to launch initiatives.

On the other hand, institutional aspects condition the leadership possibilities of the post of the HR. It was revealed in the cases addressed in this article, that inter-institutional relations in the new foreign policy architecture are decisive. The success of the HR and the EEAS heavily depends on the Commission and the Member States represented in the Council and European Council. Thus, concerning institutional conditions, the capability-expectations gap can be overcome by building up effective relationships with these EU partners. The High Representative, Commission President and European Council President triangle can be highlighted in this regard. The three posts cover all aspects of EU international activities on different levels and in different areas and can, if well coordinated, show a strong profile externally towards third parties and stimulate developments of common external action internally with the Member States. The advantage of having the HR and the European Council President chairing the

Foreign Affairs Council and the European Council can be used to provide co-leadership and present common initiatives on highest level. The cases explored do not suggest that this potential has yet been fully exploited. In addition, the interplay of the Commission President and the HR is vital in the task of the foreign policy chief to coordinate the external relations portfolios of the Commission. The upcoming Commission mandate might bring changes in this regard.

At the time of writing, Member States are preparing for the first review of the EEAS, which will reveal if changes will allow for a strengthening of the HR and the EEAS and its interplay with other actors. On the discussion table are *inter alia*: a strengthened coordination role of the HR in the Commission, institutional changes in line with the so-called comprehensive approach to crisis management that ties different EU policies together, deputizing of the HR in her various functions as well as a smoother planning of the foreign-policy agenda. Changes might only be in effect in 2014, which will also see a new mandate of the Commission with possibly new personnel in place. The 2013 EEAS review is an opportunity to check the institutional and procedural aspects of the EEAS if they provide for the necessary degree of cooperation with, and coordination of, its natural partners, the Member States, the Commission and the European Parliament.

However, institutional adjustments may represent rather a 'fine-tuning' and in the end have to be directed at fostering the political will of the Member States to make a strong EU foreign policy a reality. The capability-expectations gap can be overcome, if the HR and the EEAS take an open approach to their EU partners in Brussels and on the ground in third countries. Co-leadership to overcome the capability-expectations gap has to be focused on providing added value for all involved actors based on shared priorities.

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