# 'THE CAPABILITIES-EXPECTATIONS GAP: EU'S FOREIGN POLICY 20 YEARS LATER'

**Corso di Laurea in INTERNATIONAL RELATIONS**

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**a.a. 2013/2014**

INTRODUCTION

Making sense out of the EU foreign policy has been an intriguing debate in the last decades. Among the others, looking at the vast literature on this topic, there is an article that in terms of impact emerged as one of the most influential: 'The Capability-Expectations gap or conceptualizing Europe's international role' by Christopher Hill, 1992. From that moment on this concept became part of the typical analytical toolbox of any scholar whose object of study was the EU, and in particular its external activity. In the eye of Hill, the then Community proved unable to cope with the flood-tide of events that occurred in those years; from the Gulf drama, to the Uruguay Round and the Jugoslavia breaking-up. The Community failed spectacularly 'as an international actor, in terms both of its capacity to produce collective decisions and its impact on events' (Hill, 1992: 306). As a consequence, what Hill wanted to underline in his article was that the lack of some prerogatives that are typical of a fully-fledged foreign policy are the reason why a gap between what the Community has been talked to, and what the Community could actually achieve was opened.

Starting from this article, the aim of this thesis is to look at the situation of today through Hill's criteria. The research question that will be the backbone of the whole thesis is: does the capability-expectations gap still characterize the EU foreign policy? If yes, in which areas? And, what are the possible explanations? My opinion is that this question is relevant since the debate over this topic is not finished yet. In addition to that, it is in the spirit of its first theorization as a 'yardstick' that the capabilities-expectations gap fulfills its ultimate goal: being a dynamic paradigm for the assessment of the general trend behind the process of integration.

The capability-expectations gap is the paradigm of the thesis; but what about the instruments used for its assessment? Capabilities and expectations, will be analysed in separated contexts. The variable geometry that is the key of Hill's answer, will become hereinafter the linchpin of this analysis. To answer these questions, therefore I will integrate the thesis with a two level analysis of today's situation: the first one will look at the capabilities (Chapter 2), the second one at the

expectations (Chapter 3). Each chapter will be focused on the features that characterize each dimensions.

Chapter 2 will look at the major institutional changes that occurred in the last decades at the European level. To look at this process is important if the aim is to examine the capability side of this function, for this is the way in which capabilities were addressed. It was, and probably still is, generally accepted the idea that the gap can only be closed through institutional adaptations. From Maastricht to Lisbon, it is possible to figure out this trend behind the process of Europeanization of practices and policies. The field of foreign policy was not immune to that. Lisbon in particular will be at the core of the chapter, with its historical context and its high-wording. Each institutions will be analysed in detail and in relations with the others. By the classic institutionalism, the role that an institutional reform has on a policy and on the future development of it will be discussed in detail.

Chapter 3, on the other hand, will look at the side of expectations. This part is important for, at least from an algebraic point of view, it is possible to define a lack in terms of capabilities only operant the relative level of expectations. To analyse expectations, I will take into consideration what I consider the missing element of an analysis that wants to be as comprehensive as possible: the role of ideas. Therefore, to understand the ideational debate in Europe about Europe itself is crucial. On the one hand, it is possible to say that some member states that are just fine with the current level of capabilities (say X) given to the Union. And that is because their level of expectations is Y. On the other hand, however, there are states whose level of expectations is way above Y, say 2Y. In these cases, the gap, given the level of capabilities X, is open. Yet, the role of ideas will not to be pushed too far. To do that, the neo-institutionalism developed by Goldstein and Keohane, will be used as the theoretical framework. Ideas are seen here as independent variables. For this reason, only in some cases, these are the bearers of an answer to a question that otherwise is difficult to understand. This theoretical caveat is fundamental, and its importance will be better highlighted at the end of the thesis.

Finally, chapter 4, the last, will represent the empirical switch of the thesis. The aim of this part is to look at four different types of the capabilities-expectations configuration. One case for each. The rationale of this part is mainly descriptive. By doing so, I think I will better underline what are the policy area that need further development in terms of capabilities, of common expectations, or both.

1. CAPABILITY-EXPECTATIONS GAP

In 1993 a famous English historian, Christopher Hill, published an influential article on the EU. Its title was "The Capability-Expectations gap or conceptualizing Europe's international role". The core argument of the article was that the 'Community capabilities have been talked up, to the point where a significant capability-expectations gap exist' (Hill, 1993, 306). Hill's aim was the one of looking for a concept to understand all EU activities, rather than looking for a role for EU itself. Starting from well known analysis as those of Bull and Kahler, the article ends by reinforcing the pessimistic view on EU role as an international agent. The influence of a theoretical base that is 'realist' is clearly important. Yet Hill goes well beyond that. As in his own words, the aim of the article is essentially pre-theoretical. Despite some theory is easily ascertainable; a theoretical analysis is not the main scope. Moreover, according to Hill, any attempt to search for a unique theory to explain twenty years of EU foreign policy is useless. The topic is too multilayered and complex to generate a straightforward explanation.

One of the main characteristic of Hill's analysis is the limited consideration given to the idea of a 'role', intended as a normative concept (Hill, 1979). This bias assumes that 'an actor should find for itself something approximating to a part played on a stage, namely a distinctive, high-profile and coherent identity' (Hill, 1993, 307). What is important to Hill is to look for a compromise between national interests and a long-run equilibrium in the system. And to do so activities, rather than 'a place in the sun' are important to conceptualize Europe's role. Yet, before going further in the analysis of EU activities, Hill turns his attention to two other concepts: actorness and presence. This step is fundamental and proved to be of great importance. Many authors will build on that the basis of their own analysis. These concepts, integrated with a broader literature, will be the object of the next part.

1.1.1 *Actorness and Presence*

First, it is important as a preliminary sentence to say that the compound nature of the EU is not *per se* a limit to actorness. The simple evidence of the exaggerated actorness of the US, which on

many ground is comparable to EU, is enough to demolish this argument. But still, while on the one hand, no one questions the actorness of the US, on the other, the actorness of the EU is frequently under debate. Of course there are historically reasons for that. In particular, the fact that the US settled themselves with this institutional system more than two century ago, while the EU has only half a century of history behind, is definitely a point.

The problem of actorness in the case of the EU is due to the theoretical difficulty of granting this status to a non-state subject. Or better, to a non-orthodoxical non-state subject. In the rationalist conception, regional organizations like EU are nothing more than instruments of state power. They see processes of integration as state-driven and above all interest-oriented. Which for the EU is something close to an historical fact.

The reality of everyday international politics seemed to be different, and this rigid approach was often questioned. Neo-liberals for example, in the 1980s, conceded the status of arenas - and not actor - to these organizations. According to this approach states used supranational organizations to ease economic exchanges, and that was the spirit of the EC in its first version. The setting up of institutions was driven by the necessity to overcome the problem of free-riders and other coordination problems (Keohane, 1984). The reality of everyday politics at the international stage is thus the most evident claim of the EU's actorness.

According to Sjöstedt (1977), an international actor needs three criteria: 1) delimitation from others; 2) autonomy; 3) possession of some structural prerequisites for action. For example, legal personality, diplomatic agents, and the capability to negotiate with third parts. As for the presence, it is the everyday life that speaks for itself. As noted by Allen and Smith (1990), the Union have an impact on world affairs, even if in such a 'messy way' (1990, 20). To some extent this is a consequentialist line of argument. The EU influences by its presence the psychological and operational environment of third parties; therefore it exists.

Presence and actorness are thus two concepts that are closely related. External relations with other states are for the EU a mean for recognition; and these relations are the ones with third countries. Programmes such as: the Neighbouring Policies (NP) with Eastern Europe or negotiations on Stabilisation and Association process (SAAs) are clear example of this recognition. And so are the relations with countries like the US, Canada, Japan, China etc., on a multitude of issues such as: trade, investments, security, environment and human rights. These are all evidence of the EU's recognized presence and actorness in international affairs. In addition to that, the Lisbon Treaty conferred legal personality to the Union. As a consequence, EU gained a membership in its own right in many fora of the world governance: World Trade Organization (WTO); and an observer status in the United Nations (UN) and in some of its program (i.e. FAO).

### 1.1.2 *Functions of the Community*

In the second part of the article, Hill provides us with an excerpt on the functions of the Community. As stated at the beginning, the logical and innovative second step of his analysis. At first he focuses on the ones already performed by the EU: 1) stabilizing Western Europe; 2) managing world trade; 3) principal voice in relation with the South (Lomé Conventions); 4) providing a second Western voice in international diplomacy. Then, he turns his attention on six functions for the EU of the future: 1) replacing the USSR in the global balance of power; 2) regional pacifier; 3) global intervenor; 4) mediator of conflicts; 5) bridge between rich and poor; 6) joint supervisor of the world economy. Besides the actual functions enumerated by Hill - time gives us an advantage on that - what is important is his concern about 'the impossibility to cope with this flood-tide' of demand (1993, 315). It is thus in this gap between what the EU can do and what should do, that lies a dangerous gap. Significantly, given this pragmatic approach, actorness is not called into question, its capacity is.

In order to operationalize this analysis, Hill goes further in the outlining of the theoretical characteristics of a single and effective foreign policy, noting that not even the EP's Draft Treaty of

the Union in 1984 spelled them out.

1993

| Basic constitutional powers | war and peace | N |
| --- | --- | --- |
| | raising armed force | N |
| | treaty making | N/Y - EC? |
| | regulation of commerce | Y? |
| | external borders (immigration) | N? |
| | enlargement | Y |
| subject to | democratic accountability | N? |
| | judicial scrutiny | N/Y - EC? |
| | a ministry and a diplomacy | N |
| | a single intelligence | N |
| | armed service | N |
| | development policy | ?50% |
| | cultural policy | ?5% |

(Hill, 1993)

The examination of these criteria leads to a series of advantages. In particular it represents the best way to operationalize and assess the general trend behind the process of European integration. Only then is it possible to answer the question relevant for this thesis: how near to a comprehensive actorness for the EU are we? The lack in many of these requirements is, according to Hill, the reason for the gap. The only way to bridge it would be to offer solutions for these

shortcomings. Moreover, the problem is not just in terms of substantive resources, although they are fundamental. What do matter is the ability to take decisions and hold to them.

In particular, in the footsteps of Hedley Bull, Hill considers the deficiency in the defence institutional setting as paradigmatic of the whole issue. Without military capabilities EU will never be a strong actor. In the military sphere in fact there is a zero-sum relationship between what member states can do by themselves, and what they do as a collective. A problem well known to all federal systems. Three aspects in particular concur in making the problem difficult to solve: 1) mutual obligation; 2) operational capacity; 3) resources. These aspects are relevant especially if considered in a context in which almost each member state already have their own burden of costs. Individually and within other organizations like NATO.

### 1.1.3 *Hill's conclusion*

The last part of the article operationalize the complexity of the whole issue. According to Hill, the debate on the European foreign policy has two separate axes: 1) the degree to which a policy is conducted on a collective basis and, 2) the various issue areas into which a policy decomposes. Moreover, EU's foreign policy is conducted on three parallel systems, in accordance to the locus of the decision-making process - national, European, and external. It goes without saying that, as long as these different systems will be in action, a cohesive foreign policy will be nothing more than a mirage. In particular, what each state does or does not in its national foreign policy sets the limits of a collective foreign policy.

So, what are the conclusion that Hill draws at the end of his article? From an algebraic perspective, one can overcome the gap in two ways: increasing the capabilities or decreasing the expectations. Hill's solution to the problem is in my opinion twofold. On the one hand, he is a supporter of the positive outcome (+ capabilities). But as a pragmatic thinker, the more reasonable solution seems to be a variable geometry approach - that is in a sense a middle ground position. Borrowing from the well known analysis of foreign policy subsystems (De Schoutheete, 1990),

that affirms how some of the objectives of the Community are beyond the Community means, variability becomes the only solution to this conundrum. At least, as long as a new political impetus catches in a further process of integration.

## 1.2 HILL'S CONSTITUTIONAL POWERS

In this section I will take a closer look at what Hill considered in his article as the basic constitutional powers for a fully-fledged foreign policy. Each one will be described in its historical European trajectory. This section is important since it gives us the opportunity to look at the European answer to these shortcoming. Moreover, it take into consideration the relevance of each in the overall process of European integration; the way they have been addressed and the overall trend behind them. As for the actual situation of today, this part is just a premise to chapter 4.

### 1.2.1 *War, peace and armed force: a brief chronology*

At first sight it seems that the possibility to wage war and conduct it effectively is the minimum requested power for an international actor. In 1993 however the EU did not have the necessary capabilities, resources and initiatives to perform this basic power.

The seeds of a common system for the security and defence of European states date back to the post-WWII. In that period, a series of bilateral agreements, namely the Treaty of Dunkirk (1947) created in embryo a system of alliance and mutual defense. The next, more extensive effort, was achieved one year later, in 1948. In that occasion, the integration of the BeNeLux states in the system setted up by France and the UK, provided the basis of the Western Union Defence Organization (WUDO). The importance of this system was that it represented the backbone of both NATO and the following Western European Union of 1954. Also Western Germany and Italy to a later time will take part of it. Up to 1992, no important steps forward were taken in this field apart from a numerical explosion of new contracting parties. To the ten original member states there was the addition of 6 associate member countries, 5 observer countries and 7 associate partner countries. The WEU had no standing army, and as it appears from its complex

organizational scheme, it was based on cooperation among different member states. Different degree and different responsibilities towards each other were inevitable.

To overcome this loose and ineffective setting, in 1992, there was the adoption of the Petersberg tasks. A list of military and security priorities incorporated by the European Security and Defense Policy (ESDP). With the formal adoption of this strategy, member states agreed to pool their military resources together under the authority of the WEU. What were these tasks? 1) humanitarian and rescue missions; 2) peacekeeping; 3) tasks for combat forces in crisis management - peacemaking included. The concrete inclusion of these strategic tasks within the general framework of the EU became official in Amsterdam, 1997. The endorsement of Chirac and Blair in St. Malo became the linchpin of the whole process:

> *"The Union must have the capacity for autonomous action, backed up by*
> *credible military forces, the means to decide to use them, and a readiness to*
> *do so, in order to respond to international crises."*

This period is characterized by two contradictory trends: on the one hand, some important steps were taken in the process of creating an autonomous military system. On the other hand, the integration of the European project in the NATO setting regained momentum. It is the case, in particular of the European Security and Defense Identity (ESDI). The aim of this agreement was to create a European pillar within NATO for two main reasons: 1) guarantee the post-Maastricht and highly motivated Europe to act also within the NATO setting in case in which European states agreed on; 2) reduce the burden - military and economically speaking - on the shoulder of the US. This necessity was justified by the end of the Cold War and the collapse of the USSR.

The WEU was officially shutted down in 1999, as a result of the European Council of Cologne. Since then further steps were taken: the Helsinki Headline Goal set for 2003 - renewed in 2010; the European Security Strategy (ESS); the European Defense Agency (EDA) with its four

strategies; and ultimately with the Lisbon Treaty. This last one, in particular with its provisions of enhanced cooperation, solidarity clause and the new Common Security and Defense Policy (CSDP).

To conclude I think it is important to underline is the development in Europe of two different and to some extent contrasting trends. The political will to find for the Union its own role in the international stage, and the integration of these European novelties in the NATO institutional setting.

1.2.2 *Treaty making: a brief chronology*

Treaty making is another classic field of a fully-fledged foreign policy. As such, it has been matter of debate since Maastricht. The issue at stake in fact, is more than the simple possibility to sign treaties. It is more of a question of legal qualification of the EC, now EU, and its role in the world. To have treaty making power, in few words, it means to be a real actor at the international level. It grants the possibility to sign agreements in important policy area: from trade, to those security related. To further stress this concept, it should be enough to note that this importance was formally put on paper during the Montevideo Convention of 1933. In article 1, four qualifications were set forth for the state to be 'a person of international law': i) population; ii) territory; iii) government; and iv) 'capacity to enter into relations with other States'. This fourth qualification is in essence the reason why any state, or state-like organization, needs treaty making power. If this provision is not respected, as a consequence, a state does not exist. At least internationally.

It is easy to understand why this question has been debated for so long, and in the case of the EU since Maastricht. Member states are reluctant to concede this power to EU organs. At least in the first place, this power was never granted to the EU. This shortcoming was apparently resolved by a rudimentary mechanism of definitions and delimitations of the areas in which the EU had external competences (Geiger, 1997). Mixed agreements were the easiest way to ignore the importance of the issue. However, years of mixed agreements, the ones in which member states and the EU are

both subscriber, ended up in many juridical disputes. As a consequence, to understand the correct allocations of these powers it became necessary to simplify international agreements. The only way to determine who is to have the last word in deciding a dispute was to move into the judiciary. But national court or the European Court of Justice? As it is logical, the ECJ won this dispute. As a matter of fact, the Court became the biggest driving force behind any further progress made in this policy area (Geiger, 1997). Paradoxically, the result was a shifting from an integrationist phase, to a new era of protection for member states' interests.

As already said, the compromise found in Maastricht proved to be unsatisfactory from many points of view. In order not to oppose member states' interests in their own external initiatives, a confusing and largely ineffective middle ground solution was found. In the negotiations before Amsterdam, this inherently contradictory position was recognized. In one of the reports preparing the intergovernmental conference, a daunting warning was underlined: 'the fact that the Union does not exist is a source of confusion and diminishes its external role'. For the first time, the necessity to give legal personality to the Community was put forward. The European Parliament, the Irish and the Dutch presidencies were among the main promoter. This position, however, was effectively contrasted by France and the UK. As a matter of fact, Amsterdam, whose aim was to overcome the paradox of Maastricht, ended up at least in this field, by widening it. Europe in fact was given a sort of treaty making power by the introduction of articles allowing the conclusion of agreements in the field of common foreign and security policy (title V) and in the field of police and judicial cooperation (title VI). The apex of this contradictory codification however was reached in Nice in 2002. In this occasion two other provisions were added: the possibility, in given circumstances, to make a deal by qualified majority (QMV) in the Council; and the binding force of these agreements for the Community.

1.2.3 *Borders control and immigration: a brief chronology*
Borders control is something that goes hand in hand with one of the most appreciated project of the EU: the creation of the Schengen Area. This idea, became a reality in 1985, but it was so

outside the institutional setting of the EC. It was the first concrete creation in Europe of a borderless area, since the Treaty of Rome  (1957) when the idea of free movement for citizens was envisaged. To some extent it represented also the first case of enhanced cooperation, well before the legal creation of this instrument. The setting of common rules on visas, police and judicial cooperation was the natural consequence of what was about to be known in few time as the Schengen acquis. The Schengen Agreements, together with its implementing Convention became official in 1995. It was incorporated into the body of the EU law only through the ratification of the Amsterdam Treaty in 1997 - article 2, point 15. The UK and Ireland opted-out from this agreement. While Denmark lately decided for a peculiar adhesion to Schengen. Although it is bound to some basic requirements, it can decide whether to apply or not any new measure taken under Title IV of the EC Treaty.

Being now part of the *acquis communautaire*, Schengen is no more a treaty that can be amended according to its terms. It is rather amendable only through the legislative procedure of the EU. Moreover, new entries in the EU do not sign Schengen as a treaty, but accept its provisions together with the rest of the EU body of law. Its key rules are:

- removal of checks on persons at the internal borders;
- a common set of rules applying to people crossing the external borders of the EU Member States;
- harmonisation of the conditions of entry and of the rules on visas for short stays;
- enhanced police cooperation (including rights of cross-border surveillance and hot pursuit);
- stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments;
- establishment and development of the Schengen Information System (SIS)

Schengen is without any doubt one of the great success of the EU. Consequences of its provisions

range from the creation of a more integrated European labour market, to the regulation of migration flaws within and without the borders of the Union.

1.3 CAPABILITIES-EXPECTATIONS GAP: THE IMPACT

Hill's analysis had a tremendous impact on European studies. It became part of the foreign policy analytical toolbox (Ciceo, 2010). The continued reference to his three criteria: coherence, operational capabilities and resources, became the benchmark for assessing any step forward - or back-word - made by the EU. As stated in a later article, the capability-expectations gap was not intended as a static concept, but rather as 'a yardstick by which the process of change in European foreign policy might be measured' (1997, 2). It is the same author that, at the beginning of a later article on the same issue, affirms how 'only by taking an overview of what we optimistically call "European foreign policy" can we identify a pattern of behaviour and assess the respective contributions of the various parts - positive and negative.' (1997, 2).

Among the others, Hill has the merit of having put at the center of the debate the difficult relationship between means and ends for the EU. To further go with his contribution: 'the external cannot be divorced from the internal' (1997, 24). The importance of this claim is staggering, for it introduces the real unicity of the EU. And in particular the consequences that it engenders, in the field of foreign policy. These consequences are very often due to the resilience of the gap; it is enough to see the way the Union acted in policy areas such as those security related, to understand that the gap is today more of a feature of the Union, rather than just an issue to deal with.

On a different note, it goes without saying that EU is successful in a majority of tasks. Thousand of decisions are taken in the context of foreign policy every year, and only a small percentage becomes problematic. But it is this small percentage that marks the difference between an actor and an 'effective' actor at the international level. Twenty years after the first article, we are still puzzled on how to make sense out of the EU foreign policy and some policies in particular, see the

CFSP. Although it is possible that in these years scholars have made some mistakes in this quest for a straightforward answer on the topic, by looking for the wrong thing by the wrong instruments (Jorgensen, 2004). Besides that, trying to assess what is the situation of the capability-expectations gap today it may be still a good exercise. In particular if the ultimate goal is to look at the current situation of EU's foreign policy and its future.

The previous section, the one about Hill's basic constitutional power, showed how the Union did not lean back on its chair with the situation of 1993. Although, it has possibly lowered its own expectations to meet more modest capabilities (Ginsberg, 1999); each shortcoming was notably faced from an institutional, or better, from a capabilities perspective. If this was enough is a whole different issue, that can only be resolved after an in depth analysis of all the institutional novelties introduced from Maastricht to Lisbon.

To end this chapter it can be useful to draw some hypothesis on the capability-expectations gap:

*1- The gap does not exists whenever capabilities and expectations are on the same level.*

When this situation happens it is legit to expect a success in the related policy-area. With the term 'success' I mean the actual deployment of a mission, or the signing of a treaty, or anything else the Union wants to achieve. As a relative concept, it it worthy to note that a situation of no-gap may correspond to the combination of high capabilities and high expectations, or low capabilities and low expectations. In these situations, at least in qualitative terms, it is legit to expect differences in terms of outputs.

*2- The gap exists whenever capabilities and expectations are on different levels.*

This hypothesis needs a further explanation. Hill studied the classic case of low capabilities and

high expectations as the typical situation that leads to the failure. However, it is interesting to note that from an algebraic point of view, there is also another case of gap. Although not the classic one explored by Hill. And that is the case in which capabilities are higher than expectations. The gap here exists but is, in a way, 'positive'. This case is not as rare as it might seems. However its features will be better described in the chapter that includes some relevant case study.

The following area graph can be useful to better understand these two hypothesis, with the relative policy outcomes that we should expect, for sake of the argument. These hypothesis will be tested in chapter 4.

CAPABILITIES                                              EXPECTATIONS

high        high                                                      low

| NO GAP-SUCCESS | 'POSITIVE' GAP-SUCCESS |
|---|---|
| 'NEGATIVE' GAP-FAILURE | NO GAP-SUCCESS? |

## 2. CAPABILITIES: A MATTER OF INSTITUTIONS

The aim of this chapter is to try to understand why the capability-expectations gap is still a problem for the EU. In the last twenty years, from Maastricht to Lisbon, a great number of novelties was introduced. And still the gap is an issue. In particular in the case of a lack of capabilities, how is it possible to explain these everlasting shortcomings? As an institutional-oriented analysis, all institutions of the EU will be described in their origin, constituencies and functions. The core of the chapter is institutionalist in its spirit. Therefore, it claims that institutional reforms such as those of Lisbon, should go hand-in-hand with changes in the EU foreign policy-making. This process is understood as a process whereby there is a conferral of powers and prerogatives to old and new institutions. Moreover, in line with the classic institutionalist approach, initial policy choices have an impact on further institutional evolution (Vanhoonacker, 2005). The gap, at least from the capabilities perspective, was faced through institutional reforms, and its resilience in some policy-fields can only be justified by some mistakes made along the road.

The chapter is structured as follows: the first part is a brief chronologies of the major treaty reforms that have been undertaken from Maastricht to Nice. The second part is a broad analysis of Lisbon, with particular attention given to its origin, its purpose and its reformed institutions. The third part will be focused on the concrete effect of the whole process of reform. By doing so it will look at the actual functioning of the EU external action as envisaged by the Treaty. Than, in the fourth part, some of the most relevant problems will be outlined. The fifth part is a general analysis that look at the complexity and at the revised framework of the treaty. The analysis of each institution as a reflex of the precise wording concerning them will be central. Finally, some conclusions will be drawn to face the research question: what has the institutional answer to the capability-expectations gap? Was it satisfactory?

### 2.1 *Institutional Transformations: from Maastricht to Nice*

The Maastricht Treaty in 1992 included for the first time in the governance of the EU the field of

foreign policy; even in its non-economic aspects. This treaty was a response to the wars in Yugoslavia, and was an attempt to transfer at the European level policies of an area that was traditionally associated with the concept of sovereignty. This new model was based on a system of "three-pillars". The first was the European Community (EC), typically supranational; the other two were the intergovernmental Common Foreign and Security Policy (CFSP), and Justice and Home Affairs (JHA). Foreign policy in its non-economic aspects entered in the EU mainly through the second pillar.

It is to note that the pillars structure has been considered by many scholars as a clear-cut division of competences between supranational and intergovernmental institutions. Basically in such a structure, policies of the second and third pillars, namely the CFSP and the JHA, 'remained intergovernmental' (Stetter, 2004: 722; Moravcsik, 1998: 467). The conclusion of this diffused opinion was that it was possible to study the EU as a quasi-governmental entity only with regards of the first pillar (Gaspers, 2008). Others, on the other hand, noted that 'the three-pillars structure of the European Union...is often used as a justification for separate analysis of the three pillars' (Wessel, 2000: 1135). Therefore, the focus was centred no more on the specific features of each pillars, but rather on the functional context as a whole. From this point of view, it emerged how the decision making-process in this context was more and more the result of a negotiation between supranational and intergovernmental institutions. This phenomenon was defined 'cross-pillarization' (Stetter, 2004: 725). The EU, in order to pursue a particular policy had to bring together policy areas falling 'under the separate pillars' (Nowak, 2006: 11). Hence, the question should not be who was in charge of which policy, but rather who gained from the 'cross-pillarization'. The answer was, at least for the majority of the scholars, the member states (Stetter, 2004). The intergovernmental institutions of the European Council, and the Council of Ministers in its working formations, became the main actors of the majority of issues at stake. The EU that Hill studied for his article was the one that came out of Maastricht in 1992. For this reason it is redundant to re-analyse this institutional setting. Since it was from this study that the capability-expectations gap was theorized (Hill, 1993).

The Amsterdam Treaty, 1997, on the other hand, was the first attempt to reduce room for uncoordinated member states action and to smooth the decision-making process. The objective was to resolve the main problems emerged in those years. The EU, in fact, needed to be able to act rather than merely react to external variables, as in the Jugoslavia case. It is in this sense that one has to evaluate for instance the change in the voting system. The introduction in article F.1 of the qualified majority voting (QMV) with the dual safeguards of 'constructive abstention', and above all, the possibility to delegate a decision back to the European Council in case of a persisting veto, represented an increase in the flexibility in some policies area such as those of the CFSP. In the same direction, it goes the addition to the pre-existing joint actions and common positions of a new instrument: the common strategies (art. J.2). The European Council had the right to define the guidelines of the CFSP by consensus, even in those area where member states had particular interests. Also the definition of the objectives, the means and the duration was up to the European Council. All in all, both the Amsterdam Treaty and the Nice Treaty, with the introduction of the instrument of enhanced cooperation (TEU: 27(e)), represented a step forward in the search for a more coherent Europe. And at least in the mind of the framers, a way to close the gap. Lisbon, in this light, came as the apex of this long process.

2.2 THE LISBON TREATY

The Treaty of Lisbon came into force on December 1, 2009. It was the result and, to some extent the necessary compromise, after the rejection by France and Netherlands of the European Constitution of 2004. In relation to the external policies, the Lisbon Treaty introduced at least two levels of novelties. First, it finally attributed the EU 'legal personality'. Second, it created a number of new actors which ended up in a new foreign policy structure. As for the 'legal personality' issue, the Lisbon Treaty stated in article 47 that the new EU had its own legal personality, as a natural consequence of the abolition of the previous 'three-pillars' structure. In this sense, the EU replaced and legally succeeded the EC. The result was a new status of the EU as an international actor and an increased competence in negotiating international agreements in the many policy-area

that are relevant for an actor, as stated in article 216(2) (TFEU) (Koehler, 2010).

The Treaty of Lisbon also set notably three institutional innovations: the new High Representative for Foreign Affairs and Security Policies (HR), the permanent President of the European Council and the diplomatic body of the European External Action Service (EEAS). However, to make this analysis as comprehensive as possible all EU institutions will be described in their constituency and in the way they are intertwined. This digression is fundamental to understand the pros and cons of an institutional reform of this relevance.

### 2.2.1 *The Commission*

Is the executive body of the Union. Made up of 28 'Commissioner', from each member states. According to article 9 it 'shall promote the general interest of the Union and take appropriate initiatives to that end'. Its role is of coordination, execution and management as laid down by the treaties. Article 17 is the one that sets the independence of the Commission and of each commissioner vis-à-vis the native state. Among the others, the Commission is the sole responsible for legislative initiatives in a majority of policies. This is due to the necessity of gaining coherence in the drafting of the EU law. However, it is also made explicit that the Commission is not responsible for the Union's external representation (art.9 TUE). On the other hand, the Commission is excluded from taking initiatives in the CFSP area, although being indirectly included by virtue of the HR which is in its 'double-hatted role' also vice President of the Commission itself. In fact, the HR is responsible to the Commission (art. 9.E.), giving in this way to the Commission an indirect control in terms of procedural rules to the HR's action. It goes precisely in this direction, the direct request of coordination between the Commission and the Council to guarantee consistency in the CFSP (art. 9.F.). For example the Commission can submit joint proposals to the Council in any issue concerning the external action. As ultimate provision in this field, officials of the Commission are to be included in the new structure of the EEAS (art.13, TEU).

As for other policies under scrutiny of this thesis, the Commission hold responsibility to represent

and sign international treaties in many fields, commerce included. Economic regulation has been the main concern of the Commission for many years. In a way this field became something similar to a *domaine réservé*. Finally, the Commission is responsible for the enforcement of each adopted law. It does so through the member states, and through its own agencies. Committees made of representatives from different member states, and of other relevant public or private figures can also play a role in this task. This process has been called 'comitology' by many (Stratulat, Molino, 2011).

2.2.2 *The High Representative for Common Foreign and Security Policy*

The HR is by far the most discussed institutional novelty of Lisbon, even if it is not precisely new. It is after Lisbon, however, that the HR role has become more and more pre-eminent. In particular if one take into account the role that this figure aims to play in the most national of all the policies. In the mind of the framers it had to be the equivalent of the Union Minister for Foreign Affairs of the failed constitutional project of 2004. The wording regarding these two figures within the two Treaty are almost identical (Gaspers, 2008). The person in charge of this office is thus responsible for enhancing the position of the EU in the world, now with more powerful foreign policy instruments and visibility.

According to articles 17 and 18 (TEU), the HR is appointed by the European Council by qualified majority with the agreement of the Commission President and the consent of the EP. As responsible for the CFSP and the CSDP (art. 38 TEU), he/she has the right to preside the Foreign Affairs Council and to make proposals. Its intergovernmental role is complemented by the fact that he/she is the Vice-President of the Commission, as a result of the merging between its role with the former Commissioner for External Relations. The rationale behind this 'double-hatted' role of the HR - that means the contemporary chairs in the supranational Commission and in the intergovernmental Council - was to give 'horizontal coherency' to the external activity of the EU. The aim of the Treaty was that the HR could have helped both the Commission and the Council to find common solutions, and at the same time enhance cooperation among member states due to its

primary role in the FAC (Gaspers, 2008: 24). Many scholars also pointed out, the symbolic importance of 'giving a name and a face' to the EU in international fora (Avery et al., 2007: 129). An effective response to the famous Kissinger-credited quip 'Who do I call if I want to call Europe?'

Unanimity remains the standard procedure for the CFSP, even if the Lisbon Treaty has given the HR a formal right of initiative and introduced improvements regarding the use of QMV under some circumstances. In addition to this, as a result of Lisbon, the office of the HR also sees its links with the Political and Security Committee (PSC) strengthened. The role in the PSC should in fact be not underestimated. Established in 2001 and formalized in Nice, it gathers twice a week in Brussels at ambassadorial level. Among its tasks there are: monitoring of the international agenda; contribution to the definition and implementation of policies; political control over crisis management missions and operations.

### 2.2.3 *The European Council*
The European Council is firstly mentioned in the Lisbon Treaty in article 15 with a reference to its competences: 'The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof.' As for the tasks devolved to it, among the others there are:

- appointing together with the President of the Commission and acting by a QMV system the HR (art.18 TUE)
- ending the HR mandate by the same procedure
- identify the strategic interests and objectives of the Union (art.22)
- take decisions on that interests and objectives
- decide as for the duration and the means that are to be made available
- define general guidelines for the CFSP, including matters with defense implications (art.26)

2.2.4 *The President of the European Council*

Further changes in the CFSP structure were related to the institution of a permanent Presidency of the European Council, appointed for two and a half years (renewable once), in substitution of the former six-month rotating Presidency. The Treaty of Lisbon is the first legal document that recognizes the role of the European Council (art.13.1, TEU), that instead was, up to that moment, never fully granted the status of a EU institution (Edwards, 2005). To the EC it has been attributed the role of identifying and approve unanimously the strategic interests and the objectives of the Union (TEU, art.22), as well as the means to achieve these objectives both for the member states and the EU. Hand in hand with these major changes, it goes the new role of the President of the European Council in the field specific field of the CFSP. Its main tasks are according to article 15: first, to ensure the external representation of the Union without prejudices to the HR; and second, to prepare the work of the European Council and ensuring its continuity, in cooperation with the Commission President (Gaspers, 2008, 29).

Together with the HR thus, the President of the European Council has the duty to give institutional continuity in the external relations. However, the treaty is silent about the resolution of the likely controversies between the President and the HR. Many scholars pointed out the importance of the personal characteristics and of the profile of both the figures in order to find the missing delimitation of tasks (Gaspers, 2008: 31).

2.2.5 *The Council of Ministers*

This institutions is composed of several configuration of twenty-eight national ministers, in accordance to the topic of each meeting. Its primary objective is to operate as one of the two chambers of the EU's legislative branch, the other chamber is the Parliament. It also holds, jointly with the Parliament, the budgetary power of the Union and has a greater control than the Parliament over the more intergovernmental areas of the EU, such as foreign policy and macroeconomic coordination. Its main role, however it is the one that holds during the legislative process, together with the Parliament, on a proposal from the Commission.

In the specific area of foreign policy there are some specific features that needs to be explored. The Foreign Affairs Council (FAC) as set up by article 16.6 is the one which 'shall operate the Union's external action on the basis of strategic guidelines laid down by the European Council and ensure that the Union's action is consistent'. As for the tasks, they are described in the same article of the European Council (art.26), and are: framing the CFSP and taking the necessary decisions to implement it, along the guidelines of the EC. In addition to that, the FAC is the institution that together with the HR 'shall ensure the unity, consistency and effectiveness of action of the Union' (art. 26, TEU).

### 2.2.6 *The European External Action Service (EEAS)*

The last major novelty of the Lisbon Treaty was the creation of a European diplomatic service: the European External Action Service (EEAS). Its mandate is stated in article 27 (TEU), but it is merely descriptive of its role as a think-tank of the HR, which preside the EEAS. The process behind the institutionalization of this organization was probably the main success of Lady Ashton, the current HR. It was only after a long negotiation among the Commission, the Council and the Member States that it was possible to find this solution. Again, as Maastricht was a response to the wars in Yugoslavia, also the EEAS was a response to a dramatic event: the 2010 Haiti earthquake (euobserver.com/foreign/29266, last time checked: 10/06/2014).

As for the independence of this organization, symbolically, many controversies arose when it was to be chosen the headquarters of the EEAS: was to be located within the Commission administration or within the Council? Despite these initial problems, almost everybody agreed that the EEAS could represent one of the most important driver for the EU's search for a single voice in foreign affairs. Composed by officials from different departments of the Council's General Secretariat and of the Commission, as well as national diplomats, the EEAS, with its role of an 'institutional hub' between the different actors of the CFSP, could lead to an increase in the cooperation and harmonization of the European external policies; together with the creation of a

generation of truly European diplomats (Gaspers, 2008).

### 2.2.7 *The European Parliament*

As the only institutions with democratic legitimacy, the Parliament is the second chamber of the Union in a majority of policy area. However, in the field of foreign policy its role is almost non-existent. The role of the EP, came out of Lisbon with no increased power or task in the field of the CFSP. Generally laid down by article 9 as 'of political control and consultation' for the other institutions involved actively in the CFSP and the CSDP. Its biggest impact is due to the control it has in the election of the President of the Commission, of the HR and of the Commission by a vote of consent; which as a consequence makes the Commission accountable to the Parliament (art. 9 D.7, TEU). In accordance to article 201 of TFEU, the EP may vote on a motion of censure of the Commission: 'if such motion is carried, the members of the Commission shall resign as a body and the High Representative shall resign from the duties he carries out in the Commission'.

### 2.3 LISBON TREATY: THE SETTING OF THE UNION'S CAPABILITIES

In this section I will try to sketch how according to the provisions of Lisbon the external affairs of the Union should be conducted. In this part I will analyse the framework for the part of this treaty that concerns general provisions in the field of freedom, security and justice, and in particular in the common policy on asylum, immigration and external border control. The second part will be devoted to the provisions concerning the CFSP, and other relevant aspects of the EU external activity such as: the international presence in major fora; the CSDP and the Civilian Crisis Management (CCM). The Treaty on the Functioning of the European Union (TFEU) will be the primary source of this section.

### 2.3.1 *Freedom, security and justice*

Article 67 TFEU is the one that requires the framing of this common approach, and as already said before, in this field the EU has made many steps forward, in comparison with the EU that Hill

studied in 1992. According to article 68 TFEU the European Council is the institution responsible for the definition of strategic guidelines for legislative and operational planning in the area. Article 69, on the other hand, gives a greater role to national parliaments referring to the principle of subsidiarity. Cooperation between EU institutions and member states is clearly necessary in order to let a legislation on the topic emerge, and by doing so, creating the much needed harmonisation among different states.

Despite this framework, also in this area there are some derogations. In particular those due to article 72 TFEU. In this article it is affirmed that all the provisions into questions 'shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security'. All things considered, also in this field, which represents one of the better integrated at the European level, member states obtained some safeguard clauses. Finally in the field of security, it is worthy to note that article 75 TFEU gives to the EP and the Council a big role in adopting a regulation defining a framework for administrative measures as assets freezing and counter-terrorism. Recently these kind of measures have been taken for Syria After 10 rounds of sanctions against the regime of Bashar al-Assad, some 120 people and companies were targeted.

### 2.3.2 *Union's external action and the CFSP*

As for the field of the EU foreign action and its functioning the provisions are the one of the revised Title V of the TEU 'General provisions on the Union's external action and specific provision on the CFSP'. This Title is divided in two chapters: 1) general provisions on the Union's external action; and 2) specific provisions on the CFSP. The latter in turn, is divided in common provisions and in specific provisions on the CSDP. Finally, the TFEU in its new Part Five deals with other issue concerning this area:

- common commercial policy
- cooperation within third countries and development aid

- international agreements and the Union's relations with international organizations

As for the commercial policy area, article 206 how it is in the Union interest, the necessity to contribute in a common policy towards these specific area. For example by promoting the abolition of restriction on international trade, as much as possible. As for the agreements and negotiations, although the Commission can play the role of the Union's negotiator, the Council has a great influence throughout the process. The conclusion of a negotiation needs a vote from it, and the mechanism can be both the QMV or the unanimity. The latter for policy area such as: trade in service, intellectual property or foreign direct investments (art.207, TEU). The integration of this policy are under the broader hat of the Union's external action opened a debate among scholars; in particular, at its core, there is the issue of understanding if the commercial policy will be separated in its ends from the foreign policy, or if rather, it will be an instrument to obtain foreign policy's advantages (Woolcock, 2008).

As for the Union's external action in general, article 24 of the TEU makes the whole situation clearer: 'the CFSP is subject to specific rules and procedures'. What are these specific procedures?

- it is defined and implemented by the two Councils unanimously, except where the treaties provide otherwise
- the adoption of legislative acts is excluded
- the CFSP is put into effect by the HR and by the Member States
- the European Court of Justice (ECJ) has no role - except in order to monitor compliance with article 40

What are than the consequences of these particular provisions laid down by the new Treaty? Basically, member states are at the core of the CFSP and the CSDP more than in any other area of policy. Cooperation and solidarity are the *conditio sine qua non* to let the EU act as a

coherent player at the international level. Article 24 reads: 'Member States are to work together and are to refrain from any action which is contrary to the interest of the Union or likely to impair its effectiveness as a cohesive force in international relations'. Since the Commission and the European Parliament are largely excluded from this area, responsibilities fall to the two Councils and the HR. A situation that clearly put the HR in a losing position *vis-à-vis* Heads of States and Foreign Ministers. Finally, it is to note that in this area also the terminology of the Treaty is slightly different from the rests. Terms as common strategies, joint actions and common positions that were typical of the CFSP in the previous treaties, are now replaced by the more vague: general guidelines and decisions (Crowe, 2008).

2.3.3 *Instruments and voting mechanisms of the CFSP*

Any decision adopted by the Council in the context of the CFSP, as stated by article 28, should lay down: objectives, scope, means to be made available, duration and conditions for the implementation. Decisions are not mandatory. They are more like recommendations for member states, that in turn are asked to commit to them and to the decisions adopted in the Council. Other requirement is to avoid national positions or take national actions, even if pursuant of some Council's decision, if they are 'more than a mere implementation' (art.28 TEU). In this case, which is generally identified as an emergency situation, member states should pose the question on the table of the Council to let a coherent decision emerges. On this purpose, article 30 affirms that any member state, and even the HR - with or without the support of the Commission - can submit a initiatives or proposals to the Council.

Article 31 is the one dealing with the voting mechanism. As already said unanimity is the general rule for any decision, however some flexibility has been introduced with the instrument of the 'constructive abstention', which allow a member state to abstain, without jeopardizing the decision to take. Clearly the member state involved in this mechanism is not obliged to adopt the decision, but on the other hand it cannot block the Union's commitment. If one third of the member states decide to use the 'constructive abstention', the decision shall not be taken. Paragraph 2 of the

same article, is the one that sets out those situations in which a QMV system is allowed, and they are:

- when adopting a decision defining a Union action or position on the basis of a decision of the European Council relating to the Union's strategic interests and objectives
- when adopting a decision defining a Union action or position on a proposal from the HR in circumstances where his proposal is presented following a specific request to him or her from the European Council
- when adopting a decision implementing a decision defining a Union action or position

As ultimate resort, a member state can oppose a decision to be taken by QMV in case of vital and stated reasons of national policy. In that extreme case the matter may ultimately be referred to the European Council.

2.3.4 *Union's participation in international fora*

As already said the granting of legal personality to the EU has guaranteed the possibility for it to chair in the major international fora on its own. The article regulating this issue is the 34 TEU which provides that member states shall coordinate in their action on this purpose. As for those cases where many of the member states are not represented - the UN Security Council is the paramount case - member states that do take part in it should uphold the Union's position. Acting for, as much as possible, on behalf of the rest of the Union. In doing so the HR and the other member states should be informed of the work and the interest at stake in every session, especially on matters of common interest. Moreover, the final paragraph of article 34 TEU requires that when the Union has taken a position on a topic which is also subject of a UN Security Council meeting, those member states that are chaired at that table should request for the HR presence in order to let him or her present the Union's position. Other aspects of the Union's presence in international organization is regulated by Title VI of Part Five of the TFEU. The new article 220 TFEU, for example, establish particular forms of cooperation between the EU special agencies such as the

Council of Europe, the OSCE and the OECD and the organs of the UN. Finally, Union's delegations under the authority of the HR are asked to represent the common interest of the EU in third countries (art.221 TFEU).

### 2.3.5 *The Common Security and Defence Policy (CSDP)*

The Treaty of Lisbon is often said to be a boost for the project of the CSDP, which as already said it represents the military and civilian side of the CFSP. The tasks of the CSDP are not different from before: peacekeeping, conflict prevention, international security in accordance with the UN Charter, and the civilian crisis management.

However, moving away from the high-wording of the treaty, if one looks at the real provisions of the CSDP the situation is slightly different. Article 42 TEU reads that the CSDP 'shall not prejudice the specific character of the security and defence policy of certain member states'. For example the historic neutrality of Ireland, or the aversion of Germany to intervene by force of arms. Other requirements that are *de facto* limitations to this project are: the NATO primacy, and the need for an unanimous decision by the European Council to set a common defence. On the other hand, article 45 TEU gives the European Defence Agency (EDA) competence in terms of defence capabilities development, research, acquisition and armaments. Plus a consulting role within the Council in evaluating the necessary steps forward to be made.

As for the decision-making process in the CSDP, article 42(4) TEU requires the Council to act unanimously on a proposal from the HR or on an initiative from a member state. To overcome these strict requirements, the Council may entrust the execution of a specific task to a group of member states in order to protect the Union's interest and values (art. 42 (5)). Other forms of enhanced cooperation are laid down in article 42(6). Member states on a basis of bilateral commitments may establish a 'permanent structured cooperation' (PSC) within the EU's framework. In order to do so they have to fulfil two criteria:

- intensively develop defence capacities through their participation in multinational forces, in the main European equipment programmes, and in the activities of the Agency in the field of defence capabilities development, research, acquisition and armaments
- by 2010 supply combat units and support logistics within a period of 5 to 30 days and, depending on needs, for a period of 30 to 120 days.

The will to constitute this permanent structure should be notified to the Council and the HR, and adopted by QMV. To date (June, 2014), no PSCD has been established in the Union.

## 2.4 AFTER LISBON: RISING ISSUES ABOUT THE NEW UNION'S CAPABILITIES

As emerged from the previous analysis of the after-Lisbon framework for the CFSP, the single biggest problem is still the institutional complexity. In particular, for the HR, the President of the EC and the EEAS many obstacles have emerged.

### 2.4.1 *About the High Representative and the Commission*

The first controversies are those regarding the role of the HR. The new set of competencies that have been given to him, could easily provoke inter and intra-institutional tensions. The fact that the HR is also Vice-President of the Commission, with almost exclusive initiative in the external affairs, could lead to conflict with the Commission President and the other Commissioners. The President could see his role as primus *inter pares* vested by the HR role (Avery, 2007: 19). In particular he will have no more the power, without the prior consent of the European Council, to request its resignation as for the former Commissioner for External Relations (TEU, art.17). In addition, the President of the Commission which has among his duties, the responsibility to coordinate different portfolios, could have problems in the coordination of those areas included in the external affairs. In a word, the conflict with the HR could be detrimental to the overall coherency of the CFSP (Gaspers, 2008: 24). The same can be said about the equal relation among the different Commissioners, which could be undermined by the HR's powers; becoming a further element of disequilibrium among member states (Avery: 2007).

The 'double-hat' that is on the head of the HR is the second element that when tested proved to be problematic. While on the one hand, the HR is a fundamental figure of the Commission, on the other, it is clear its accountability *vis-à-vis* the Council. As a consequence, many scholars have pointed out that, in case of hard decisions, the HR could have prejudices in favour of the European Council's opinion rather than the Commission's. Crowe in the merit is enlightening:

> *'no matter how time and attention consuming this is, the main source of (the HR) authority will be the confidence he commands among the member state foreign Ministers: no amount of authority over Commission-controlled instruments will make up for the loss of this'*

> (Crowe, 2005: 9)

It is worthy to note that this 'double-hat' idea was the final compromise between those member states that were in favour of integrating the CFSP in the Commission, albeit still with different decision-making procedures - mainly Belgium, Netherlands, Luxembourg and Finland; and countries such as the UK and France which were not convinced by this solution.

Other problems could raise because of the HR role within the FAC. Smaller states for instance, used to rely on the possibility of holding this Presidency in order to shape the EU agenda according to their preferences (Thomson, 2008). To assign for 5 years this chair will certainly lead to a weakening of the influence of the smaller member states in favour: first, of the nation of the incumbent HR (now the UK); second, of the most military influential states (Crowe, 2005: 12). If all this is true, one of the basic features of the EU model of democracy, namely the necessary compromise among asymmetrical states, will be at risk (Fabbrini, 2010).

Finally, terminologically speaking, it possible to argue that the choice to insist in the denomination of this figure as an 'High Representative', rather than a 'Union Minister' as in the drafts of the

2004 Convention, engenders several implications. The most evident is the diffused feeling among member states, that the HR is more a diplomat acting on behalf of the Union, rather than a part of it (Gaspers, 2008: 27).

Helwig pushed himself even further in the criticism. Going well beyond technicality, he claimed that once again the EU foreign policy is characterized by a capabilities-expectations gap, and that this time, the problem can be addressed also for the single institution of the HR. In his opinion, expectations toward the redesigned HR were set way too high for an actor whose actual capabilities were to be confronted with the unresolved dichotomy of the whole system of foreign policy in the EU (2013). If this analysis is correct, the overall result of years of institutionalization, ended up in re-creating paradoxically the original problem of the capability-expectations gap also in the structures created to solve the problem.

2.4.2 *About the Presidency of the European Council*
The biggest problem emerging from the new permanent role of the President of the European Council is the lack of a clear-cut division of tasks and responsibilities between him and the HR. As a resolution of this conundrum, many commentators have suggested the following division: the President should focus on the intergovernmental aspects of the EU foreign affairs, while the HR should be primarily focused in his/her role within the Commission (Gaspers, 2008: 30). Of course, such a division, would make the linking role of the HR between the Commission and the European Council substantially vain. The same difficulty emerges with regards to who should be the 'face of Europe' in the international fora. The title of President of the European Council seems to put this figure in a more opportune position for this role. On the other hand, other elements seem to be in favour of the HR, in particular the approval of the member states and its role within the Commission. Again, in the lack of more detailed dispositions, it will be an additional task for both to find a solution.

2.4.3 *About the EEAS*

Also the additional structure of the EEAS has been perceived soon after the initial optimism, as an additional problem. Especially in the case of the overall administration between the existing and still relevant actors of the CFSP and the new ones. For example, the fact that the EEAS is not part of the Commission further complicates the main goal of coordination of all the external-action policies. In many cases, because of some legal issue - i.e. the implementation of financial instruments has to be legally part of the Commission - the result was a split of programs between the EEAS and the Commission, and moreover the creation of a complex structure of a Commission service co-located in the EEAS under the supervision of the HR (Helwig, 2013).

Another big issue was the re-location of the Directorate-General for External Relations (DG RELEX) from the Commission to the EEAS. A minor 'turf war' erupted on this issue, since the Commission was and still is unwilling to be coordinated from the outside. The result of this conflict was that the Commission retained some prerogatives through the creation of another DG, namely the Service for Foreign Policy Instruments (FPI). The fact that both the DG work in the same building, the Triangle Building in Brussels, is only to save the face of the EU institutions. Actually, it is the perfect representation of the confusion and contradictions of the EU process to become a coherent actor at the international level.

2.4.4 *EU after Lisbon: a confused, revised framework*

As emerged in the previous section the result of the Lisbon Treaty is a completely revised framework, especially in the field of the foreign affairs. Perhaps the greatest obstacle to a clear understanding of the treaty is to look at its provision in comparison with the failed Constitution of 2004. In this sense, Lisbon is born under a bad sign. However the purpose of this thesis is to analyse the field of the foreign affairs in the EU not in the light of that failed Constitution, but rather in comparison with the previous treaties: from Maastricht to Lisbon, indeed.

Unfortunately, it is through this methodology that Lisbon does not stand out as the treaty that

everyone was expecting. Once again the high expectations were not match at all by the capabilities conferred to the Union. In this sense to look at the very first article of the Treaty is enlightening. As it reads: 'By this Treaty the High Contracting Parties establish among themselves a European Union, hereinafter called "the Union" on which the Member States confer competences to attain objectives they have in common'. The insertion of this clause, in the first article of the new treaty, sounds to me like a declaration of intent. By this clause in fact the states want to make it clear that *they are* the "Masters of the Treaty" (Brunner v European Union Treaty, 1994), and not the other way around. The logical corollary of this strong statement is that only member states can amend, diminish or increase the prerogatives of the Union. Which, in turns, does not have the so-called *kompetenz-kompetenz* capability. It would suffice this first consideration to let emerge the core of the whole issue: the EU is way too dependent to member states in its external dimension. This consideration is particularly evident for those fields that are traditionally linked with the idea of sovereignty. Echoing article 1 and the emphasis put into the principle of conferral, article 4(1) of the TEU states that 'competences not conferred upon the Union in the Treaties remain with the Member States'. Finally, article 5 underlines again what is already clear about the relationship between the Union and the member states:

- 'the limits of Union competences are governed by the principle of conferral'
- 'the use of Union competences is governed by the principles of subsidiarity and proportionality'
- 'the Union shall act only within the limits of the competences conferred upon it by the Member States'
- 'competences not conferred upon the Union in the Treaties remain with the Member States'

In the first articles of the new Treaty so, member states decided to make as clear as possible - with no fear of redundancy - that the Union will always be secondary to them in many fields. To look at this in retrospective, it appears not as a surprise that in the field of foreign affairs, the most

intergovernmental of the competences despite the abolishing of the pillars, cooperation was never fully accomplished.

Going further with this work of words processing other considerations came to the mind. For example in the field of security, article 4 is to me inconsistent with the overall goal of the CFSP and in particular of the CSDP. It reads in fact that 'the national security remains the sole responsibility of each member states'. The fact that then in article 10, it is generally addressed the principle of cooperation and that member states must 'facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objective' is secondary. Article 4 is in fact pre-eminent in terms of clarity to article 10, and its positioning at the beginning of the Treaty is highly symbolic.

## 2.5 THE INSTITUTIONAL ANSWER TO THE CAPABILITY-EXPECTATIONS GAP

The analysis of the EU foreign policy structure before and after the Lisbon Treaty it is useful to understand the general trajectory of the integration process. The aim of this chapter was to underline two basic points. The first is that the capability-expectations gap is still an issue for the EU to be faced despite the introduction of institutional novelties and new structures in the whole framework of the foreign policy of the Union. The second point is consequential to the first, and it claims that maybe the institutionalist approach used to solve the capability-expectations gap proved to be ineffective.

As for the first point, there are some aspects that need to be further discussed. Firstly, it seems clear to a majority of scholars and officials that the Maastricht compromise is still in action, even after the abolition of its 'three-pillars' (Fabbrini, 2010; Gilbert, 2012). The CFSP is in fact still a *domainé réservé* of each member states. To assign entirely the locus of the decision-making in the two Councils did not help in the resolution of this problem, if, as it seems, the idea was to give the EU a single and coherent voice. The impact of the quintessential EU institution, the Commission, is paradoxically limited by a figure, the HR, whose main objective was to create a constructive

bridge between this institution and the intergovernmental Councils. In reality, it showed itself too weak *vis-à-vis* the single member states representatives. To some extent, it is possible to say that from an institutional perspective the correctives that were undertaken to increase the level of capabilities were misplaced in many cases. The consequent increase of expectations that was fostered throughout this path of reform, made the gap in some policy area still present. And, in a way, more resilient.

Secondly, the other problem that is indirectly related to the issue of capabilities, is the lack of accountability at the European level of the CFSP. The exclusion of both the EP (the only directly elected institution) and the ECJ not only poses a question mark to the democracy of the policy-making process, but also to the legitimacy and the congruence of these actions with the European Treaties. As a result, especially the strongest member states, are naturally not inclined to give up their prerogatives in this field to such out-of-hand institutions.

To sum up, this overview suggests that the expectations linked to Lisbon were high, while the concrete capabilities conferred to the new actors and the new structures to perform were troublesome. To some extent, it is possible to say that the institutional answer to the capabilities issue, failed to obtain the coveted results. But why? I think it is mainly because during this last decade member states forgot the other side of the function: expectations. It is not to be omitted that the gap, from the capabilities perspective, become an issue only in the moment into which the related expectations are on a higher level. That is the original gap that Hill considered problematic for the Union. As a consequence, the flaws that I have underlined in this chapter are more than a simple result of a misled process of institutionalizations. Expectations, in fact, require a different approach. Is for this reason that in the next chapter I will try to look at this missing piece of this 'ongoing puzzle' that is the EU's foreign policy and its gaps.

3. LOOKING AT THE EXPECTATIONS: AN IDEATIONAL APPROACH

In this chapter I will try to answer to the research question 'why the capability-expectations gap is still relevant twenty years later' through an ideational approach. This choice is due to the fact that the previous institutionalist approach (chapter 2) aimed at the side of capabilities. However, the result obtained was not satisfactory, since as already said the capability-expectations gap is still a problem. As consequence, in this chapter, I will investigate the side of the expectations, since these are the reason why capabilities are a problem in the first place. How is it possible to explain the different level of expectations in some policy area, especially those security-related? To answer this question I will look at another variable that up to this moment was not part of the picture: ideas. To say that ideas matter is to some extent a self-evident truth; but it is also a risk. To avoid this risk I will do so, by the use of a 'light' approach. By doing so, I will try to give another possible answer to our research question. By 'light' approach I mean that it is not incompatible with the previous institutional one. But rather complementary. Finally, it is worthy to note that expectations are volatile; in 1993 for example they were set very high. Then after a decade of steady decline, Lisbon renewed some of this enthusiasm, at least in the aftermath of its ratification. Five years later, this enthusiasm has already gone. And the gap is still there in 2009, as in 1993.


3.1 THEORETICAL FRAMEWORK

A short foreword is necessary before moving along this chapter. Why are ideas important for the setting of expectations? Instead of, say, interests? To answer this question, is to justify the use of a variable that is not easily accepted by social science because of its intangibility. However, if used in reasonable terms, it is difficult to deny its impact. Also in international studies.

First, what are expectations? Expectations are beliefs centered on the future. They can be realistic or not. How is it possible to explain different degrees of expectations in the case of a collective actor as the EU? There are two ways to look at the issue: interests and ideas. In my opinion both are true under some circumstances. In the first case, it is plausible that different national interests

play a big role in the formation of different expectations. To make an example, it is a matter of national interest if France aim to have an influential role at the international stage, compared with Cyprus. That being said, however, it is not to be forget that within the Union's capabilities there is a lack of authoritative instruments to produce outputs. The QMV system is not as easy as it may seems to overcome, and moreover, unanimity is still a requirement for many actions. In particular those security-related. So, how is it possible for 28 actors, with possibly 28 different national interests, to produce effective policy output in many fields? Even by assuming the convergence on some common interests, it is unlikely that such a situation can occur in all occasions. For this reason, I think ideas can represent a complementary level of explanation for the functioning of the EU. And for three main reasons:

- the number of ideas in Europe about Europe's role and its identity is more limited than the 28 national interests
- ideas are generally speaking more apt to compromise, and thus consensus
- they can work as 'focal points' also for slightly different interests

(Kienzle, 2009)

Finally, I think as in the word of Katzenstein that 'State interests do not exist to be "discovered" by self-interested, rational actors. Interests are constructed through a process of social interaction' (Katzenstein, 1996a: 2). To conclude, even if one do not want to go as far as to say that everything is socially constructed, it is worthy to note that the pre-existence of interests as given in any situation, is at least debatable. Therefore, the role of ideas in this thesis is to be intended as a variable that in some circumstances can help member states to find an agreement, and by doing so determine their shared interests.

Moving back to the analysis. It is part of the general understanding of social science that 'ideas matter', and that they have at least some explanatory power also in international politics. Many scholars and philosophers have contributed with their work to this kind of literature. Most notably,

Max Weber was the one who introduced ideas as a variable into social science:

> *'very frequently the "world images" that have been created by ideas have,*
> *like switch-men, determined the tracks along which action has been pushed*
> *by the dynamic of interest'*

(Weber, 1958: 280)

Since Weber, many others moved along these 'tracks', so that almost any school of thought tailored, in someway or another, a role for ideas. For rationalists, ideas are 'hooks' upon which rational actors can develop strategies and actions (Shepsle, 1985). Neo-realists and neo-liberals consider ideas as intervening variables. While neo-institutionalists see them as independent variables (Keohane, Goldstein, 1993a). Finally, postmodernists or constructivists see ideas in a more extreme way; considering it as the founding element of constitutive practices. Each of these theoretical approaches deserve a deeper analysis before going ahead with the chapter.

### 3.1.1 *Comparing different approaches to ideas*

For the classic rationalist analysis, ideas do not matter at all. However, some concessions have been made. With the the famous concept of 'hooks' Shepsle conceded an instrumental role to ideas. On these hooks, politicians in particular, 'hang' their objectives and shape their interests. It goes without saying, that according to this approach the language of politicians is the one of power and interests, and not the one of principle and ideas. For this reason ideas only have instrumental quality, which moreover is always subordinated to other priorities. As for the neo-realists, concessions were even greater. In that case ideas are granted the status of 'intervening variables' with some explanatory role (Desh, 1998). This complementarity was even certified by some authors in game-theory schemes like the one of regime theory. The definition of regime by Krasner represents in concrete more than a theoretical breach: '(regimes are) a set of principles, norms, rules and decision making procedures around which actor expectations converge in a given issue-area' (1983). Moving along an imaginary continuum from the less ideational to the most,

neo-institutionalism is the third group that one can deal with. According to this broad literature, ideas are 'independent variables' in their own right. For the first time, they are considered separately from other variables, and in some circumstances they are even able to explain policy outcome by themselves. The most notable work of this school is the one by Keohane and Goldstein 'Ideas in Foreign Policy' (1993a). The last approach, which is the most extreme, is the postmodern or 'thick' constructivism. This is the only approach rejecting the rationalist bias of the previous three. Their main claiming is a complete fusion of ideas with other phenomena like interests. This process happens all the time in the same social structure (Jacobsen, 2003). According to them, thus, it is nonsense to look for causal mechanism to link ideas and policy output. Everything is socially constructed, ideas as well.

3.1.2 *Looking at the EU through neo-institutional lens*

The approach that I have chosen for this chapter is the neo-institutional. This approach was deeply discussed by Benjamin Kienzle in his dissertation of 2009 in relation to another aspect of the EU's foreign policy. There are multiple reasons for this choice. First, institutions are important, and this chapter has to be read as complementary to the previous one, which is valid in many of its assumptions and consequences. Second, this approach is based on some assumptions, with the main one being that international relations and above all security issue - so CFSP and CSDP - are today to be run in a world of uncertainty. 'Threats' are more and more seen as 'risks', which are 'only' potential threats. In such a context, states need to act in order to face and to avoid all these risks to become actual threats. In the words of the famous sociologist Ulrich Beck we live in a 'risk society', a concept that have been developed by many. The success of this work was that it resulted in the emerging of a new branch of literature. Third, a risk is 'a scenario followed by a policy proposal for how to prevent this scenario from becoming real. However, such policy proposal does not aim to achieve perfect security' (Rasmussen, 2006: 2). This idea persuaded also high officials of the EU. The European Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner, in 2007 argued that 'the end of the Cold War meant the end of a terrible era of cataclysm threats and pointless confrontation. But it was also the

end of the era of certainty and predictability' (2007b: 2). As debatable as it may be, the importance of this assumption will be better understood in the chapter. Fourth, the rationality-bias today is to be handled carefully. Although actors claim to act as rational agents, they often lack the necessary capacity to process and analyse all the informations at their disposal in a vast majority of issues. Long-term consequences in particular are difficult to predict, and this is even more true when it comes to security-related issues. The process behind the creation of interest cannot and should not underestimate this fact. The last decade is full of examples of self-assessed interests in this field, that eventually proved to be wrong. Or at least were miscalculated.

The results of the previous four points are different. The classic rationalist school of thought is excluded for the points above mentioned. In the same way, also the other extreme approach, the one of 'thick' constructivism, is excluded. In particular for two reasons. The idea of constructivism is to me appealing to some extent, but their rebuttal of causal mechanism does not convince me at all. According to them it is pointless to look for causality when it comes to interests, ideas and similia. And this because they are intrinsically linked one to the other. This exclusion can be accepted with some prudence from an ontological point of view, however it becomes analytically problematic in a study that wants to understand and isolate the role of ideas in policy-making. The second point that makes me want to exclude this approach is the role given to the material world. According to 'thick' constructivists, material factors do not have meaning without the whole social interaction created around them. Following this line of reasoning, for example, nuclear bombs are not a threats per se. That is why nuclear bombs in the hand of a little country like North Korea, or in relatively small amount in the hand of Iran are a menace, while bigger arsenals in the hand of Israel or the US are not considered as such. Again, although this reasoning has definitely a point, it underestimates material factors way too much. For example, if we want to say that insurgency is not a threat per se, it is impossible not to claim that insurgency in a country like Pakistan is way more dangerous than in a country like Afghanistan. In the first case there are arsenals of nuclear bombs at stake, while in the second there are not.

So, there are only two approaches still pending: the neo-realist and the neo-institutionalist. The main difference between these two, is that in the first one rationality is still more relevant than other factors, like ideas. And probably this is true in cases of extreme danger, where ideational factors play no role whatsoever. But again, as already mentioned above, this kind of situations are rare today, since risks have substituted threats in the majority of the cases. For this reason, the new institutionalism seems to me more pertinent. States, in particular in the case of the EU, take decisions as a collective, mainly through the processing of information of risks. One way to deal with this 'flood-tide' as in Hill's words, is to look at them through the prism of some ideational factors. That is probably the only way to redux complexity and create consensus.

To conclude there are some points that are useful to recap to make the whole picture about the method of this chapter more clear:

- actors are rational, *however*
- imminent threats to survival are today largely absent, *since*
- the post-Cold War world is dominated by complexity and uncertainty, *so*
- ideas can be treated as different from interests, *although*
- material world can have in some cases explanatory power independent of ideational factors

## 3.2 IDEAS IN THE EU CONTEXT: THE CREATION OF EXPECTATIONS

To say that ideas hold explanatory power is just the first step in this process. The next one should be to answer to relevant questions such as: *where* do they intervene? *when*? and above all, *how*? To put it in few words, we need to understand the actual functioning of ideas in the EU context, and how do they work in creating expectations, and so aggregate interests.

### 3.2.1 *Where*

As for the location of ideas - and so to answer the question 'where' - what it is needed is to take

a position in the classic debate of the 'level-of-analysis'. At first sight, it could seem legit to answer that the individual is the locus of ideas. So, if we study the external relations and the foreign policy of a state, the foreign minister for example, is the one we should investigate. This is the focal point of a whole literature based on 'belief systems'. On the other hand, besides this conception, there is also a new branch within this literature that put at the center of its inquiry 'collective belief systems'. This problem is particularly true if we consider the case of decisions taken in collective system as Europe. Often, also a foreign minister needs to contradict his personal belief if he is asked to act in a different way by the government he is part of. In that case, the dominant belief system is the one which converges the majority of the single belief system into a common position. To put it in a different way, that is the art of politics. Goldstein and Keohane (1993a) came up in their seminal work with a similar concept: 'shared belief'. Collective belief systems for this reason should not be underestimated, for they can influence ultimate outputs.

### 3.2.2 *When*

As for the 'when' question, many scholars focused their attention on the moment in which ideas are institutionalized. According to them 'ideas embedded institutions' (Goldstein, Keohane, 1993a: 20-24) both as a force of constraints and as an opportunity. This is even more true in the case of the EU and its CFSP. As already analysed in the previous chapter, the way into which this policy has been institutionalized had a tremendous impact on the way it can be pursued. Ideas, therefore, cannot be analysed as if they are not in a highly institutionalized context. Finally, also the historical circumstances in which an idea flourish play a role. It is almost self-evident that if an idea is pursued in an historic period in which that particular state, or union of states, is strong at the international level this idea will have a much bigger impact, compared to an idea born in a context of political and economic weakness. In this sense the situation of the international system is also important. The difference between a successful idea and a failed idea might very be in the presence or less of a 'window of opportunity', rather than in the quality of the idea itself. A good example might be the case of the missed approval by referendum of the EU Constitution in France. Many scholars believe that the coincidence of that referendum with issues like the

Bolkestein directive, and the Turkish accession, played a role at least as big as the Constitution itself in the final 'no' of the French. Similarly, the failed referendum on the EMU in Denmark in 2000, was characterized by the lowest level of confidence towards the Socialist government of Rasmussen (Marcussen, Zolner, 2001). On the other hand, it is also possible that moment of crisis are the perfect environment for new ideas to stick within the élites. The history of the development of the CFSP is enlightening since it has coincided with crisis such as Yugoslavia, Bosnia, Kosovo and 9/11.

### 3.2.3 *How*

The last question to answer is 'how' do they work? If we want to move further from the vague concept that ideas influence policy, it could be useful to look at the three main impacts that an idea can have: constitutive, regulative and causal. A 'constitutive effect' is the one that specify what action will take place - a classic example for the EU is the idea of it as a civilian power, which is something that defines the same EU as a peculiar actor at the international stage. Limiting the instruments at its disposal to non-military one. A 'regulative effect' on the other hand, is the one that specify the proper enactment of an already defined identity. As for the 'causal effect', this one is the most controversial to assess. It is in fact very appealing in its premises but it often lacks the necessary testing ground. Many historians for instance agree in saying that the free circulation of ideas was fundamental for the collapse of the USSR, and eventually in the end of the Cold War. However, this theory cannot go further than an intriguing, but proofless exercise of good rhetoric. That being said, what seems true is that ideas can be 'powerful ideological weapons' (Béland, 2009: 705). This instrumental quality of ideas become stronger when ideas are considered as 'focal points'. In a way similar to the Weberian 'switch-men', it is around them that actors, and so states, converge to decide their behaviour. Goldstein and Keohane are very clear about this feature:

> *'Ideas serve the purpose of guiding behaviour under conditions of uncertainty by stipulating causal patterns or by providing compelling ethical*

*or moral motivations for action. Ideas can be broad or narrow; they can stipulate what is right and wrong, provide new social visions, or merely suggest what economic policy will steer a nation toward increased wealth.'*

(Goldstein, Keohane, 1993a: 16)

To put it in few words, what is important about this approach and that, to some extent, represents the added value of it *vis-à-vis* the classic institutional approach, is that it answers a question that otherwise is neglected or given: how are interest formed? As a consequence, to include this variable, can shed a light on the process behind the creation of expectations. In particular, in the case of the CFSP is highly unlikely that interests are formed independently in each states. If this would be the case, the whole idea of common foreign policy would collapse immediately. For this reason, if this assumption is correct, at least in the majority of the cases, collective actions begin well before the actual process of interests formation. It starts at the level of ideas.

The interaction of ideas at the EU level is therefore the *conditio sine qua non* for the EU to act collectively. When such an interaction is not successful expectations are not shared, and in terms of ultimate output, it simply means that in some policy area the gap will be opened; and this situation can occur despite the process of institutionalization.

3.3 COMPETING IDEAS IN THE EU FOREIGN POLICY AND THE IMPACT ON EXPECTATIONS

Every new treaty in Europe flourished under the best auspices. As a consequence expectations were always set very high. Lisbon too did not evade this destiny. And the high-wording of the treaty, as already analysed in the previous chapter, did not help. But then, why after the initial optimism also in this case the treaty itself could not match the expectations? The thesis of this chapter is that the clash of at least four clusters of ideas within the Union played a big part. As long as this situation of 'competing ideas' on the very nature of the EU will not be resolved, it will be very unlikely for any institutional reform to match the level of expectations, at least of a part of

the Union. For this reason what is needed at the European level is a debate to answer three specific questions:

- what is the European Union?
- which kind of actions should it perform at the international level?
- and how?

Only in the light of this debate, it will be possible to provide the Union with the necessary level of capabilities to perform all the tasks it should perform. And to finally match coherently the level of expectations, closing the gap.

The specific goal of this section is to look at the main clusters of ideas that exist within the Union. These ideas will be outlined in their primary characteristics. Finally, it will be developed a model to demonstrate the limits of the possible consensus among them, and thus, the limit of the overall external policy of the Union in terms of coherent outputs. At the end of this section, some conclusions will be drawn. A last note before going deeper in the different and competing ideas present in the EU foreign policy. It is possible that the Union is developing, at least since the fall of the Berlin Wall a sort of defined identity, that in the long-term will ultimately give the rise to a coherent foreign policy. However, what is even more evident in the light of many cases, is the lack of this convergence in the short-term. To be more precise, it is in the short-term that different ideas clash, resulting in the absence of a proper common strategy and so of coherent policy outputs. On this purpose, Mérand says:

> *'An interesting aspect of ESPD (the former acronym for CFSP) is that although all EU governments - with the exception of Denmark - support the project, and probably genuinely so, they implicitly disagree on what it means. For the French, ESPD must lead to European defence; for the Germans, it serves to further European integration; for the British, it must*

*remain a policy.'*

<div align="right">(Mérand, 2006: 136)</div>

If one was asked to say why Europe still have no common foreign policy, the straightforward answer should be that no one knows what this common foreign policy should mean yet. On the other hand, it was also noted that only through this ambiguity the setting up of the CFSP was possible to today's extent. Heisbourg calls it cleverly 'constructive ambiguity' (2000: 5).

Finally, moving onto the competing ideas, it is possible according to a trichotomy which is quite common in foreign policy analysis based on: i) goals and objectives; ii) instruments to be used; and iii) interactions with the international system, to outline four ideas that are popular at the European level, and which ultimately contribute to the incoherence of the CFSP. These ideas of Europe are:

- national Europe
- integrationist Europe
- cosmopolitan Europe
- multilateral Europe                                        (Kienzle, 2009)

In the next section each idea will be analysed in detail.

### 3.3.1 *National Europe*

According to this approach, the nation-state is still the main security provider in the anarchic international context. This idea is the closest to the realist interpretation of foreign affairs, and the main promoter of it are in Europe, France and the UK. In 2002, President Chirac came up with this declaration: 'France, of course, intends to retain her capacity to act alone if her own interests and bilateral commitments so demand' (Chirac, 2002: 16). It is worthy to note that what associates France and the UK, besides a similar past, is the fact that they are the only two European countries with nuclear arsenals at their disposal. In both countries, this element is

safeguarded as a strategic asset that cannot be impoverished by any losing of sovereignty. In particular in the multipolar world that is emerging, in which nuclear deterrence is still a valuable strategy.

In a Europe based on this idea, bilateral relations still represent the preferred way of cooperation. In this context, the EU framework can be both an obstacle or a maximizer for its member states. Hyde-Price writes of a 'vehicle for interests' (2006: 220). In particular, what concerns states with this idea is that core interests are separated from second-order interests. The pursuing of the latter, that are typically democracy, rule of law, human rights which are usually well achieved in organizations like the EU. Their pursuing on the other hand, should not infringe in any way the possibility to achieve the previous. Especially those concerning issue of national security.

Recents events, and many of the provisions contained in the Lisbon Treaty, such as the continuous reference to the autonomy of each member state are clear example of the relevance of this approach. Of course that is also an evidence of the role that states like France and the UK still holds compared to others.

### 3.3.2 *Integrationist Europe*

EU is the main concern of this approach. Indeed, EU has its own values, principles and policies. It is by virtue of this unicity that EU policies are not to be considered simply as the result - and the sum - of each member states, but rather as something different. Needless to say, that this approach is of great fashion in Brussels, and one can easily understand it by taking a look at the great majority of documents that comes from those offices. For example, is the case of the many strategic documents in the field of defense in which there is a continuous reference to 'Europe' as the main actor at the international level. It is Europe the one threatened by political uncertainty at its doorstep, or by migratory flaws; not Italy, Germany nor France. This approach echoes some 'realism', to use the words of Barròs-Garcia (2007: 8); and so, it is not a surprise that an increased capacity in terms of military assets is at the core of many of this documents. The main

promoter of this approach are the most European of all the institutions: the Commission and the HR. However, it is not rare to see these documents coming from the Councils, although it is legit to think that in these cases, it is more a matter of facade rather than a genuine hope.

### 3.3.3 *Cosmopolitan Europe*

Cosmopolitan Europe is an idea that emerges from a different approach to international relations. It has at its core not the nation-state of the 'national Europe' approach, nor the state-like EU of the 'integrationist' one. Its main focus is the individual. For this reason, security here, has to be intended as 'human security', which to some extent represent a post-national strategic culture. The main promoter of this approach is Ian Manners with its normative approach to EU, according to which EU institutions are bearers of principles with the ultimate goal of freeing men from basic insecurities. Democracy, the rule of law, social rights, sustainable peace, equality, solidarity are the means through which this goal can be achieved. Particularly strong within the Commission, this approach which has clearly an ideational basis, is not that common in the general practice of the EU foreign policy.

### 3.3.4 *Multilateral Europe*

Multilateral Europe is an approach that in a way represent a synthesis of the two most diverging approach, the national and the cosmopolitan. We can glimpse its definition in many discourse made by people that although pro-Europe in their attitude, are also pragmatic bearer of national requests. In 2006 the Federal Ministry of Defense in Germany came out with a classic White Paper on the future of Europe in the field of security policies:

> *'The chief determinants of future security policy development are not military, but social, economic, ecological and cultural conditions, which can be influenced only through multilateral cooperation. It is therefore not possible to guarantee security by going it alone, or with armed force only. What is called for, rather, is an all-embracing approach that can only be*

*developed in networked security structures based on comprehensive national*
*and global security rationale.'*

<div align="right">(2006: 22)</div>

'Networked security' is here the linchpin of the whole approach which has to be as a consequence multilateral by nature. As anything that is the result of a compromise, however, this approach leaves way too much to interpretations, since it is not clear at all which kind of relations there has to be between the national concern and the cosmopolitan, post-national ones. According to many, the compromise reached in Lisbon is nothing less than the fulfillment of this nicely worded, but vague approach. Although very diffused at both the national and supranational level, this approach generates also the typical difficulties of the CFSP and the CSDP that we have already mentioned: the unresolved relations between national and European interests.

3.4 HOW DO THESE FOUR CLUSTERS INTERACT?

As emerged clearly in the institutional approach, the core of the common foreign policy for the EU lays in its intergovernmental structures of decision-making: the two Councils. However, the use of these clusters appears useful to shed a light on the complex process behind any decision taken in those meetings between chief of the governments or foreign ministers. In fact, as we have already assumed, if on the one hand is not possible to assume the CFSP as the result of a single and coherent idea; on the other, is just as impossible to believe that any policy decision in this topic is the result of a synthesis among 28 different ideas of foreign policy. These four approaches are broad enough to encompass all the different ideas, and all the different traditions in terms of foreign policy. Therefore, at least for the purpose of this study they are useful in explaining differences in terms of expectations at the European level. If there has to be an interaction, it will be based on these four ideas. The results of this process of interaction can be at least three:

- *victory* of one idea on the others: needless to say that this result if ever occurred is more of an exception rather than the rule;

- *compromise*: which is something that fits perfectly the typical ambiguity of the whole construction of the CFSP, and to some extent of the EU framework;
- *balancing*: according to a majority of scholars it is the most typical result of the 'battle of ideas'. Barbé writes: '...the life of the EU has been a history of balancing small and large countries, rich and poor countries, supranationalism and intergovernmentalism, and European aims and national priorities' (1997a: 4).

Balancing of ideas, in particular, is very common for two main reasons. Firstly, because it echoes the traditional balance-of-power in one fundamental assumption: it is necessary in anarchic systems, where there is no final arbiter, nor any mechanism for authoritative decision-making. And in a policy that is still to an high degree in the hands of national states, this process seems the most coherent. Moreover, the European CFSP is the paramount example of such an environment, since there is no final institution that can decide in cases where a consensus is lacking - despite the introduction of the QMV system tried to smooth this feature under some provisions. Secondly, balancing is the typical output of politics. In addition to that, in this particular field, balancing does not mean that only one idea can be present in the final policy output, as it is the case of victory, or compromise. In many cases these clusters can be combined in a non-contradictory way. Just to make an example, as already analyzed in a previous chapter, the Lisbon Treaty is a classic example of this ambiguity since it embraces features that are typical of different clusters: the 'national' with the clear references to the role of member states, the 'integrationist' or 'multilateral' with the references to Europe as an actor on its own, and finally the 'cosmopolitan' with the reference to the human being (Kienzle, 2009).

Considering these four clusters of ideas, and the three axis upon which any foreign policy lays - security perception, use of means and state relations - it is possible to sketch some hypothesis on the general functioning of the EU's foreign policy and on the most typical policy outputs in this field.

1. The more each Member State take positions that are extreme in terms of security perception, use of means and state relations, the more difficult will be to find consensus among them.
2. The more each Member States agree on median positions in terms of security perception, use of means and state relations, the more easy will be to find consensus among them.
3. The finding of the so-called focal points is fundamental to produce coherent policy output.
4. Focal points are generally located within the two extremes positions - national and cosmopolitan Europe - in terms of security perception, use of means and state relations; resulting in a moderate policy output.
5. Output variation is a typical feature of the EU's common foreign policy. (Kienzle, 2009)

In this graph it is possible to look in a visual perspective at the five hypothesis above mentioned. At the extremes of each axis there are the more extreme ideas: the national and the cosmopolitan. This means, in turn, that for each dimension of security perception, use of means, and state relations, the middle of these axis, and so consensus, is generally found in the integrationist and multilateral idea of Europe. The following graph will better show this consideration.

X = security perception                                          Red circle = consensus area

Y = use of means

Z = state relations
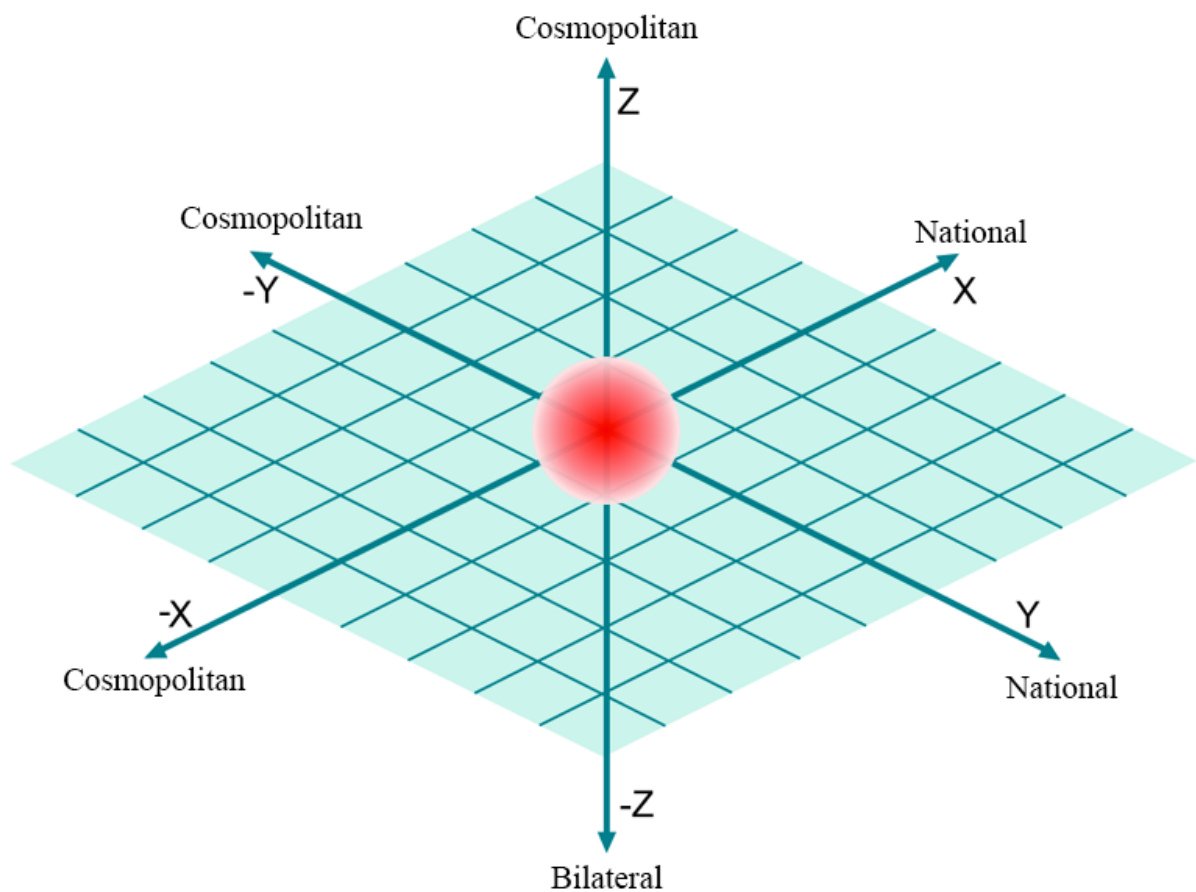
From these hypothesis it is possible to draw some conclusions. First, it is easy to understand how extreme positions are not suited to work in a system with the characteristic of the EU. The absence of a mechanism for authoritative decision-making means, from a practical perspective, that each position has to be mediated, and extreme positions are the less likely to undergo such a process. Second, on the contrary, positions that are located in the middle of all three axis are the more likely to meet a broader consensus and eventually to end up in a concrete policy output. Third, this consideration is the key to understand how much valuable are the so-called 'focal points' in such a system. As already mentioned by the term focal points, I mean those positions that work as gravity center for the highly anarchic system at the basis of the EU's foreign policy. Fourth, it is clear that this points are located in the middle of each axis. Finally, it is just as clear -

and the experience tells us not that rare - that in many occasion it is impossible to find these focal points, since some member states can be firm on their extreme positions. For this reasons EU's foreign policy were, and still is, too grounded on the interests that are at stake on a case-by-case basis, and sometime it is just impossible to find a consensus. That is why output variations is a typical feature of the EU's common foreign policy (Kienzle, 2009).

3.5 THE IDEATIONAL ANSWER TO THE CAPABILITY-EXPECTATIONS GAP

The resilience of the capability-expectations gap has its origins in the continuous conflict of ideas. The EU in fact is a subject whose external action is conditioned by the combined efforts of the member states to find a consensus among their different perception of Europe, and among their interests. Any time this consensus is found, the EU through its institutions, can act unanimously on the world stage. As already said in the hypothesis that Kienzle has drawn, consensus is more likely to be found for 'moderate actions' - at least in the majority of the cases. It is not by chance, that the most common actions for the EU are diplomacy, sanctions, peacekeeping and so forth. In concrete, actions that are not as divisive in their nature and implications as forceful military interventions. It is a fact that, for example, there are states which are, and will be in the foreseeable future, against military interventions, for historical or ethical reasons. In this case, expectations, at least for a group of states aiming at a military Union, will be higher than the capabilities; whereas they will be just fine for states considering the military as something that need to be protected from external influences.

To conclude, the capability-expectations gap will be a permanent features of the whole EU's foreign policy at least as long as there will be the coexistence of these four clusters. In such an environment the level of expectations will never be the result of a shared position. And as a matter of fact, this will create the gap in many policy area. In the next and last chapter I will look at four case study, chosen to solidify in concrete example, the scheme made at the very beginning of the thesis about the four possible combinations of capabilities and expectations.

# 4. EU'S FOREIGN POLICY OUTPUTS: LOOKING AT FOUR CASE STUDY WITH DIFFERENT COMBINATIONS OF CAPABILITIES AND EXPECTATIONS

1) *High capabilities and high expectations: international trade system (Doha Round)*

2) *High capabilities and low expectations: EULEX Kosovo*

3) *Low capabilities and high expectations: Libya*

4) *Low capabilities and low expectations: forced immigration (FRONTEX)*

In this chapter I will try to focus the attention on some relevant cases that in my opinion are paradigmatic of the whole thesis. The reason behind that is that, although the classic example of Hill is the one based on low capabilities and high expectations, there are also other possible configurations of capabilities and expectations. A case of high capabilities and low expectations, where in substance there is a gap, but positive; and the one where there is no gap at all, where capabilities fits perfectly the related expectations. This last configuration may variate if one decides to look at the degree of the two variables, rather than the gap. A case of high capabilities and high expectations, is in terms of the gap, equivalent to a case of low capabilities and low expectations. However, it is possible that some considerations can be made on the policy outputs coming from these two no-gap configurations. At least from an analytically perspective. By the study of each configuration it is likely to expect a success or a failure in terms of ultimate outputs, as a function of the gap or gap-less case. In general terms, these are the results we should expect for the sake of argument:

1. High capabilities-high expectations = success

2. High capabilities-low expectations = success

3. Low capabilities-high expectations = failure

4. Low capabilities-low expectations = success?

Another premise is necessary before moving ahead with this chapter. Since the aim of the chapter,

and of the thesis, is to analyse the framework behind the action of the EU, the difference between a successful and an unsuccessful mission is to be intended as the difference between a mission that found a consensus among all the parties included in the policy-making process, and so was actually implemented; and those that failed to do so, and so were not. For the aim of this thesis so, it is a second-order problem the analysis of the mission in itself, with its pros and cons. This caveat is important because the whole thesis is, in a sense, a-political. What it does matter for the purpose of it is trying to assess the conditions that need to be respected within the EU institutions and its member states to make the Union able to act at the international level as a coherent actor. Just like the US or Switzerland, or any other actor that operate in similar conditions. In practice, if the ultimate goal of the whole process of integration also in the field of the foreign policy is to go beyond the capability-expectations gap, what are the necessary conditions that need to be matched?

## 4.1 HIGH CAPABILITIES-HIGH EXPECTATIONS: INTERNATIONAL TRADING SYSTEM (DOHA ROUND)

The EU is, and has been for decades, one of the largest trading blocs (De Bièvre, Poletti, 2013). The international trading system therefore is certainly the policy area where the Union had the biggest influence as a coherent actor. To some extent, it is possible to say that the EU decisively co-shaped the rules of the world's trade regime together with the US, and in some cases also having the upper hand. With the ratification of Lisbon some key aspects have been addressed to boost the overall impact in this crucial area: the legal personality issue, the democratic accountability, and issue concerning the necessity to increase the Union's competences. In particular: trade in services, intellectual property right (IPR), and the exclusive competences in foreign direct investments (FDI) (De Gucht, 2010).

The 'legal personality issue' in particular was hard to be avoided for any longer. However, as already said in chapter 1, it is only through the preparatory reports for the failed Constitutional Treaty that its conferral to the Union was stressed with strenght. Article 6 of the draft Constitution

declaimed: 'The Union shall have legal personality'. The ending of the separate personalities and of the pillars structure was the inevitable consequence. The Lisbon Treaty marked the end of this long process (art.47), by the merging of the Community with the Union. The EU was now the only international actor with legal personality. The conferral of this long-awaited qualification gave the Union the ability to conclude and negotiate international agreements in accordance with its external commitments. Moreover, it gave the possibility to become a member of international organisation and to join international conventions. Trade policies in particular were enhanced, and some specific provision ended up in widening the range of action for the Union.

That being said, it is also to note the importance of the practice of the EU so far. In fact, to assess that only in the aftermath of Lisbon the EU gained the qualification to maintain external relations with third parties would be an overstatement. The practice was quite the contrary. Hence, it would be rather absurd to affirms that only after the conferral of legal personality EU has become an international actor (De Schoutheete, 2007). In fact, many agreements were stipulated by the EU before Lisbon: Bosnia and Herzegovina, 2002; Chile, 2005; US, 2003; etc.

As a matter of fact, the EU was considered a legal actor well before it was officially granted its legal personality. A different question is if this status was fully accepted by each member state. The fact that article 24, under certain conditions, gives the possibility for the member state to ask for processes of national ratification, casts some doubts on the Union's limits. The piling of these reasons makes possible to say that today the gap does not exist any more. To high capabilities correspond equally high expectations.

As for the democratic accountability of the whole process behind the ratification of treaties, through Lisbon, the European Parliament saw its prerogatives enhanced. That happened mainly in three way. First, according to art. 207(2), the EP and the Council ought to act with the ordinary legislative procedure. In this way the EP share powers with the Council. Second, the range of agreements that are required of a consent from the EP is widened. Third, the Commission will be

obliged to inform the EP with information on the conduct of negotiations (Woolcock, 2008).

*4.1.1 Doha Round*

EU's influence started to decline in the last 15 years since the international environment drastically changed. The lack of cards at disposal - threatening to leave the WTO is no more an option; together with the rise of new economic actors, took the EU away from its first-mover situation of advantage. While still important, the EU is now in the position of the demandeur of new Rounds (De Bièvre, Poletti, 2013). This role was notably played for the first time in the so-called Doha Round. It is a round of multilateral trade negotiations among all the members of the WTO, aiming at creating synergy between the necessity of growth, and the inclusion of a sustainable development idea in it. The Doha Round is built on three pillars:

- market access for agricultural products - including tariffs and subsidies; industrial goods; and services
- rules such as trade facilitation and anti-dumping
- development

The EU supports this effort even though negotiations stalled. One of the critical elements of the whole process is due to the premises of the Round, which is based on the principle of 'single undertaking': nothing is agreed until everything is agreed. For this reason it is possible to say that the failure of Doha it is not the failure of the EU, which at least in this context works coherently with its interests and principles; but it is rather a problem due to a changed global environment, that sees *status quo* powers such as the US and the EU, versus the raising ones - see China, India, Brazil, South Africa, etc. (De Bièvre, Poletti, 2013).

*4.1.2 Capabilities and expectations*

The EU's Common Commercial Policy is one of the areas in which the EU has full and direct competence. In other words, when chairing in the WTO, the EU works as a single actor and is

represented by the European Commission, rather than by the member states. The Commission regularly consults and reports to the Council and the European Parliament. Since the entry into force of the Lisbon Treaty, the Council and the European Parliament are co-legislators and have equal say on international trade matters.

The level of activism of the Union in the WTO is testified by the massive use of Dispute Settlement System. This system was highly incentivized by the US aggressive economic policy of the 1980s (De Bièvre, Poletti, 2013); and therefore represent, together with the WTO Appellate Body a success for the Union. Since 1995, EU was involved in 91 cases as complainant; in 78 as respondent; and in 143 as third party (data available at [www.wto.org](www.wto.org)). This activism put an end to the unilateralism of the American sanction system.

As said, capabilities in the field of commercial policy and trade had a great impact on the Union's overall external action; after Lisbon, significantly art.205 brought the EU trade policy under the same EU external action heading (Title V). EU is more and more a legitimate and powerful global actor when it comes to negotiate agreements concerning matters in this policy area. In this aspect it is possible to say that the level of capabilities granted by the treaty to the Union was just as high as the expectations attached to them. The recognition of the 'legal personality' to the Union, and above all, the great role played by the Commission on behalf of all member states, contributed in giving the EU a coherence unknown in other policy area. In terms of capabilities, moreover, this policy is immune to a majority of problems that are in turn well known in other policy area such as the CFSP in particular:

- the ordinary legislative procedure is possible (OLP)
- parliamentary consent is required for all trade agreements

The piling of these fundamental features, modified the nature of the European policy-making. It is now possible to say that the process is just as smooth as it can possibly be for an actor with such

characteristics; and above all that the democratic accountability is guaranteed. This aspect was also made evident by the modification of a practice called 'provisional application'. In this case, according to the treaty, it is possible for the Council to sign a treaty and provisionally apply it. The Parliament consent, is required in this case only before the 'ratification' of the treaty. To better balancing these two necessities - urgent application of a treaty, and democratic accountability - the Council, in a late decision of September 2010, decided that for political reasons, the involvement of the Parliament is needed even before the 'provisional application' case. The EU-Korea TFA agreement is the perfect example of it (De Gucht, 2010).

As for the expectations, it is to note that they were high on that matter since the very beginning of the EU integration process. To underline this consideration, it is worthy to note that the EU 'single market' was partially inspired by the GATT (the previous WTO). To conclude, the combination of 1) an easier voting system; 2) of a recognized role played by the Commission; 3) and of the opportunity to check this work through the Parliament, concurred in making the level of capabilities meet the one of expectations. For this reason, it is possible to say that the Union's role in the world trading system is a role that do not suffer of a capabilities-expectations gap; but it is rather a policy area that it is based on high capabilities and high expectations.

## 4.2 HIGH CAPABILITIES-LOW EXPECTATIONS: EULEX KOSOVO
Civilian Crisis Management (CCM) is one of the main task of the civilian side of the CSDP. First, it is important to note how the CCM has basically no equivalent in the lexicon of the UN, the OSCE and others non-European regional organizations. For this reason, the CCM is a typical European concept. The unintended consequence of this unicity, is that it engenders all the inconsistencies and weaknesses that are also typical of the EU.

CSDP is the policy area into which CCM missions falls; and it has expanded its range of action steadily in the last years. To date, 12 missions are still ongoing. That being said, this instrument solidifies in itself some of the typical inconsistencies of the Union. Among the others, these are the

main ones:

- the institutional coherence
- the Peacebuilding dilemma
- the necessity to match both the EU's strategic interests and the real rationale of the CCM

The 'peacebuilding dilemma' in particular requires few more words since it is a growing issue in stability operations. Post-conflict reconstruction and humanitarian relief efforts forced, in the last decade, military and humanitarian actors to operate in the same space at the same time. This complex situation ended up in challenging the bedrock principles that characterized peacekeeping for more than half-a-century. Although the military has consistently emphasized the need for 'complementarity', humanitarian organizations have expressed concern about the impact of civil-military cooperation on their ability to remain impartial, neutral, and independent in fulfilling their core tasks. As a result, the lines between neutral peacekeeping and non-neutral, peacebuilding and reconstruction activities have become increasingly blurred, thereby raising dangers and risks especially for civilian actors (Franke, 2006).

### 4.2.1 EULEX Kosovo

Approved on February 16, 2008 EULEX Kosovo was and still is the biggest CSDP mission ever launched by the EU. It encompasses a total of 2900 staff members. Of these, 1700 staff members are internationals and 1200 are locally recruited (EULEX, 2010a). However, the process behind the launch of the mission was complicated, and without any doubt it represents a good test for the purpose of this thesis. The context of the mission was very problematic for the Union, since member states found themselves completely unprepared by the events. The mission, when finally approved, started under the worst auspices. However, at the end of the day the Union performed quite well in its tasks.

The future international presence in Kosovo had its basis in the so-called Ahtisaari's proposal.

Among the other things, it foresaw the presence of the EU in the country with a mission in the field of the 'rule of law' (art. 13). Things for Kosovo seemed to deteriorate after the failure of 120 days of negotiations promoted by the *troika* - US, EU and Russia - in which Serbia and Kosovo did not manage to find a deal. On 17 February, 2008, the Kosovo government, elected on November 2007, decided in coordination with other Western countries to declare unilaterally independence, inviting and welcoming an international civilian presence and a European Union-led rule of law mission (Kosovo Assembly, 2008a, art.5). Soon afterwards, the US and then the great majority of the international community decided to recognize Kosovo.

After this first step, that was certainly a legal breach of a situation that otherwise was destined to a stalemate, EU's position was weakened by what can be considered a typical case of 'horizontal conflict' among its member states. In fact, five European countries - Spain, Slovakia, Romania, Greece and Cyprus - did not recognize Kosovo's unilateral decision. These states lately brought the case to the International Court of Justice (ICJ) to put in a safe place their position *vis-à-vis* other Western countries. In its advisory opinion of 2010 the Court claimed how the unilateral declaration of independence of Kosovo did not breach the international law (July 22, 2010).

In the light of these considerations, how is it possible to explain the deployment of the EULEX mission in the first place? Although the EU did not find a common position, the very task of the EULEX mission as intended by Ahtisaari, the Councils and by the other member states, did represent the lowest common denominator upon which a consensus could be found. Functional to this consensus was the typical 'ambiguity' of both the Ahtisaari's proposal and of the EU's joint action.

EU's presence in the post-independence Kosovo was meant to be threefold:

- A political entity in an International Civilian Office/European Union Special Representative (ICO/EUSR), that will oversee a settlement;

- An operational entity in the European Security and Defence Policy (ESDP) mission, that will support the Kosovo authorities in the area of Rule of Law;
- A reform driving entity in the European Commission office that will assist Kosovo in its long-term reform efforts, economic development, and assist in fostering Kosovo's regional integration and help it realize its EU perspective.

Pieter Feith was appointed European Union Special Representative (EUSR) in Kosovo on 4 February 2008. His mandate was to offer 'the EU's advice and support in the political process and to promote overall EU political coordination in Kosovo (EU Factsheet, 2008: 3). Moreover, 'the EUSR will be in the lead for . . . implementing a settlement defining Kosovo's future status, with the aim of a stable, viable, peaceful democratic and multi-ethnic Kosovo' (ibid.). Finally, according to the wording of the EU's joint action dated 4 February 2008:

> '*EULEX KOSOVO shall assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability and in further developing and strengthening an independent multi-ethnic justice system and multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognized standards and European best practices*.' (Ibid.).

In this joint action the reference to the status-committed Ahtisaari's plan was explicit.

The actual deployment of the mission had to overcome all the incongruence and difficulties of the case. In fact, in addition to the already mentioned division within the EU members, another big obstacle was to make the unilateral declaration of independence - a straightforward *fait accompli* - acceptable to Serbia and above all to its long-lasting partner Russia. The EULEX mission in order to be effective had to substitute the previous UN-led mission of UNMIK, but this transition

of responsibility was not possible without the UN Security Council's decision. In that restricted forum Russia had the right of veto on any decision.

Three conditions were made by Belgrade through Moscow before the starting of the mission: first, the plan must be approved by the UN Security Council. Second, it must be neutral regarding Kosovo's status. Third, it must take no measures to implement the proposal of former Finnish President Martti Ahtisaari, which are regarded by Belgrade as the basis of Kosovo's independence bid. (Radio Free Europe/Radio Liberty, 2008)

In the light of these conditions a compromise was the necessary step to let the EULEX mission begin. It had to be under the umbrella of the UN, and therefore neutral. EU's success - at least partial - was based on the capability of maintaining a 'procedural cohesion' based on art.14 and on paragraph three of article 25 (TEU) on a mission that could not fail for multiple reasons:

- it was the biggest CSDP mission ever launched, and in the aftermath of Lisbon a failure could not be taken into consideration - even by those states that did not recognize Kosovo.
- CSDP mission, in particular in the field of the Rule of Law, are those typical European missions that characterize the EU as an international actor with a civilian vocation.
- a convergence on this kind of missions was achieved long ago, and the EU institutional setting favour their implementation.
- the formal neutrality of the mission granted by the UN umbrella is the perfect environment to ease misunderstanding among different member states.

Needless to say that the features above mentioned, and in particular the formal neutrality of the mission, had and still has consequences on the mission. For example, Kosovo and Serbia see the EULEX mission in different ways. Kosovo sees it as functional to its independence and so status-oriented. While Serbia perceives it as neutral, and so as the normal international presence in

consideration of a complicated situation. As usual ambiguity was necessary, and in a way constructive, since it is the only way through which such a mission could be deployed. On the other hand, it also echoes in the daily work of it. Weakening at the end of the day its efficacy. The case of the difficult relationship with other EU's agencies rather than with the previous UN mission is paradigmatic. And the same can be said for the 'double-hatted' figure of the ICR/EUSR.

4.2.2 *Capabilities and expectations*

The deployment of this complicated, and in a way unique mission of CSDP, was possible because capabilities happened to be higher than the minimum tasks required by the low level of expectation of those days. In particular there are three elements that played a big role:

- *the presence of the US* has a big impact on the whole mission; although being from a strictly institutional point of view European-led, EULEX see the collaboration of states like the US, Switzerland and Turkey in accordance to article 24 (TEU)
- *cooperation with the UN* also is an element that was fundamental in the ultimate output - to some extent it is possible to say that if it was not for the ambiguity coming from this EU-UN cooperation, the mission would have never been launched at least in these terms.
- on the contrary, *the civilian side of the CSDP* mission are because of their nature quintessentially European - to use a concept already used, they are an easy focal points also for states with diverging interests.

To conclude, in order to explain the deployment of this mission, one needs to look at both the capabilities put at disposal, and the relative low level of expectations for the mission. Born under the worst auspices for historical and contingent reasons, the institutional setting designed for this kind of missions proved to be fundamental. The so-called 'procedural coherence' that was reached and maintained throughout the whole EULEX mission was the key to this success. The strength of this element was so critical that it railroaded also those member states that did not recognize Kosovo in the first place (Portela, Raube, 2009).

As for the expectations, as already said, they were set on a relative low level since the problematic beginning of the mission. However, at the end of the day, the element that was crucial for the deployment of EULEX was the credibility that the EU had as a civilian actor. That is the minimum common denominator of the EU's foreign policy, and it worked well in Kosovo. All things considered, such a mission, despite all the difficulties, was built on a scheme that could not fail. The convergence of a good level of capabilities, along with the external influence by the US-UN, proved to be way above the level of expectations. It is because of this 'positive gap' that the Union saved its face in Kosovo.

## 4.3 LOW CAPABILITIES-HIGH EXPECTATIONS: LIBYA

At first sight it seems that the possibility to wage war and conduct it effectively is the minimum requested power for an international actor. In 1993, however, the EU did not have the necessary capabilities, resources and initiatives to perform this basic power. This type of configuration of the gap is the classic one, the one explored by Hill in his first article. What about the situation of today?

According to Schroeder, the development of the military side of what is today called Common Security and Defence Policy (CSDP) has been capabilities driven rather than strategically developed (2009). It is thus in the rationale behind this process that one can find the reason for many of the flaws in this policy. In the field of war, peace and deployment of armed force - which again is just one side of the CSDP - the EU is still far from being a coherent actor. Why is it so? Of course there are many possible answers to this question. The one that seems more appealing to me is given by Toje: EU does not produce any added value in the field of military interventions, *vis-à-vis* the well established NATO framework (2009). In fact, I believe it is in the not-resolved relationship with NATO that one should look at to find the right answer. NATO membership was and still is for a majority of EU's states a priority, well ahead the EU. In historical and economics terms. That means that NATO is still the most trusted and valuable site for the internationalisation

of many states' foreign and security policy (Mérand, 2008). Moreover, to this consideration one should also add the traditional hegemony that the US exercise in this field:

> *'The long timescale of military research, development and deployment implies that no serious challenger to the US is likely to emerge in the next fifteen to twenty years - at least in terms of the provision of conventional, organized forces'*                              (Wallace, 2002: 107)

Twelve years later, Wallace's analysis appears still valid in its premises and above all in its conclusions. This statement emerges like an almost irrefutable truth also in the light of many of the provisions envisaged by Lisbon. The piling of the mutual defence clause, the increasing costs in the military spending, and a legal basis for the EU's Battle Groups, proved to be ineffective if the aim was to overcome EU's weaknesses. If on the one hand, it is clear how no single answer can ever be explanatory in itself, I think that there are at least 4 critical elements that concur in the EU's shortcoming:

- unresolved relations with NATO and the US in particular
- duplications of costs in time of budgetary austerity
- necessity to find and cultivate a distinctive European approach to international crisis
- lack of political will to delegate the overall field of foreign policy to a supranational institution

The issue is put forward by Kempin (2013) in a very direct way:

> *'The EU is trying to become a global security actor on a very limited budget. The question is whether the EU and its member states can afford to try to emulate the military structures, doctrine and technology of the USA on a smaller scale, when there is no evidence to suggest European citizens are*

*prepared to dedicate a similar amount of GDP to defence spending, and little real political appetite outside of France and the UK for military intervention overseas. CSDP was, and is, an opportunity to develop a European alternative way of 'doing defence and security' that meets European budgets and political aims, and by drawing on civilian strengths can offer a distinct European added value when compared to what NATO can offer.'*

### 4.3.1 *Libya*

The Arab Spring came as a surprise to a majority of European capitals. The collapse of Gaddafi was even less expected. As in the case of the Jugoslavia breaking in 1992, Libya represented the first security test for Europe after Lisbon. However, high expectations were about to be betrayed because of institutional and political shortcomings. The Libyan case is just the classic example of a capabilities-expectations gap and of its consequences in terms of ultimate output. This failure is made more clear by looking at the chronology of events that led to the military intervention in the North African country.

France and the UK were the first nations which decided to act unilaterally and outside the limit set forth by the new CSDP. According to Fabbrini it was a resurgence of the old Franco-British *directoire* (2014). One day ahead of the extraordinary European Council of March on the Libyan crisis, France recognized unilaterally the National Transitional Council (NTC) as the sole legitimate representative of Libyan people. This decision came as a surprise to Bruxelles and to a majority of national capitals, since, up to that moment, the European answer was all but that drastic. Many states had commercial agreements with Gaddafi, while others like Italy, had for historical and contingent reasons, difficulties in acting peremptorily against him. The UK were the only other country which welcomed and decided to join France in the operations. However from that moment on, difficulties emerged. In fact, as already said, no permanent structured cooperation (PSC) was ever activated for the military implementation of a CSDP. For this reason, it was just a

matter of time, for France and the UK to look for help, for logistic and strategic reasons. The predicted choice was the US.

After that, two separated operations - three if we consider also the US, with whom France and UK shared the command of the whole operation - started. The military program was handed over to NATO on March 23, 2011, in the aftermath of Resolution 1973. A resolution into which the UN Security Council, made explicit recall to the 'determination to ensure protection to civilians'; in a word the Responsibility to Protect clause (R2P). Only in the aftermath of this decision, the EU announced a joint military operation under the UN shelter. It is striking to note that, at the end of the day, the CSDP in its military nature was not even considered. To save the appearance the Council on April 1, 2011 launched EUFOR Libya: 'a military operation in support of humanitarian assistance operations in response to the crisis situation in Libya'. Neutrality and impartiality were, as a matter of fact, the *conditio sine qua non* for the whole mission. As for the generic tasks:

- contribute to the safe movement and evacuation of displaced persons.
- support, with specific capabilities, the humanitarian agencies in their activities.

Despite the importance given to the Council's decision to 20 June 2011, still no action took place. In a Council's conclusion of that very day, it emerged an annotation that in the first decision was evaded on purpose:

> *'The Council also expressed the Union's readiness to provide Common*
> *Security and Defence Policy support to humanitarian assistance in*
> *response to a request from the United Nations Office for the Coordination*
> *of Humanitarian Affairs (OCHA) and under the coordination role of the*
> *United Nations.'* (Council's conclusion, 20 June 2011)

As time went by, in fact, it became more and more clear that a request from the OCHA would

have never come, because of the risk that such a request would have caused: jeopardize with a military presence a mission that had to be humanitarian and neutral. The 'Peacebuilding dilemma'. In concrete, the EU had put on the table an instrument that did not fit the goal of the mission. The only action that up to that moment was a tangible sign of the EU's presence were the millions spent in humanitarian aid (some 130) and measures such as sanctions and asset freezing. Despite all of this, the role of the Union was never perceived as fundamental; to say the most, complementary. The leadership of the UN was never questioned, not even by the EU, and the result of the meeting in Abu Dhabi and Cairo were clear example of it.

4.3.2 *Capabilities and expectations*

How is it possible to explain this spectacular failure? From Hill's perspective that is the typical case in which the classic gap - low capabilities, high expectations - lead to a failure. Again, I will look at this case both in terms of capabilities and in terms of expectations. From an institutional perspective what is clear is that EU's capitals could not reach agreement on a full-scale CSDP operation. It is not to be forget that missions of this kind are based on voluntary cooperation, and on the unanimity voting system. That is why a proper military intervention, as wanted by Sarkozy, was never possible. And that is also why EUFOR Libya was presented to the world as a mission to support humanitarian assistance. Battle Groups for example were ready to act, however, the unanimity requirement proved to be an obstacle. In addition to that, there are other reasons to explain this failure in terms of capabilities. For example, the historical redundancy with other organizations like NATO in the military sphere is an obstacle to a military independent Europe. Other institutional elements that contributed to this failure are:

- the HR, with her new role, ended up by crowding a space that was already occupied by the President of the Commission and by the new President of the European Council. In many occasions during the hottest moment of the Libyan crisis Barroso, Ashton and Van Rompuy had conferences in separated locations, and above all in seemingly uncoordinated way.

- the instruments that the Union offered to the UN were, as noted by many, confused and in a sense dangerous. The case of the failed deployment of EU troops in the city of Misrata is paradigmatic. The deployment of EU troops was planned under confused premises: 1) there would have been no discrimination by Gaddafi's fighter for these troops from NATO's one; 2) there would have been a serious compromise of the neutrality of all the humanitarian operations; 3) there could have been a situation similar to the one already experienced in Serbia when EU troops were taken in hostage. In a word, they lacked the proper mandate for such a mission. At the end of the day it is possible to say that the missed deployment was a fortunate incident.

On top of that, however the problem was mainly in terms of expectations. Libya was the first testing ground for Lisbon, and as already said, this treaty was lauded as a true boost to the EU coherence. However, the chronology of the crisis showed how these expectations were once again misplaced. The decision to propose the EUFOR mission was the last resort to save the face of the Union. And it did not do that very well neither. To make available military means for straightforward humanitarian tasks was a non-sense that speaks volumes. No wonder that the OCHA never made that request. So, the obvious question is: why did the Union made such an offer in the first place? In my opinion the answer is because among the member states there is still not an agreement on which role and on which features a subject like the EU should have when it comes to the sphere of military. From this point of view we are still stuck in the debate between those who want a military-independent Europe and those who sees it as a civilian actor, providing no added value in the military sphere. That in turn is well covered by NATO. This debate had its embarrassing climax in the UNSC where the EU's 'big three' - Germany, Britain and France - found themselves divided. Something that already happened for Iraq. This fundamental shortcoming on a common idea for the Union, together with the high expectations attached to Lisbon, proved to be the reason for the gap and for its consequences on the ultimate policy output.

In the last few years Europe was at the center of the international stage because of a geographical proximity to many hotspots. The dramatic escalation of events in the Arab world - North Africa and Middle East - projected as a reflex, Europe under the spotlight of international affairs, almost unwittingly. The Arab spring, as Yugoslavia, represented an historic event at Europe's doorstep. And Europe simply failed to respect the expectations. One of the best way to comprehend that is to look at what the world said about it. Le Monde, in the aftermath of the events of Libya came up with this editorial:

> *'The European Union, for its part, has failed miserably. 'Institutional' Europe*
> *has not faced up to the challenge. In the North African saga it does not exist.*
> *It is incapable of agreeing on how to act, on whether to recognise the Libyan*
> *opposition and most, of all, on the legitimacy of the use of force. The disunity*
> *is total and particularly striking when it is a question of deciding on war –*
> *that is to say when history becomes tragedy and it is necessary to move from*
> *frothy rhetoric about the rights of man.'*                                          (March, 31st, 2011)

Also many diplomats agreed on this view, and some of them went even further, noticing how the 'CFSP died in Libya' (Menon, 2011: 76). The critical analysis of Le Monde was not an unicuum. Indeed this opinion was the most common across Europe. Even more striking is to note the almost complete absence of Europe in the hundreds of blogs and websites used by the new Arab generations. Europe is hardly worthy of a note (Perthes, 2011).

EU's response to the Libyan crisis is explanatory of a structural and political weakness in the field of a common foreign policy. But two elements are worthy of a further comment. First, the fact that the foreign policy, and in particular its CSDP, is still a matter of the intergovernmental Europe is a condition that do not allow difficult decision as those required for a military intervention. And to base these policies on voluntary cooperation did not help in finding viable solutions. Second, the coexistence of different institutional frameworks such as NATO, UN and EU ended up in creating

confusion, especially for France and the UK. The one that had everything to lose from this situation was clearly the EU and the CFSP. To conclude this analysis, it is safe to say that, to date, EU cannot handle serious political crisis. Especially if they involve some military interventions. Libya is just the last of a long series of events as such; where actual capabilities are outnumbered by expectations.

## 4.4 LOW CAPABILITIES-LOW EXPECTATIONS: FORCED IMMIGRATION

The fourth and last possible configuration is the one made of low capabilities and low expectations. In this case there is not a gap, although it is possible to say that this situation may be important at least for two reasons: 1) from a qualitative point of view missions under this circumstances are very likely mission intended as 'buffer solution'; 2) this situation may become problematic in the moment where expectations rise. The possible case is the one of forced immigration from third countries.

In his article Hill says that the Union lacks the legal basis, the instruments and resources in the field of borders control and immigration. Of course this was true in 1992, but no more in 1995 when Schengen was firstly implemented. What is then the situation some twenty years later? To date, it is to note that the regulation in this field has made many steps forward in both the aspects. As for the border control - internal and external - the development of the Schengen Area and everything related to it, created a complex framework of rules, controls and agencies. Being now part of the *acquis communautaire*, Schengen is no more a treaty that can be amended according to its terms. It is rather amendable only through the legislative procedure of the EU. Moreover, new entries in the EU do not sign Schengen as a treaty, but accept its provisions together with the rest of the EU body of law. Its key rules are:

- removal of checks on persons at the internal borders;
- a common set of rules applying to people crossing the external borders of the EU Member States;

- harmonisation of the conditions of entry and of the rules on visas for short stays;

- enhanced police cooperation (including rights of cross-border surveillance and hot pursuit);

- stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments;

- establishment and development of the Schengen Information System (SIS)

Schengen is without any doubt one of the great success of the EU. Consequences of its provisions range from the creation of a more integrated European labour market, to the regulation of migration flaws within and without the borders of the Union.

As for the border's control issue, the Schengen Border Code, governs the crossing of the external border, facilitating the access for those who have a legitimate interest to enter in the EU. As stated by the Commission, however,  the abolition of internal borders cannot come at the expense of security. This balance can only be found through an harmonization of rules and procedures in matter such as: visa policy, and special regimes for non-EU citizens. The sum of different procedures as: Blue Cards, students and researchers mobility, families reunification and long-term residents complete the matter in a comprehensive way. Irregular immigration on the other hand, is a whole different issue. Member states, in particular those hit harder by the phenomenon, are for historical and contingent reason asked to act on their own. The EU, in this case, is perceived just as a loaner of resources rather than an actor which can concur in finding common solutions.


### 4.4.1 *FRONTEX*

Being a matter of great importance, especially in these years, it is striking to note how the EU does not go beyond buffer solutions in the policy area of forced immigration. The 'European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union', better known as FRONTEX is therefore a good case study.

Based on the principle that all member states have to make investments to protect their external

borders in the interest of the whole Schengen Area, this agency has its roots in the 'securitisation of migration' (Abiri, 2000b). That is, the process that makes and presents migration as a security threat. The historical trajectory behind FRONTEX passed through some key turning points culminating in its official establishment by a Council Regulation on 26 October, 2004 (EC, 2007/2004). Its headquarter was established in Warsaw, while its budget was divided in four strands - being the most important by far the one from the Union. This consideration is important because it gives the European Parliament a substantial financial leverage on the Agency (Léonard, 2009). In 2014 the expected budget is of some 89,197,000 €. FRONTEX legal basis has been amended two times, in 2007 and in 2013. These modifications ended up in increasing the areas of interest and the ultimate tasks of the Agency. To date, its tasks are 6:

- the Coordination of operational cooperation between Member States regarding the management of external borders;
- assisting Member States in the training of national border guards;
- carrying out risk analyses;
- following up the development of research relevant for the control and surveillance of external borders;
- assisting Member States in circumstances requiring increased technical and operational assistance at external borders;
- providing Member States with the necessary support in organising joint return operations

Moreover, it works closely with the border-control authorities of non-EU/Schengen countries. For this reason, despite the Agency is told to be independent, and more specifically a platform for cooperation, EU's institutions and each member state are responsible of its action. To further stress this point, it is to note that it was a joint action by the Council and the Parliament that eventually led to the implementation of the Rapid Border Intervention Team (RABIT) Regulation of July 2007, that in concrete changed the nature of the Agency into 'quasi-military'.

*4.4.2 Capabilities and expectations*

The analysis of FRONTEX is important to the scope of this thesis because it is in my opinion a case in which the Union deals with an issue with just the minimum effort. And it does so because the issue at stake is a special one, for it is politically relevant for many national actor. Migration is clearly emerging as one of the most contentious issue in EU, and that is a fact. The freedom of movement within the majority of the Union is not for free, and member states at the periphery bear the burden for it. The Union, took many steps in order to share and pool responsibilities and costs; and in many case successfully. However, the issue of migration is still perceived as a matter of national politics. Political parties, especially in countries that are touched by this challenge, make promises about migration as if the solution is solely in the hand of the government. And so believe the majority of the voters. Europe in this case is seen as useful only when it comes to the financing of some missions. To some extent these considerations are true, but the consequences that they engender are dangerous. As a matter of fact, the Union lacks a common policy on forced immigration, and FRONTEX is not immune to this issue. Among the others, these are the most critical elements of it:

- responsibilities are not clear
- for its geographical and geopolitical context, immigration from the Southern borders is way more complicated than the immigration from the Eastern region of the Union;
- what is the nature of FRONTEX?

These points need further clarification. The first big issue is the one of responsibilities. In the very same regulation that established the Agency, in the space of two paragraphs we have two contradictory statements. In paragraph 14 it is stated that 'full autonomy and independence', 'legal personality and exercising the implementing powers' is granted to the Agency. However, paragraph 16 reads 'the responsibility for the control and surveillance of external borders lies with the Member States' (Human Rights Watch, 2011). How is it thus possible to make these two elements coincide? The answer, according to many is that it is not possible, and that is precisely

on this typically European ambiguity that FRONTEX and the member states have built their action. The lack of transparency that engenders from this situation echoes in the action of the Agency (Baldaccini, 2010). The same Executive Director of the Agency pointed out the issue of responsibility as the biggest challenge for the Agency during an audition in front of the LIBE Committee on October 2012.

The second issue is the one of the context of FRONTEX. The external sea border of the Union is five-time more extended than the land border, which is something that makes the Mediterranean Sea Europe's hottest spot. It goes without saying that the situation worsened in the aftermath of the many regimes change that occurred in Northern Africa in the last years. The map shows the relevance of these routes

**How illegal migrants enter Europe, by land and sea**
Figures for January-April 2014



**How the routes compare**
Numbers of illegal migrants by route

| | |
|---|---|
| C Med | 25,650 |
| E Med | 5,800 |
| W Balkan | 3,780 |
| W Med | 2,650 |
| Albania-Greece | 1,370 |
| Apulia & Calabria | 660 |
| E Europe | 194 |
| W Africa | 40 |

Source:Frontex

The third issue is the one of the nature of FRONTEX. Born as a platform to ease the cooperation with the member states at the periphery of the Union in order to protect their border, and eventually the border-free Schengen area, the Agency changed its nature. In particular, the possibility to bear arms and to use force envisaged in the RABIT Regulation left the question about the nature of FRONTEX perilously open. And moreover, is this nature apt to a matter with such a relevance in terms of human rights?

In conclusion, I think it is possible that the issue of forced immigration is today no more a shortcoming of the Union as it was in Hill's article in 1993. In absolute terms it is even possible to say that there is not a capabilities-expectations gap. Of course this situation can change, and it is very likely that something is already happening. Recent events, as the many tragic sinking of boats in the Mediterranean Sea, are contributing in increasing the level of attention on this issue; and it is possible that expectations will rise as well. In particular in those member states that are hit harder such as Italy, Greece and Malta. For this reason, I think it would be desirable for the Union to find a solution to all the critical elements of FRONTEX; and at the same time to develop a new approach to its Neighbourhood Policy, especially when it comes to North African countries. Forced immigration does not suffer of a capabilities-expectations gap, yet; but it is possible that this situation will change in the near future. If the Union wants, solutions are at hand.

4.5 FINAL HYPOTHESIS

This chapter was important since it aimed to solidify the whole argument of the thesis by bringing into the discussion some relevant cases. In conclusion, I think it is possible to draw some conclusions. The first, crystal-clear, is that the capabilities-expectations gap is twenty years after its first theorization a feature of the Union's foreign policy. Especially in the most complicated issue that are those security related. The reason of this resilience is due to multiple factors, with the most compelling one being, the historically reluctance from the member states to give up on their prerogatives to supranational institutions. The obvious consequence of this situation, has been a

wrong and superficial process of institutionalisation of practices.

The second big conclusion emerging from this chapter is that it is a misplaced perception the one that sees the gap as the dependent variable for the success or the failure of a policy output. What it does matter is rather the relative configuration of both capabilities and expectations. In fact we have, paradoxically, a situation of a gap that leads to a success (high capabilities-low expectations); and one of no-gap (low capabilities-low expectations) that is more inclined to a failure rather than a success. At the end of the day, if this conclusion is correct, the discriminating factor is not the gap *per se*, but the combination of capabilities and expectations in their relative terms.

CONCLUSION

The aim of this thesis was trying to asses the situation of today's EU foreign policy twenty years after the seminal article by Christopher Hill of 1992. The capability-expectations gap theorized in that occasion was used here in accordance with the spirit by which it was postulated: as a 'yard-stick' for the evaluation of the general trajectory of the European project in the many fields related to the external action of the Union. *Activities* are the object of this analysis, and they are considered in the context of a lasting compromise between national interests and a long-run equilibrium in the system.

In the light of the first chapter, which had as its ultimate goal to operationalize Hill's argument by using its own criteria, it emerged that some concrete steps forward were made. Especially in two sectors the gap is no more a problem: treaty making and border control/immigration. That being said, however, there are still two issues of great relevance whose solution is far from being reached: waging war and raising of an European armed force. It is important to note here that Hill, as a pragmatic thinker, considered deficiency in these field unacceptable. Europe will never be taken seriously without military capabilities. Finally, Hill's come up with some advices on how to solve the issue: variability. In a way that is the typical answer that one could possibly imagine from an English thinker with Hill's background. In concrete, as long as a new political impetus will not catch in a further process of integration in these security-related fields, a variable geometry approach is the only possible solution to the capability-expectations gap. In a word, increase capabilities whenever it is possible, while decreasing expectations where needed.

Chapter 2, takes a closer look to the side of capabilities. This institutional chapter was based on the analysis of the EU foreign policy structure before and after Lisbon, since I believe this to be the best way to understand the general trajectory behind the integration of policies. In line with the classic institutionalism, the idea is that institutional reforms should go hand-in-hand with changes in the EU's foreign policy-making. Especially in terms of actual capabilities conferred to the Union. Moreover, initial policy choices have an impact on further evolutions. However, as already said,

institutional reforms were not enough to solve the gap in many policy areas. Lisbon in particular, proved to be as the apex of a contradictory and inefficient process of institutionalisation. 'Turf wars' among institutions with different constituencies are more and more a problem to the integration of relevant policies in the EU's context. In concrete, the general setting of the Union, based on a not-resolved dichotomy between supranational and intergovernmental institutions, is still a problem; and in many policy area, the gap between capabilities and expectations is an issue precisely for this reason. As for concrete elements of inconsistency, the lack of authoritative mechanisms for decision-making, together with the unanimity voting system in a majority of field are the biggest obstacles in the pursuing of a common foreign policy.

The conclusion of this chapter lead me, as a consequence to the third one. In fact, it was necessary to look at the capability-expectations gap also from the other side of the function. To do so, I needed to move in a pre-institutional context. The choice I made was to look at the level of ideas. Chapter 3, therefore, is based on an ideational approach to the issue of expectations. To say that ideas matter in politics is, to some extent, an almost self-evident truth but it can also be a risk, since it is often very difficult to prove beyond any reasonable doubt the direct effect of ideas on real life, instead of, let's say, interests. For this reason, I wanted to do so through the use of what is called neo-institutionalism, that is nothing more than an integration of the classic institutionalism, with the inclusion of ideas as independent variables. As such, ideas can be treated as different from interests, at least in those cases where interests are not pre-given to explain ultimate policy outputs. The conclusions found in this chapter are that, to date, at the European level there is the coexistence of four clusters of ideas - national, integrationist, cosmopolitan and multilateral. Each of these approaches sees the Union under a different light, and in some cases, as a different actor. As a consequence the capability-expectations gap, in this perspective, is the result of this continuous conflict of ideas at the European level. To find a consensus in such an environment is complicated, and the capability-expectations gap will be a permanent feature of the whole EU's foreign policy as long as there will be the resilience of these four clusters, rather than a common strategic identity. The other result of this chapter, which in a way is an authentic

description of the typical output of the Union, is that the Union itself can find a consensus only in cases of moderate actions - diplomacy, sanctions, peacekeeping and so forth - since these are the missions that work as gravity center, or focal points, for different ideas and interests.

Finally chapter 4, was meant to be the empirical switch of thesis. By the use of four case study it aimed to the describe the four possible configurations of the gap: high capabilities-high expectations; high capabilities-low expectations; low capabilities-high expectations; low capabilities-low expectations. The chosen cases were: international trading system; EULEX Kosovo; the Libyan case and FRONTEX.

Each cases presented valuable results. 1) As for the international trading system, it was shown how the Union has always had a great impact as a coherent actor. The EU projected some principles of its economic integration outside its boundaries; contributing in the creation of a stable international trading system. This situation eventually changed in the last decade, more or less; but this has nothing to do with a lack in terms of capabilities, or in problems concerning the level of expectations. The international system has changed, and the rising of new global actors is the reason behind the losing of a privileged position. A closer look at the Doha Round, was sufficient to show this situation.

2) EULEX Kosovo showed how the Union has given itself the right capabilities when it come to the civilian side of the CSDP. In this particular case, the whole mission was possible because of a procedural coherence that was reached at the European level as for the capabilities, and tasks of this mission. Finally, the mission started under the worst auspices, and this ended up in lowering the level of expectations drastically. To some extent, it was a fortunate coincidence. This case is the one that I have defined as the one with a 'positive gap'.

3) The Libyan case, is on the contrary, the perfect exemplification of Hill's classic gap. The whole situation, occurred after Lisbon, came as the testing ground of the new, highly worded,

military-side of the CSDP. Unfortunately, Libya represented the 'death of the CSDP'. Uncoordinated institutions, unilateral actions, different historical traditions and an unresolved relation with NATO, all ended up in this spectacular European failure.

4) The forced immigration case, with a particular attention to FRONTEX, was probably the most interesting result of the thesis. Although being technically a no-gap situation, the analysis of this mission showed as many inconsistencies as a failure case. Moreover, it has shown how the relative combination of both capabilities and expectations, if at a low level, are in qualitative terms more of a reason for concern, rather than security.

The conclusion of this empirical part of the thesis is that, in the spirit of the original concept, the capabilities-expectations gap is a valuable tool for the assessing of the integration process at the European level. Another finding is that the way chosen by different players - member states and European institutions - to address this issue proved to be unsatisfactory. The capabilities-driven approach is now at a standstill. This situation is understandable also from a mathematical perspective. The gap in fact becomes an issue only operant the level of expectations. The relevant question therefore should be: what are the expectations on Europe? As long as there will be no common answer to this question, the gap will always be an issue in some policy area. No institutional reform could ever change that.

For the sake of argument, the last finding was to show how the gap *per se* is not the fundamental element that separate a success from a failure. In fact, besides the classic configuration which is the one of the Libyan case (low capabilities-high expectations); there is also a situation of 'positive gap' - here represented by the EULEX Kosovo - with capabilities outnumbering expectations. This condition leads to a success. On the other hand, this approach makes possible an important differentiation between the two no-gap situations. While the high capabilities-high expectations is easily understood as a case of success - trade system; the low capabilities-low expectations need a further explanation. Theoretically, since there is no gap, we should expect a success in missions

of this kind - here FRONTEX; however, if we decide to analyse this case on more qualitative terms, the situation change. Hardly a success, this case seems more like a failure-in-the-making. In fact, this situation is also the one more likely to change since, in the last years we are witnessing an ever-increasing level of expectations on this very topic. It goes without saying that, in the moment in which the level of expectations will be over the one of capabilities, Hill's classic gap will be opened once again.

To conclude, this thesis showed in the first place that the capability-expectations gap is today, some twenty years after its first theorization, still an issue. In a way, it became a permanent feature of the EU's foreign policy. Besides that, however, the situation is not as bad as it might seems. Looking at the last twenty years in fact, it is also evident how the general trajectory was positive, in the sense that the gap narrowed steadily. To date, the analysis of Lisbon showed that the Union has preferred to look at the side of capabilities rather than the one of expectations. The capability-driven process of institutionalisation, although being effective in some cases, has reached a peak that cannot be pushed any further without a change in the approach. EU's institutions and member states need to work together on the other side of this function, if they want to close the gap. For this reason the debate needs to be pre-institutional, and to address other issues. After that, there would be two possible outcomes: 1) increase the level of capabilities; 2) decrease the level of expectations. In a word, Hill's variable geometry approach.

In substance, Europe is at a juncture: if we want to move toward a political union, it is necessary for all member states to agree on a single idea of Europe and then, consequently, proceed with a proper process of institutionalisation of it. Otherwise, the dream of a common foreign policy for the Union should go back in the drawer, just to be remembered as the equivalent of a political childhood dream.

**REFERENCES**

- Abiri, E., 2000b. *The securitisation of migration.* Göteborg: Dept. of Peace and Development Research Göteborg University.

- Ahtisaari, M., 2007. *Comprehensive Proposal for the Kosovo Status Settlement.*

- Allen D., and Smith, M., 1990. *Western Europe's Presence in the Contemporary International Arena.* Review of International Studies, 16 (1).

- Avery, G., 2007. *The new architecture for EU foreign policy.* Challenge Europe Issue 17, European Policy Centre.

- Baldaccini, A., 2010. *Extraterritorial Border Controls in the EU: The Role of Frontex in Operations at Sea.* In B. Ryan & V. Mitsilegas (Eds.), Extraterritorial Immigration Control: Legal Challenges, Vol. 21. Leiden, The Netherlands: Martinus Nijhoff Publishers.

- Barbé, E., 1997a. *Balancing Europe's Eastern and Southern Dimensions.* Working Paper RSC 97/11. European University Institute.

- Barròs-Garcia, X., 2007. *Effective Multilateralism and the EU as a Military Power: The Worldview of Javier Solana.* Working Paper RSCAS 2007/08. European University Institute.

- Béland, D., 2009. *Ideas, Institutions, and Policy Change.* Journal of European Public Policy 16 (5).

- Benita Ferrero-Waldner, 2007b. *The European Union and the World: A Hard Look at Soft Power.* SPEECH/07/576. New York, Columbia University. 27 September.

- Brunner v European Union Treaty, 1994. German Constitutional Court decision from 12 October 1993, BVerfGE 89, 155; Maastricht.

- Chirac, J., 2002. *Speech by M. Jacques Chirac, President of the French Republic, to the Institute of Higher Defence Studies, Paris, 8 June 2001*. From Nice to Laeken: European Defence: Core Documents: Volume II Ed. Maartje Rutten. Chaillot Paper 51. Paris European Union Institute for Security Studies.

- Ciceo, G., 2010. *The Future Common Security Defence Policy. Will the Treaty of Lisbon be able to bridge the Capability-Expectations Gap?*. Studia  Universitatis Babes-Bolyai, Studia Europaea, LV, 1.

- Communication from the Commission to the Council and the European Parliament of 10 May 2005. *The Hague Programme: ten priorities for the next five years. The Partnership for European renewal in the field of Freedom, Security and Justice*. Official Journal C 236.

- Council of the European Union, 2010a. *European Union Rule of Law Mission in Kosovo -* EULEX.

- Crowe, B., 2005. *Foreign Minister of Europe*. London: Foreign Policy Centre.

- De Schoutheete, P., 1990. *The European Community and its Subsystems.* in W.Wallace 1990.

- De Schoutheete, P., and Andoura, S.,  2007. *The Legal personality of the European Union*. Working Paper European Affairs Program.

- Desch, Michael C., 1998. *Culture Clash: Assessing the Importance of Ideas in Security Studies*. International Security 23(1).

- Deutsche Press Agentur, 24 March 2011. *Diplomats mourn 'death' of EU defence policy over Libya*.

- Draft Treaty Establishing the European Union, 1984. Official Journal of the European Communities No C 77/33.

- Edwards, G., 2005. *The Pattern of the EU's Global Activity*. Oxford University Press.

- EU Factsheet, 2008.

- European Commission's DG Development and Cooperation, 2013.

- European Council's Conclusion, 20 June 2011.

- European Council's Regulation, 2007, 2004.

- Fabbrini, S., 2010. *Compound Democracies: Why the United States and Europe are Becoming Similar*. Oxford University Press.

- Franke, V., 2006. *The Peacebuilding Dilemma: Civil-Military Cooperation in Stability Operations.* International Journal of Peace Studies, vol.11(2).

- Franco-British St. Malo Declaration, 1998. *Joint Declaration on European Defence.* 4 December.

- Gaspers, J., 2008. *The Quest for European Foreign Policy Consistency and the Treaty of Lisbon*. Humanitas Journal of European Studies, vol.2 (1).

- Geiger, R., 1997. *External Competences of the European Union and the Treaty-Making Power of its Member States*. Arizona Journal of International and Comparative Law.

- Gilbert, M., 2012. *Surpassing Realism: the Politics of European Integration since 1945*. Kindle Edition.

- Ginsberg, R., 1999. *Conceptualizing the European Union as an International Actor: Narrowing the Theoretical Capabilities-Expectations Gap.* Journal of Common Market Studies.

- Goldstein, J., and Keohane R., 1993a. *Ideas and Foreign Policy: An Analytical Framework*. Ideas and Foreign Policy: Beliefs, Institutions, and Political Change. Eds. Judith Goldstein and Robert O. Keohane. Cornell Studies in Political Economy. Ithaca, NY: Cornell University Press.

- Kempin, R., and Mawdsley, J., 2013. *The Common Security and Defence Policy as an Act of American Hegemony*. Routledge, European Security, vol. 22(1).

- Keohane, R., 1984. *After Hegemony: Cooperation and Discord in the World Political Economy.* Princeton: Princeton University Press.

- Koehler, K., 2010. *European Foreign Policy After Lisbon: Strengthening the EU as an International Actor*". Caucasian Review of International Affairs, vol.4 (1).

- Heisbourg, F., 2000. *Europe's Strategic Ambitions: The Limits of Ambiguity*. Survival 42 (2).

- Helsinki Headline Goal, 2003.

- Helwig, N., 2013. *EU Foreign Policy and the High Representative's Capability-Expectations Gap: A question of Political Will*. European Foreign Affairs Review.

- Hill, C., 1979. *The Decision-Making Process in Relation to the British Foreign Policy, 1938-1941*. University of Oxford.

- Hill, C., 1993. *Capabilities-Expectations gap or conceptualizing Europe's international role.* Journal of Market Studies, 31 (3).

- Hill, C., 1997. *Closing the Capability-Expectations Gap'*. Fifth Biennal Conference of the European Community Studies Association of the United States, Seattle, Washington.

- Hill, C., 2004. *Renationalizing or Regrouping? EU Foreign Policy since 11 September 2001*. JCMS vol.42, n.1.

- Hill, C., 2011. *National and European Foreign Policies*. London: Routledge.

- Howorth, J., 2011. *Decision-Making in Security and Defence Policy Towards Supranational Intergovernmentalism?*. Working Papers KFG.

- Hyde-Price, A., 2006. *Normative Power Europe: A Realist Critique*. Journal of European Public Policy 13 (2).

- Jacobsen, John K., 2003. *Duelling Constructivisms: A Post-Mortem on the Ideas Debate in Mainstream IR/IPE*. Review of International Studies 29 (1).

- Jorgensen, Knud E., 2004a. *Theorizing the European Union's Foreign Policy*. Tonra, Ben and Christiansen, Thomas Eds. in Rethinking European Union Foreign Policy, Manchester: Manchester Press.

- Kosovo Assembly, 2008a. *Declaration of Independence*. Pristina.

- Kienzle, B., 2009. *Ideas, Interests and the Limits of Collective Foreign Policy Output: The Case of the European Union Non-Proliferation Policy*. Doctoral Dissertation, Universitat Autònoma de Barcelona.

- Krasner, Stephen D., 1983. *Structural Causes and Regime Consequences: Regimes as Intervening Variables*. International Regimes. Ed. Stephen D. Krasner. Cornell Studies in Political Economy. Ithaca, NY: Cornell University Press.

- Léonard, S., 2009. *EU Border Security and Migration into the European Union: FRONTEX and Securitisation of Through Practices*. European Security, Special Issue: Internal Security Policies in the European Union - after the Stochkolm Programme, vol.19.

- Lomé Conventions 1975, 1980, 1985, 1990, 1995.

- Manners, I., 2008. *The Normative Ethics of the European Union*. International Affairs, 84 (1).

- Marcussen, M., Zolner, M., 2001. *The Danish EMU Referendum 2000: Business as Usual.* Government and Opposition, vol.36(3). Cambridge University Press.

- Menon, A., 2011. *European Defence Policy from Lisbon to Libya.* Survival: Global Politics and Strategy, vol.53 (3).

- Mérand, F., 2006. *Social Representations in the European Security and Defence Policy.* Cooperation and Conflict 41 (2).

- Mèrand, F., 2008. *European defence policy: beyond the nation state.* Oxford: Oxford University Press.

- Moravcsik, A., 1998. *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht.* Cornell University Press.

- Nowak, A., 2006. *Civilian Crisis Management: the EU way.* Chaillot Paper.

- Perthes, V., 2011. *Europe and the Arab Spring.* Survival: Global Politics and Strategy, Routhledge

- Portela, C., Raube, K., 2009. *(In-)Coherence in EU Foreign Policy: Exploring Sources and Remedies.* Paper presented at the European Studies Association Bi-annual Convention, Los Angeles

- Radio Free Europe/Radio Liberty, 2008.

- Rasmussen, Mikkel V., 2006. *The Risk Society at War: Terror, Technology and Strategy in the Twenty-First Century.* Cambridge: Cambridge University Press.

- Rettman, A., 2010. *EU foreign relations chief tests new powers in earthquake response.* Available at  euobserver.com/foreign/29266.

- Shepsle, Kenneth A., 1985. *Comment*. Regulatory Policy and the Social Sciences. Ed. Roger G. Noll. California Series on Social Choice and Political Economy Berkeley, CA: University of California Press.

- Sjostedt, G., 1977. *The External Role of the European Community*. Saxon House.

- Stetter, S., 2004. *Cross-pillar politics: functional unity and institutional fragmentation of EU foreign policies*. Journal of European Public Policy, vol.11 (4).

- Stratulat, C., Molino, E., 2011. *Implementing Lisbon: what's new with Comitology*. European Policy Center. Policy Brief. April.

- Thomson, R., 2008. *The Council Presidency in the European Union: Responsibility with Power*. JCMS, vol.46 (3).

- Toje, A., 2009. *Strategic culture as an analytical tool.Western Balkans security observer*, 4 (14).

- Treaty of Maastricht, 1992.

- Treaty of Amsterdam, 1997.

- Treaty of Nice, 2001.

- Treaty of Lisbon, 2007.

- UNSCR 1970 (2011).

- UNSCR 1973 (2011).

- Vanhoonacker, S., 2005. *The Institutionalist Framework*. International Relations and the European Union. Eds. Christopher Hill and Michael Smith. Oxford: Oxford University Press.

- Wallace, W., 2002. *American hegemony, European dilemmas*. Political quarterly, 73 (Suppl. 1).

- Wallace and Wallace, 2000. *Policy-Making in the European Union*. Oxford University Press.

- Weber, M., 1958. *The Social Psychology of the World Religions*. From Max Weber: Essays in Sociology. Eds. H. H. Gerth and C. Wright Mills. New York. NY: Galaxy.

- Wessel, R., 2000. *The Inside looking out: Consistency and Delimitation in EU External Relations*. Common Market Law Review, vol. 3.