

CEPS COMMENTARY



Thinking ahead for Europe

The EEAS and the Eastern Partnership: Let the blame game stop

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The enactment of the Lisbon Treaty raised the level of expectation regarding the EU's role on the global stage to a new high. One of the major institutional innovations, the European External Action Service (EEAS) and its head, the new High Representative and Commission Vice-President (HR/VP) Catherine Ashton, were expected to put right a whole series of problems that have beset EU foreign policy for years. The range of issues demanding attention include: improving the decision-making process, pooling diplomatic expertise, reacting in a timely and appropriate manner to world events, bringing greater consistency and coherence to the EU's external action – and all this at minimal cost.

In the first year and a half of its existence, however, the EEAS and its head have become the target of extensive criticism for the shortcomings of EU foreign policy; shortcomings that in fact date back to the creation of the European Union. The EU's diplomatic service has been blamed variously for 'lacking clarity,' 'acting too slowly' and 'being unable to bridge the institutional divide'. These criticisms have often remained rather general, however, lacking empirical foundation and not taking into consideration the distribution of competences between the EU institutions and the EU member states, or indeed the complex decision-making processes that govern the interaction between them.

Moreover, recriminations have often been 'personalised' and directed to the HR/VP, who is taken to be the embodiment of the EEAS itself. But any responsible critique of EEAS' performance should make a distinction between, *inter alia*, what the desirable foreign policy goals of the EU are and the policy space available to the EEAS to actually achieve these goals.

An examination of the Eastern Partnership multilateral framework reveals that the criticism directed at the EEAS is somewhat unfair. The discretionary power of the EEAS in this policy area is limited to that of an agenda-setter and for the rest is greatly dependent on the largest common policy denominator between a wide range of stakeholders. EEAS' performance in the Eastern Partnership should therefore be evaluated against the backdrop of constraints imposed by the operational environment in which the EU's diplomatic service finds itself.

The Eastern Partnership's objectives are implemented through twin bilateral and multilateral tracks. Unlike the bilateral dimension, the multilateral track functions largely outside of the legal framework. It is the result of political process and complements bilateral relations. Institutionally, the Eastern Partnership's multilateral dimension encompasses the biannual Summit of the Heads of State or Government, annual ministerial meetings, senior officials'

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gatherings on four thematic platforms, supported by expert panels. These structures incorporate all the relevant actors of the Partnership.

The EEAS as agenda-setter

The EEAS plays a role at each level of the Eastern Partnership multilateral framework. The HR/VP takes part in the summits and ministerial meetings, and in coordination with the directors-general of the Commission, the EEAS is the 'first mover' in the preparation of the Eastern Partnership Roadmaps, which function as a broader work programme within the cooperation. Moreover, the EEAS' Director of Russia, the Eastern Partnership, Central Asia and the OSCE, chairs the Platform (N1) dealing with 'Democracy, good governance and stability.' This grants the EEAS the power to set the agenda on the political platform of the Eastern Partnership, (the director is assisted by the EEAS' III.B.1 unit, which also deals with the Regional Cooperation and the Organisation for Security and Co-operation in Europe (OSCE)). Furthermore, the EEAS supports the work of the three other thematic platforms that are chaired by the Commission. The EEAS does therefore have some limited powers.

Controlled by Partnership governments

The EEAS' discretionary power in the Eastern Partnership multilateral framework is nevertheless restricted by the decision-making procedure, by the member states and the partner countries' competences, as well as by the EU institutions, international organisations and the Civil Society Forum (see below for more on this forum). Decision-making in the multilateral framework of the Eastern Partnership requires consensus among 33 states (27 member states and 6 Eastern partners). The EEAS' role is therefore limited to conducting the 'orchestra' of 33 'musicians' in such a way that all the partners agree to play from the same score.

As an illustration of consensus-building prior to decision: to prepare the Eastern Partnership Roadmaps 2012-2013, the EEAS held four consultations with the Council's Working Party on Eastern Europe and Central Asia (*COEST*) where all the member states are represented. Besides the *COEST*, the EEAS held separate meetings with some member states bilaterally and in smaller groups (e.g. the Visegrád Group). During nearly three months of consultation, the EEAS sought the *ex ante* 'indication' of member states' support, which also maintain the right to endorse the Roadmaps in the Council conclusions *ex post*.

Finding a consensus among the member states on the Roadmaps is complemented by the search for agreement among the Eastern partners themselves. The EEAS held three rounds of consultations with the six partner countries together and two rounds of consultations with the each of them bilaterally.

Collectively, the member states and the Eastern partners also participate and take decisions in the summits, ministerial meetings and thematic platforms. Divergent interests, conflicting preferences and different priorities among the member states and partner governments characterise relations among the Eastern Partnership member governments. For the EU's diplomatic service to find common ground among the states involved in the Eastern Partnership is therefore a multifaceted process.

Bound by institutional checks

To varying degrees, the European Commission, the European Parliament (EP), the Committee of Regions, the European Economic and Social Committee (EESC), the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD) are also involved either as 'full' or 'permanent' participants of the Eastern Partnership

thematic platforms. The formal decision-making right is reserved only to the ‘full participants.’

The European Commission is present at the summits and ministerial meetings, chairs two-to-four thematic platforms and is a ‘full participant’ of the Platform N1. The EP is invited to take part in the summits and is a ‘permanent participant’ of platforms. The EP also holds discussions in its Committee on Foreign Affairs (AFET), issues resolutions in plenary sittings and in the newly created EURONEST parliamentary assembly. The Committee of Regions focuses on the role of the local governments, primarily through the Conference of the Regional and Local Authorities for the Eastern Partnership (CORLEAP). The EESC issues advisory opinions arguing for, *inter alia*, the greater involvement of civil society actors and social partners. The EIB and EBRD are ‘permanent participants’ of the Platform N2 (Economic integration and convergence with EU policies) and N3 (Energy security) and are involved in a number of flagship initiatives. Through their respective roles, the aforementioned bodies thus function as ‘institutional checks’ on the EEAS; further limiting its discretionary power.

A number of relevant international and regional organisations are also invited to some of the platforms as ‘permanent participants’, not enjoying decision-making powers. The Organisation for Security and Co-operation in Europe (OSCE) is invited to take part in Platform N1, for example. The Council of Europe is a participant in Platforms N1 and N4 (Contacts between people). The United Nations Educational, Scientific and Cultural Organization (UNESCO) takes part in Platform N4.

Monitored by civil society

The Civil Society Forum has assumed the role of ‘third party’ monitor of the Eastern Partnership multilateral framework. The Forum brings together the EU’s and partner countries’ civil society actors to facilitate their input into the Eastern Partnership. The Forum participates in all platforms and in the ministerial meetings, and is also consulted by the EEAS in matters related to the Roadmaps and the agenda of the Partnership. The Civil Society Forum, with its national platforms and thematic groups, is well placed to sound the ‘fire alarm’ should the EEAS not fulfil or even overstep its mandate.

Conclusion

In the case of the Eastern Partnership multilateral framework, the EEAS is closely monitored and tightly ‘controlled’ by the member states and a multiplicity of actors at national, European and intergovernmental level. This applies to the many other domains in which the EEAS is active. The mode of decision-making thus places a substantial number of brakes on the discretionary power of the EEAS. Any responsible analysis or critique of the service should therefore take these constraints into consideration. Ultimately, the EEAS is only able to craft EU foreign policy insofar as it is allowed to do so.