



AUGUST 2014

'The cavalry has arrived'

EU external representation in The Hague and at the OPCW

This policy brief analyses the EU's positioning at the Organisation for the Prohibition of Chemical Weapons (OPCW). The EU does not have a delegation to international organisations in The Hague, but in 2013 decided to send a laptop diplomat to strengthen the EU's representation at OPCW. The OPCW recently received increased attention due to the use of chemical weapons in Syria and it winning the Nobel prize for its contribution to removing these from the country. We argue that sending a laptop diplomat is an improvement for the EU's visibility and presence at an organisations that gained a more important role, but falls short of ensuring an adequate representation of the EU's strategic interests in the international organisations based in the Hague.

Introduction

For its extensive efforts to eliminate chemical weapons all over the world, the OPCW won the Nobel Peace Prize in 2013. The OPCW stepped out of anonymity as the eyes of the world turned to this The Hague-based organisation. It had been acting quietly for most of the 17 years since the entry into force of its underlying Chemical Weapons Convention (CWC). The core business of OPCW is to work on the reduction of chemical weapons stockpiles and to verify and implement measures coordinating the regulation of chemicals in OPCW member states. The increased attention on the OPCW's work was a result of the use of chemical weapons in Syria and the crucial

role of the OPCW in removing chemical weapons from this war-torn country.

The increased attention on the OPCW suggests the need for reinforced EU representation in the OPCW. This policy brief is an update of research we conducted in 2012 and is based on new interviews and analyses of the EU's positioning within the OPCW. Our earlier research indicated that EU attention on the OPCW was minimal.² The European External Action Service (EEAS), for instance, decided not to open a specific EU representation to the international organisations based in The Hague due to a lack of resources. EU member states still coordinated their position and spoke with a single voice on many OPCW agenda items,

1 The authors would like to thank Tessa van der Miesen for her contribution to this publication, before accepting a position on OPCW matters at the Embassy of Hungary in The Hague.

2 'EU Representation in the OPCW after Lisbon: Still Waiting for Brussels', see online at http://www.clingendael.nl/sites/default/files/20120903_research_paper_no%207_lvschaik.pdf

but the EU's external representation was largely in the hands of the EU state holding the rotating Presidency. In practical terms, the OPCW was still waiting for 'Brussels' to arrive. Our earlier study furthermore found that EEAS involvement in the work of the OPCW was limited to a representative of the EEAS coming to The Hague to read out the EU statement during plenary sessions. EU member states in the OPCW shared roughly the same preferences – with only minor differences resulting, for instance, from differences in the importance of their chemical industry; their representatives operated mainly as national representatives, not EU representatives. The EU member states acted rather self-reliantly, relatively isolated from the international arena. This resulted in a disconnect with broader international debates, such as general debates on non-proliferation of weapons of mass destruction (WMD). For this policy brief, our focus is on what has changed since 2012.

The impact of the Nobel Peace Prize

For this assessment of EU representation at the OPCW, we interviewed eight diplomats representing both small and large EU Member State delegations to the OPCW. It seems that with increased attention worldwide on OPCW matters and the honour of winning the Nobel Peace Prize, a lot has changed. Discussions taking place within the OPCW – on its future goals and on the shift from disarmament towards non-proliferation after destruction of the chemical stockpiles would have been completed – were firmly pushed ahead. Since the use of chemical weapons in Syria, representatives of EU Member States now receive more instructions from their capitals than they did in 2012 and attract more interest in and feedback on their reports.

Yes, the EU has arrived

During the Lithuanian Presidency in the second half of 2013, the Ambassadors of EU Member States in The Hague pushed

for the establishment of a permanent EEAS representation in international organisations in The Hague, with a focus on the OPCW. They argued that the need for EEAS presence in the OPCW had been highlighted during the crisis in Syria and hence direct ties between the EEAS and the Technical Secretariat of the OPCW had to be established. Continuity and institutional memory were cited among the reasons to establish a permanent EEAS representation at the OPCW. It could provide the rotating EU presidencies with structural backing from the EEAS and assistance in times of crisis management (i.e. like the Syria crisis).

The renewed attention on OPCW operations after the use of chemical weapons in Syria apparently did persuade the EEAS to enhance its interaction with the organisation. Starting in the autumn of 2013, the EEAS designated one official representative for the EEAS to the OPCW, to represent the EU. The person, in fact, is a so-called 'laptop diplomat' who is present in The Hague for three or four days per week and resides in a hotel. Although not a full delegation or Embassy, one could say the cavalry has arrived.

US and Russia dominate, but EU pays large part of the bill

The EU's role in the OPCW in relation to the Syria crisis was limited in a number of ways. Diplomats involved in the OPCW decision-making bodies interviewed for this assessment have observed that with regard to the negotiations on the disarmament plan for Syria, the EU was practically invisible, with hardly any involvement in the substance of OPCW activities in Syria. The EU's main contribution was a donation of € 12 million to the trust fund established by the OPCW to finance the destruction of chemical weapons stockpiles in Syria.³ Apart from agreement on the financial contribution and the very similar positions of EU Member States on the Syria situation, the operation to withdraw chemical

3 http://europa.eu/rapid/press-release_IP-14-151_en.htm

weapons from Syria was negotiated chiefly by the US and Russia. Representatives of EU Member States all agreed during our interviews that this was a missed opportunity for the EU. Although the outcome suited the EU Member States, who wanted a quick withdrawal of chemical weapons from Syria, the EU failed to be visible and influential during negotiations on the operation. This is specifically unfortunate as the Syria situation has probably been the biggest challenge in the OPCW's existence and several EU Member States eventually contributed to the operation with financial and material resources.

Some have argued that the negotiations on Syria are not an exceptional case. Since the OPCW was founded on the bilateral desire of the United States and Russia to reduce their chemical weapons stockpiles, the EU does not instantly have a role to play. It is even split into different regional subgroups: the Western European and Others Group (WEOG), the Asian Group and the Eastern European Group. The US and Russia remain the most important actors within the organisation. In the past years, it has been the US and Russia that have largely determined the goals of the OPCW, while the EU has contributed by paying a substantial part of the bill. It remains to be seen whether the EEAS representative will indeed increase the decision-making and influence of the EU within the OPCW. However, sending an official EEAS representative – who reports directly to the Deputy Secretary-General of the EEAS and cooperates closely with the EU's Special Envoy for non-proliferation and disarmament (also from the EEAS), could count as a first step towards a clearer EU presence and more proactive EU within the OPCW.

The EU sending an ambassador without an army

The EEAS 'laptop diplomat' to the OPCW started his activities mid-2013. The status of this diplomat is linked to that of the delegation holding the Presidency of the EU Council. The EU does not have any formal status within the OPCW. As such, the

EEAS diplomat has no staff or office. He is only in The Hague for about three to four days a week and resides in a hotel. He is an ambassador without an army.

One EU Member State representative noted an ambiguity between the role of the EEAS representative and the Presidency. He argued that smaller delegations might appreciate the EEAS assistance since they themselves lack the capacity. Instead, he expects that larger EU Member State delegations will prefer to stay in charge. Interviewees from larger EU Member States confirmed that the presence of an EEAS representative will not endanger the position of a national delegation, more or less downplaying the role of the EEAS by stating that there will be more than enough work for all. But the proof of the pudding is in the eating and we will have to wait for a larger EU Member State to have the EU Presidency to see which role the EEAS representative will be allowed to play.

The status and mandate of the EEAS representative was also questioned in terms of his position not having been discussed in EU coordination meetings at the OPCW. Some even consider his position to be an ad hoc solution to a specific situation that is likely to disappear now that the dismantling of Syrian chemical weapons has been completed. At the same time, recent recommendations by the Greek Presidency focused on fully integrating the EEAS presence in The Hague. It proposed to make the position of the EEAS diplomat more permanent, thereby endorsing the advantages of the EEAS presence. This supports the observation that the EU Member States we interviewed see the advantage of additional capacity.

Yet there may be more to a stronger EEAS presence in The Hague and the OPCW. First, there is the advantage of increasing EU visibility through statements that are in line with broader EU foreign policy objectives, better crisis management, and interruptions in plenary settings on behalf of all 28. Second, permanent presence would contribute to greater continuity, greater institutional memory and increased EU effectiveness by EEAS being present

at formal and informal meetings in The Hague. Third, as a major donor to the OPCW, permanent EEAS presence would allow the EEAS to interact directly with the OPCW Technical Secretariat and the States Parties representatives. Having a permanent EEAS representative would also allow for more direct and on-the-ball reporting to Brussels on how EU money is being spent. However, more clarity is needed on the position and mandate of the representative, which must be established in Brussels, in order to extend the value of the current situation beyond that of a political gesture.

There are, in that regard, a number of issues requiring attention. It is interesting to note that the EEAS representative has not taken office at the House of Europe in the centre of The Hague, where both the European Commission and the European Parliament representation to the Netherlands are based. This might be due to the EEAS officially not being an integral part of the European Commission and appears to illustrate the rivalry that exists between the two institutions. Furthermore, the real function and position of the EEAS representative in relation to the rotating Presidency needs to be clarified. This will be necessary for the EU to step-up its game and play a larger role within the OPCW.

Another issue to settle is whether the EU will form an EU delegation covering all international organisations in The Hague. In our 2012 study, we concluded that one of the main obstacles was that the OPCW and the different Courts in The Hague fall under the responsibility of different roots of the EU tree. That remains a difficult topic. EU Member State diplomats have opposing ideas. Most EU Member State delegations have little interest in the daily running of the different Courts, regularly sending interns to report on their operations. Some Member States suggested that an EU delegation could take over this task. Others, sometimes with separate staff on the Courts, said completely the opposite, suggesting that an EU delegation should focus solely on the OPCW. They emphasised that the group of like-minded countries on international law and human rights issues stretches much further than EU borders. Canada, for

instance, is a common partner for them in the Courts. Countries now work together bilaterally and beyond EU borders. The EU speaking with a single voice at the Courts was therefore not something they particularly preferred.

Conclusion

The EU's position in the OPCW illustrates its limited role regarding rapidly emerging foreign policy issues, particularly when its diplomatic infrastructure on the ground still relies on the country holding the rotating Presidency. The crisis in Syria, geographically located close to Europe, is a key concern for the EU, but with regard to the design of the chemical weapons disarmament operation in Syria the EU hardly played a role due to its lack of effective or united representation in the OPCW. As a result, the US and Russia took the lead and the EU was merely asked to pay most of the bill. In this specific case, the end result – the removal of chemical weapons from Syria – was in line with EU interests, but there may be future occasions where US or Russian interests do not correspond with those of the EU. The current solution of a 'laptop diplomat', a representative of the EEAS, is an interesting but still not fully developed solution to the lack of EU visibility and structural influence in the OPCW. A permanent EU delegation might be better placed to take a leading role in helping to steer EU interests in the preferred direction. If this option proves politically a bridge too far, it would be advisable for the EU to have its Member States endorse the EEAS representative's presence and role in the OPCW. However, even this could be a challenge for the larger EU Member States and would require clarity on mandate and roles compared to the EU Presidency.

Whether or not the EEAS representative is here to stay after the Syria chemical weapons crisis is over, it is clear there is still a long way go before there is a real EU delegation that adheres to the intentions of the Lisbon Treaty and which might also represent the EU at the international Courts based in The Hague. So far, the cavalry that has arrived looks like only a one-man army – and that's not much when wanting to win a war.

About Clingendael

Clingendael is the Netherlands Institute of International Relations. We operate as a think-tank, as well as a diplomatic academy, and always maintain a strong international perspective. Our objective is to explore the continuously changing global environment in order to identify and analyse emerging political and social developments for the benefit of government and the general public.

www.clingendael.nl

About the authors

Vincent Delaere graduated from Utrecht University in 2009 with a Master of Arts in International Relations. As a Research Assistant at the Clingendael Institute he did research on the EU's external representation in different international settings. Before, Vincent gained experience at inter alia the Embassy of Belgium during the Belgian Presidency of the Council of the European Union and at the Netherlands Ministry of Economic Affairs.

Louise van Schaik is Senior Research Fellow at the Clingendael Institute where she coordinates the knowledge group on Global Issues, Governance & Diplomacy. She is also a visiting professor at the College of Europe in Bruges. Her fields of expertise include EU external action, EU representation in multilateral organisations, EU development cooperation, climate change and trade policy, scarcity of natural resources and global health. She graduated from Leiden University (MA, 2003) and the KU Leuven (PhD, 2010).