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Second Session  
1 - 5 December 1997

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## **NOTE BY THE DIRECTOR-GENERAL**

### **ACCREDITATION OF PERMANENT REPRESENTATIVES, REPRESENTATIVES TO THE CONFERENCE OF THE STATES PARTIES, REPRESENTATIVES TO THE EXECUTIVE COUNCIL AND RELATED MATTERS**

#### **1. Introduction**

To ensure the prompt notification to the Host Country of the accreditation by Member States of permanent representatives to the OPCW, and in view of the approaching Second Session of the Conference of the States Parties as well as of the election of 20 new members to the Executive Council, the following information is being brought to the attention of Member States of the OPCW. All credentials and related notifications should be submitted to the Director-General of the OPCW in The Hague.

#### **2. Accreditation**

##### **Permanent representatives to the OPCW**

- 2.1 Each Member State appointing a permanent representative to the OPCW, as defined by Article 1(k) of the OPCW Headquarters Agreement (C-I/DEC.59, dated 14 May 1997), shall submit to the Director-General credentials for that person.
- 2.2 At present, the permanent representatives of 41 Member States have presented their credentials to the Director-General. An additional 15 Member States have submitted notification of the appointment of a permanent representative. In practice, some Member States have established a permanent mission in the Netherlands and have appointed a permanent representative. Some Member States have appointed a bilateral ambassador posted to The Hague or elsewhere as the permanent representative, while others have appointed an official residing in the territory of the Member State as the permanent representative.

### **Representatives to the Conference of the States Parties**

- 2.3 Rule 26 of the Rules of Procedure of the Conference of the States Parties (C-I/3, dated 12 May 1997) provides that the credentials of each representative and the names of the persons constituting the member's delegation shall be submitted to the Director-General, if possible not less than seven days in advance of the session of the Conference which the delegation will attend. The credentials shall be issued by either the Head of State or Government or the Minister of Foreign Affairs of the member concerned, or by any other authority acting on their behalf. The credentials will remain valid for that specific session only.
- 2.4 At present, 31 Member States have notified the Director-General of the appointment of the representative to the Second Session of the Conference and have presented, or are forwarding, credentials. The credentials received by the Director-General will be reported to the Credentials Committee which will be appointed during that session.

### **Representatives to the Executive Council**

- 2.5 Rule 3 of the Rules of Procedure of the Executive Council (C-I/DEC.72, dated 23 May 1997) provides that the credentials of representatives of members of the Executive Council shall be submitted to the Director-General not less than twenty-four hours before the first session which they are to attend. These credentials shall be issued by the Head of State or Government or the Minister of Foreign Affairs, or by any other authority acting on their behalf. They shall remain valid for the whole period for which that member was elected to the Executive Council unless they are withdrawn or replaced by new credentials. Representatives shall notify the Director-General in writing of the names of the alternates and advisers in their delegations.
- 2.6 At present, the credentials of all representatives on the Executive Council are in conformity with the Rules of Procedure of the Council. The term of the 20 new members of the Executive Council, who shall be elected by the Conference at its Second Session, will commence on 12 May 1998. The first regular session of the Executive Council after that date is scheduled for 16 - 19 June 1998, by which time the credentials of the representatives of all new members of the Executive Council should have been presented.

## **3. Establishment of permanent missions**

- 3.1 Article 15 of the OPCW Headquarters Agreement provides for the establishment of permanent missions to the OPCW. Member States intending to establish a permanent mission are requested to notify the Protocol Branch of the Secretariat, which will initiate the appropriate procedure through the Protocol Department of the Ministry of Foreign Affairs of the Host Country. At present, 22 Member States are in the process of establishing a permanent mission.

- 3.2 The composition of permanent missions notified to the Host Country under Article 21 of the OPCW Headquarters Agreement will be published in the next edition of the Host Country's diplomatic list.

#### **4. Procedure for the submission of credentials**

All credentials and related notifications should be submitted to the Director-General in The Hague. To facilitate timely accreditation, suggested forms of credentials are contained in the annex to this Note.

#### **5. Relationship between the term "representative" in the Rules of Procedure of the Conference and of the Executive Council and the terms "Head of Delegation" and "Permanent Representative" in the OPCW Headquarters Agreement**

- 5.1 Under Article 1 of the OPCW Headquarters Agreement, it is envisaged that a State Party may have: (a) an accredited permanent representative to the OPCW; (b) an accredited head of delegation to the Conference of the States Parties; (c) an accredited head of delegation to the Executive Council.<sup>1</sup>

- 5.2 A State Party may have different heads of delegation to the Conference and to the Executive Council. Alternatively, a State Party may choose to have one person serve as the head of delegation to both the Conference and the Executive Council. In either case separate credentials should, however, be issued for the elected term of office of the Executive Council and for each session of the Conference.

- 5.3 Thus, for the purposes of accreditation, the representative in the Conference or in the Executive Council may be either the head of delegation or the permanent representative to the OPCW as specified in the respective credentials.

#### **6. Privileges and Immunities under the OPCW Headquarters Agreement**

- 6.1 Article 1 of the OPCW Headquarters Agreement defines the scope of the terms "Permanent Representative," "Head of Delegation," "Alternates for and advisers attached to Heads of Delegation" "Members of the Permanent Mission of a State Party," and "Delegates of States Parties." Article 15 specifies the privileges and immunities accorded to permanent missions established in the Netherlands. The respective privileges and immunities accorded to heads of delegation, permanent representatives and staff members of permanent missions are specified in Article 16 of the OPCW Headquarters Agreement, while those accorded to delegates and alternates for and advisers attached to heads of delegation are specified in Article 17.

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<sup>1</sup> As defined in Article 1(m) of the OPCW Headquarters Agreement, a State Party may also designate representatives for any meeting of the OPCW other than meetings of the Conference or the Executive Council.

- 6.2 Under Article 21 of the OPCW Headquarters Agreement, the OPCW shall promptly notify the Host Country of the list, and of any changes to the list, of heads of delegation, permanent representatives, staff members of permanent missions, and their spouses, children and dependent members of their households and the Host Country shall issue each of them with an identity card. Member States should provide the above information to the Technical Secretariat, and are to liaise in this regard with the Protocol Branch of the External Relations Division.

**Annex**

**SUGGESTED FORM OF CREDENTIALS  
(PERMANENT REPRESENTATIVE)**

**WHEREAS** the Government of .....(State Party)..... [has set up at the seat of the Organisation for the Prohibition of Chemical Weapons (OPCW) a permanent mission to maintain necessary contact with the OPCW] [wishes to accredit a Permanent Representative to maintain necessary contact with the Organisation for the Prohibition of Chemical Weapons (OPCW)]\* ,

**NOW THEREFORE** we .....(name and title)..... have appointed and by these presents do confirm as Permanent Representative to the OPCW:

**(His)(Her) Excellency**

.....(name).....  
.....(title).....

The Permanent Representative has full powers to act and take decisions on behalf of the Government of .....(State Party).....

**IN FAITH WHEREOF** we have signed these presents at ..... on  
.....

Signature .....  
(title)

(Head of State or Head of Government or  
Minister of Foreign Affairs or any other  
authority acting on their behalf)

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\* Delete as appropriate.

**SUGGESTED FORM OF CREDENTIALS**

**(REPRESENTATIVE TO THE CONFERENCE OF THE STATES PARTIES)**

**WHEREAS** .....(State Party)..... desires to be represented at the Second Session of the Conference of the States Parties of the Organisation for the Prohibition of Chemical Weapons (OPCW) which will be convened by the Director-General of the OPCW in The Hague from 1 to 5 December 1997,

**NOW THEREFORE** we .....(name and title)..... have appointed and by these presents do confirm as representative of .....(State Party)..... to the Conference of the States Parties of the OPCW [Head of Delegation of (State Party)] or [Permanent Representative of (State Party) to the OPCW]:

**(His)(Her) Excellency**

.....(name).....

.....(title).....

The representative has full powers to act and take decisions on behalf of the Government of .....(State Party).....

**IN FAITH WHEREOF** we have signed these presents at ..... on .....

Signature .....  
(title)

(Head of State or Head of Government or Minister of Foreign Affairs or any other authority acting on their behalf)

**SUGGESTED FORM OF CREDENTIALS**  
**(REPRESENTATIVE TO THE EXECUTIVE COUNCIL)**

**WHEREAS** .....(State Party)..... has been elected member of the Executive Council for a term of ..... year(s) by the Conference of the States Parties of the Organisation for the Prohibition of Chemical Weapons (OPCW) at its First Session,

**NOW THEREFORE** we .....(name and title)..... have appointed and by these presents do confirm as representative of .....(State Party)..... to the Executive Council of the OPCW [Head of Delegation of (State Party)] or [Permanent Representative of (State Party) to the OPCW]:

**(His)(Her) Excellency**  
.....(name).....  
.....(title).....

The Representative has full powers to act and take decisions on behalf of the Government of .....(State Party).....

**IN FAITH WHEREOF** we have signed these presents at ..... on  
.....

Signature .....  
(title)

(Head of State or Head of Government or  
Minister of Foreign Affairs or any other  
authority acting on their behalf)