



**OPCW**

**Conference of the States Parties**

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**REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY  
ON THE PERFORMANCE OF ITS ACTIVITIES IN 2008**

**Introduction**

1. The Conference of the States Parties (hereinafter “the Conference”) at its Eleventh Session adopted a decision (C-11/DEC.9, dated 7 December 2006) that established a Committee on Relations with the Host Country (hereinafter “the Committee”), to be composed of the following members:
  - (a) the Chairperson of the Executive Council (hereinafter “the Council”);
  - (b) two representatives of each regional group;
  - (c) a representative of the Host Country, to be appointed by that State Party; and
  - (d) the Director-General.
2. The Conference instructed the Committee to address the privileges and immunities referred to in the above-mentioned decision (C-11/DEC.9), as well as all categories of issues that were considered by the Working Group that the Chairperson of the Council established pursuant to a mandate of the Council at its Fortieth Session, and by the Contact Group that was subsequently established to find, together with the Technical Secretariat (hereinafter “the Secretariat”) and the Host Country, mutually satisfying solutions to pending matters regarding the full implementation of the OPCW Headquarters Agreement.
3. The Conference authorised the Committee to convene periodically and whenever it is convoked by its Chairperson at the request of any Member State or the Director-General of the OPCW, and requested the Committee to report to it, through the Council, on the progress it has made.
4. During 2008, the Committee was composed of the following:

Chairpersons

H.E. Mr Romeo Arguelles (Philippines)  
(1 January to 11 May 2008)  
H.E. Ms Oksana Tomová (Slovakia)  
(12 May to 31 December 2008)



African Group	Algeria and South Africa
Asian Group	Iran (Islamic Republic of) and Pakistan
Eastern European Group	Croatia and the Russian Federation
GRULAC <sup>1</sup>	Mexico and Guatemala (1 January to 8 October 2008)/ Costa Rica (8 October to 31 December 2008)
WEOG <sup>2</sup>	Switzerland and the United States of America
Host Country	H.E. Mr Maarten Lak (1 January to 20 August 2008) H.E. Mr Pieter de Savornin Lohman (21 August to 31 December 2008)
OPCW	the Director-General

### **Organisational matters**

5. During the period under review, the Committee held four meetings. At its first, which was held on Wednesday, 23 February 2008 and which was chaired by Ambassador Romeo Arguelles, the Committee discussed the current situation related to the Draft Agreement Concerning the Use of the Tax- and Duty-Free Commissary, and the results of the consultations that the Chairperson of the Council had undertaken with a number of delegations. Several delegations had raised concerns about the Draft Agreement that had been put forward at the last meeting of the Committee in September 2007. The Chairperson of the Committee mentioned that many delegations preferred that the matter be settled by means of a memorandum of understanding (MOU) and not by a formal agreement. In that context, the Committee requested that the Ministry of Foreign Affairs of the Host Country, in cooperation with the Secretariat, prepare a draft of such an MOU, the text of which would be based on the above-mentioned Draft Agreement and the comments that delegations had submitted on it.
6. Subsequently, the Committee received the draft text of the MOU and submitted its comments on it and forwarded an amended version to the Dutch Ministry of Foreign Affairs.
7. The second meeting was held on Wednesday, 19 March 2008 at the Municipality of The Hague, where the Deputy Mayor, Mr Frits Huffnagel, welcomed the Committee Members and stressed the importance that the Municipality attached to having so many international organisations based in the city. He invited the Committee Members to raise any issues of concern.
8. The Committee expressed its satisfaction that, in general, diplomats in The Hague were well treated; however it urged local authorities to continue seeking solutions to

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<sup>1</sup> GRULAC = Group of Latin American and Caribbean States

<sup>2</sup> WEOG = Western European and other States Group

problems associated with the parking of cars owned by diplomats. The Deputy Mayor undertook to look into the matter and promised that a report would be prepared and that the national Government would be informed that this was an issue of concern. The Chairperson, emphasising the importance of this practical issue, then asked that the national Government, in coordination with The Hague Municipality, provide practical solutions within a reasonable time frame.

9. Ambassador Oksana Tomová was appointed in May 2008 as the new Chairperson of the Council, and thus assumed the responsibilities of the Chairmanship of the Committee. The lack of movement since the last meeting prompted Ambassador Tomová to hold a meeting on 18 September 2008 with Ambassador Pieter de Savornin Lohman, the recently appointed Permanent Representative of the Netherlands to the OPCW, in order to discuss the current status of the negotiations on the draft MOU concerning the use of the Tax- and Duty-Free Commissary; in addition, she requested an update on what progress had been made in the drafting of the Municipality's report on the issue of car parking. Ambassador Tomová stated that she intended to hold meetings with representatives of the Ministry of Foreign Affairs and the Ministry of Finance of the Host Country, and subsequently report the results of her discussions to the Committee. Solutions vis-à-vis car parking were discussed with the Municipality.
10. The third meeting of the Committee was held on Wednesday, 8 October 2008 and was chaired by Ambassador Tomová. The Committee received an update from H.E. Mr Rob Zaagman, the recently appointed Ambassador for International Organisations from the Protocol Department of the Ministry of Foreign Affairs, who informed the Committee that the Host Country would soon provide its positive response to the draft text of the MOU in regard to the Tax- and Duty-Free Commissary. At the Committee's request, Ambassador Zaagman promised to provide the members of the Committee on 9 October 2008 with the Host Country's written position vis-à-vis the draft text of the MOU and the Committee's comments on it. The Committee also expressed its apprehension over the implications that the global financial crisis was having on the bank accounts of diplomats and missions in the Netherlands. Finally, the Committee voiced its concerns regarding the lack of progress being made on the issue of car parking. Ambassador Zaagman promised to convey the views of the Committee to representatives of the relevant Host Country authorities.
11. As a result of Ambassador Zaagman's prompt efforts, the response of the Host Country to the draft text of the MOU was circulated to the Committee following its third meeting. That response, as well as the Committee's draft report, were discussed during the fourth meeting of the Committee, which was chaired by Ambassador Tomová on Friday, 10 October 2008. The Committee acknowledged Ambassador Zaagman's immediate response and constructive cooperation, specifically in regard to the Host Country's reaction to the draft MOU. The Committee considered the Host Country's response to the proposed MOU, and a general agreement in principle on the text of the MOU was expressed by all present; it was also agreed that any additional drafting of relatively minor points would be completed and the MOU concluded before the Conference met for its Thirteenth Session (from 2 to 5 December 2008). Ambassador Zaagman gave an undertaking to consult with the competent Host Country authorities whether access to the Commissary could be granted prior to the

formal conclusion of the MOU. Ambassador Zaagman told the Committee that he had conveyed its views on the issue of privileged parking and its policing to the Municipality. The Municipality had taken good note of those views and would be discussing them shortly. Ambassador Zaagman stated that he would be in touch with the Municipality and promised to continue the dialogue with the Committee.

### **Recommendation**

12. The Committee requests that the Council take note of this report and that it forward it to the Conference for consideration at its Thirteenth Session.

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