

**PREPARATORY COMMISSION FOR THE ORGANISATION
FOR THE PROHIBITION OF CHEMICAL WEAPONS**

THE PARIS RESOLUTION

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**RESOLUTION ESTABLISHING
THE PREPARATORY COMMISSION FOR
THE ORGANISATION FOR THE PROHIBITION OF
CHEMICAL WEAPONS**

ADOPTED IN PARIS DURING THE SIGNING CEREMONY OF THE CONVENTION ON
THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND
USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION
13-15 JANUARY 1993

**RESOLUTION ESTABLISHING
THE PREPARATORY COMMISSION FOR
THE ORGANISATION FOR THE PROHIBITION OF
CHEMICAL WEAPONS***

The States signatories of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Conference on Disarmament at Geneva on 3 September 1992,

Having decided to take all necessary measures to ensure the rapid and effective establishment of the future Organisation for the Prohibition of Chemical Weapons,

Having decided to this end to establish a Preparatory Commission,

1. Approve the Text on the Establishment of a Preparatory Commission, as annexed to the present resolution;

2. Request the Secretary-General, in accordance with paragraph 5 of resolution A/RES/47/39, adopted by the General Assembly on 30 November 1992, on the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, to provide the services required to initiate the work of the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons.

* Generally referred to as, the "Paris Resolution."

TEXT ON THE ESTABLISHMENT OF A PREPARATORY COMMISSION

1. There is hereby established the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons (hereinafter referred to as "the Commission") for the purpose of carrying out the necessary preparations for the effective implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, and for preparing for the first session of the Conference of the States Parties to that Convention.
2. The Secretary-General of the United Nations shall convene the Commission for its first session at The Hague, Kingdom of the Netherlands, not later than 30 days after the Convention has been signed by 50 States.
3. The Seat of the Commission shall be The Hague, Kingdom of the Netherlands.
4. The Commission shall be composed of all States which sign the Convention. Each signatory State shall have one representative in the Commission, who may be accompanied by alternates and advisers.
5. The expenses of the Commission, including those of the Provisional Technical Secretariat, shall be met by the States signatories to the Convention, participating in the Commission, in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States signatories in the Commission and timing of signature. The Commission and the Provisional Technical Secretariat may also benefit from voluntary contributions.
6. All decisions of the Commission should be taken by consensus. If, notwithstanding the efforts of representatives to achieve consensus, an issue comes up for voting, the Chairman of the Commission shall defer the vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Commission before the end of the period. If consensus is not possible at the end of 24 hours, the Commission shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on matters of substance shall be taken by two-thirds majority of the members present and voting. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Commission by the majority required for decisions on matters of substance.
7. The Commission shall have such legal capacity as necessary for the exercise of its functions and the fulfilment of its purposes.
8. The Commission shall:
 - a. Elect its Chairman and other officers, adopt its rules of procedure, meet as often as necessary and establish such committees as it deems useful;

- b. Appoint its Executive Secretary;
 - c. Establish a Provisional Technical Secretariat to assist the Commission in its activity and to exercise such functions as the Commission may determine, and appoint the necessary staff in charge of preparatory work concerning the main activities to be carried out by the Technical Secretariat to be established by the Convention. Only nationals of signatory States shall be appointed to the Provisional Technical Secretariat;
 - d. Establish administrative and financial regulations in respect of its own expenditure and accounts.
9. The Commission shall make arrangements for the first session of the Conference of the States Parties, including the preparation of a draft agenda and draft rules of procedure.
10. The Commission shall undertake, inter alia, the following tasks concerning the organisation and work of the Technical Secretariat and requiring immediate attention after entry into force of the Convention:
- a. Elaboration of a detailed staffing pattern of the Technical Secretariat, including decision-making flow charts;
 - b. Assessments of personnel requirements;
 - c. Staff rules for recruitment and service conditions;
 - d. Recruitment and training of technical personnel and support staff;
 - e. Organisation of office and administrative services;
 - f. Preparation of administrative and financial regulations;
 - g. Purchase and standardisation of equipment.
11. The Commission shall undertake, inter alia, the following tasks on matters of the Organisation requiring immediate attention after the entry into force of the Convention:
- a. Preparation of programme of work and budget of the first year of activities of the Organisation;
 - b. Preparation of detailed budgetary provisions for the Organisation taking into account that the budget shall comprise two separate chapters, one relating to administrative and other costs, and one relating to verification costs;
 - c. Preparation of the scale of financial contributions to the Organisation;
 - d. Preparation of administrative and financial regulations for the Organisation providing for, inter alia:
 - i. Proper financial control and accounting by the Organisation;

- ii. Preparation and approval of periodic financial statements by the Organisation;
- iii. Independent audit of the Organisation's financial statements;
- iv. Annual presentation of the audited financial statements to a regular session of the Conference of the States Parties for formal acceptance;
- e. Development of arrangements to facilitate the election of 20 members for a term of one year for the first election of the Executive Council.

12. The Commission shall develop, inter alia, the following draft agreements, provisions and guidelines for consideration and approval by the Conference of the States Parties pursuant to Article VIII, paragraph 21 (i) of the Convention:

- a. Guidelines on detailed procedures for verification and for the conduct of inspections, in accordance with, inter alia, Part II, paragraph 42, of the Verification Annex;
- b. Lists of items to be stockpiled for emergency and humanitarian assistance in accordance with Article VIII, paragraph 39 (b);
- c. Agreements between the Organisation and the States Parties in accordance with Article VIII, paragraph 50;
- d. Procedures for the provision of information by States Parties on their programmes related to protective purposes, in accordance with Article X, paragraph 4;
- e. A list of approved equipment, in accordance with Part II, paragraph 27, of the Verification Annex;
- f. Procedures for the inspection of equipment, in accordance with Part II, paragraph 29, of the Verification Annex;
- g. Procedures concerning the implementation of safety requirements for activities of inspectors and inspection assistants, in accordance with Part II, paragraph 43, of the Verification Annex;
- h. Procedures for inclusion in the inspection manual concerning the security, integrity and preservation of samples and for ensuring the protection of the confidentiality of samples transferred for analysis off-site, in accordance with Part II, paragraph 56, of the Verification Annex;
- i. Models for facility agreements in accordance with Part III, paragraph 8, of the Verification Annex;
- j. Appropriate detailed procedures to implement Part III, paragraph 11 and 12 of the Verification Annex, in accordance with paragraph 13 of that Part;

- k. Deadlines for submission of the information specified in Part IV (A), paragraphs 30 to 32 of the Verification Annex, in accordance with paragraph 34 of that Part;
- l. Recommendations for determining the frequency of systematic on-site inspections of storage facilities, in accordance with Part IV (A), paragraph 44, of the Verification Annex;
- m. Recommendations for guidelines for transitional verification arrangements, in accordance with Part IV (A), paragraph 51, of the Verification Annex;
- n. Guidelines to determine the usability of chemical weapons produced between 1925 and 1946, in accordance with Part IV (B), paragraph 5, of the Verification Annex;
- o. Guidelines for determining the frequency of systematic on-site inspections of chemical weapons production facilities, in accordance with Part V, paragraph 54, of the Verification Annex;
- p. Criteria for toxicity, corrosiveness and, if applicable, other technical factors, in accordance with Part V, paragraph 71 (b), of the Verification Annex;
- q. Guidelines to assess the risk to the object and purpose of the Convention posed by the relevant chemicals, the characteristics of the facility and the nature of the activities carried out there, in accordance with Part VI, paragraph 23, of the Verification Annex;
- r. Models for facility agreements covering detailed inspection procedures, in accordance with Part VI, paragraph 27, of the Verification Annex;
- s. Guidelines to assess the risk to the object and purpose of the Convention posed by the quantities of chemicals produced, the characteristics of the facility and the nature of the activities carried out there, in accordance with Part VI, paragraph 30, of the Verification Annex;
- t. Guidelines for provisions regarding scheduled chemicals in low concentrations, including in mixtures, in accordance with Part VII, paragraph 5, and Part VIII, paragraph 5, of the Verification Annex;
- u. Guidelines for procedures on the release of classified information by the Organisation, in accordance with paragraph 2 (c) (iii) of the Confidentiality Annex;
- v. A classification system for levels of sensitivity of confidential data and documents, taking into account relevant work undertaken in the preparation of the Convention, in accordance with paragraph 2 (d) of the Confidentiality Annex;
- w. Recommendations for procedures to be followed in case of breaches or alleged breaches of confidentiality, in accordance with paragraph 18 of the Confidentiality Annex.

13. Pursuant to Article VIII, paragraph 50, of the Convention, the Commission shall develop the Headquarters Agreement with the Host Country, based, inter alia, on the privileges, immunities and practical arrangements as specified in Annex 2 to this text.
14. The Commission shall:
 - a. Facilitate the exchange of information between signatory States concerning legal and administrative measures for the implementation of the Convention and, if requested, give advice to signatory States on these matters;
 - b. Prepare such studies, reports and records as it deems necessary.
15. The Commission shall prepare a final report on all matters within its mandate for the first session of the Conference of the States Parties and the first meeting of the Executive Council.
16. The property, functions and recommendations of the Commission shall be transferred to the Organisation at the first session of the Conference of the States Parties. The Commission shall make recommendations to the Conference of the States Parties on this matter.
17. The Commission shall remain in existence until the conclusion of the first session of the Conference of the States Parties.
18. The Host Country undertakes to accord the Commission, its staff, as well as the delegates of signatory States such legal status, privileges and immunities as are necessary for the independent exercise of their functions in connection with the Commission and the fulfilment of its object and purpose, as outlined in Annex 1 to this text.

Annex 1

Privileges, Immunities and Practical Arrangements in connection with the Hosting of the Preparatory Commission

1. The Government of the Netherlands is prepared to grant to the delegates to the Preparatory Commission, who have been notified as such by the sending State, and who reside in The Hague, privileges and immunities similar to those granted by the Government of the Netherlands to diplomats of comparable rank of diplomatic missions accredited to the Netherlands.
2. The Government of the Netherlands is prepared to apply Article V of the Convention on the Privileges and Immunities of the Specialised Agencies of 21 November 1947 to non-residing delegates to the Preparatory Commission while exercising their functions and during their journeys to and from the place of meeting.
3. The Government of the Netherlands is prepared to grant to the Executive Secretary and staff members of the Preparatory Commission privileges and immunities similar to those which the Government of the Netherlands has undertaken to grant to the Director-General and staff members of the Organisation for the Prohibition of Chemical Weapons, as set out under Annex 3, "Privileges and Immunities", points 1, 2 and 3, "Social Security", point 13, and "Employment", points 14 and 15.
4. It is understood that the above will be elaborated in an agreement to be concluded with the Government of the Netherlands.
5. The practical arrangements for the hosting for the Preparatory Commission shall be based on the information submitted and commitments undertaken by the Netherlands and by the City of The Hague as contained in Annex 3 on the Netherlands bid, under "Building and Equipment".

Annex 2

Privileges, Immunities and Practical Arrangements to be laid down in the Headquarters Agreement

1. The Headquarters Agreement between the Organisation and the Netherlands, where the seat of the Organisation is located, shall be based on the information submitted and commitments undertaken by the Netherlands and by the City of The Hague as contained in Annex 3 on the Netherlands bid.
2. In order to ensure the effective functioning of the Organisation, the privileges and immunities to be laid down in the Headquarters Agreement shall be in conformity with the regime of the Convention on the Privileges and Immunities of the Specialised Agencies of 21 November 1947 (United Nations General Assembly Resolution 179/II).
3. In order to ensure the effective functioning of the Organisation, the Headquarters Agreement shall also include provisions for:
 - 3.1 the granting to Heads of Delegations to the Organisation of ambassadorial rank the title of Permanent Representative and the privileges and immunities to which Ambassadors to the Netherlands are entitled;
 - 3.2 the establishment of a tax-free commissary for the officials of the Organisation entitled to duty free privileges;
 - 3.3 the exemption from tax on or in respect of salaries and emoluments paid by the Organisation; the Host Country shall not take into account the salaries and emoluments thus exempted when assessing the amount of tax to be applied to income from other sources.

Annex 3

Information Submitted and Commitments Undertaken by the Netherlands and by the City of The Hague

The following information is given and commitments are undertaken by the Netherlands and by the City of The Hague with respect to arrangements for the hosting of the Preparatory Commission as well as for the Headquarters Agreement. These are reflected in:

- the Annex to Paper No. 1 of 28 April 1992 of the "Friend of the Chair on the Seat of the Organisation";
- the Bidbook of 18 May 1992 presented by the Netherlands;
- the statement of 2 June 1992, made by Mr. Martini, Acting Burgomaster of The Hague, to the Ad Hoc Committee on Chemical Weapons;
- the statement of 2 June 1992 made by Mr. M. van Zelm, Programme Director of the Prins Maurits Laboratory, to the Ad Hoc Committee on Chemical Weapons.

These documents are filed with the Secretariat of the Conference on Disarmament in Geneva.

Other aspects may be included in the Headquarters Agreement by mutual agreement.

Privileges and Immunities

1. Full diplomatic privileges will be granted to those staff members of the Organisation and their dependants who qualify under the relevant provisions of the Agreement. Pursuant to Annex 1, the Netherlands is prepared to extend diplomatic privileges to personnel with ranks comparable to P-5 and above in conformity with the regime of the Convention on the Privileges and Immunities of the Specialised Agencies of 21 November 1947 (United Nations General Assembly Resolution 179/II).

2. Other staff members will enjoy:

- a. immunity from legal proceedings of any kind with respect to words spoken or written and all acts performed by them in their official capacity;
- b. in any event, immunity shall not extend to a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to, driven by or operated on behalf of a staff member or in respect of a traffic offence involving such a vehicle;
- c. inviolability of all their official papers and documents;

- d. immunity from inspection of official baggage;
- e. exemption from Netherlands income tax on salaries and emoluments paid to them by the Organisation.

Moreover, staff members who do not have the Dutch nationality will:

- f. enjoy exemption with respect to themselves and members of their families who are part of their households from all measures restricting entry and alien registration. Any visas which may be required shall be issued without charge as promptly as possible;
- g. be given the same repatriation facilities in time of international crisis as officials of diplomatic missions, together with members of their families who form part of their households;
- h. not require a work permit for their official duties with the Organisation;
- i. in accordance with the regulations in force, have relief from import duties and taxes, except payment for services, in respect of their furniture and personal effects and the right to export furniture and personal effects with relief from duty on termination of their duties in the Netherlands. Personal effects may include a reasonable number of cars that have been in use in the household and are older than six months.

3. In addition, persons who have lived outside the Netherlands for at least 12 months before taking up a position with the Organisation will be allowed to import one motor vehicle tax-free. The vehicle should be imported within 12 months after they take up their position and can be sold tax-free after 12 months.

4. Pursuant to Annex 2, the Netherlands is furthermore prepared to grant to the Heads of Delegation with ambassadorial rank, accredited to the Organisation for the Prohibition of Chemical Weapons, the title of Permanent Representatives and the privileges and immunities to which Ambassadors to the Netherlands are entitled.

Building and Equipment

5. An office building of 3,300 square metres will be supplied free of charge during the preparatory phase (maximum of five years). The building is located at the centre of The Hague near the Peace Palace and several embassies. The Netherlands Congress Centre is 1 km away. The modern office building was built in 1986 and consists of 3,300 square metres of office space divided over five floors. Office space can be made available immediately as soon as the Organisation begins working in The Hague. The building offers sufficient flexibility to allow the Organisation to grow in stages up to a maximum of 200 people. The Hague and the Netherlands will pay for the rent of the office space, parking places for the Organisation, maintenance costs of the building and the installations, energy costs (heating, cooling, electricity, water) and turnkey costs (carpeting, partitioning) during the preparatory phase.

6. Before the full implementation phase, office space with a maximum of 18,000 square metres is foreseen to be made available for the Organisation in a new purpose-built office building, to be known as the "Peace Tower". Construction can be started as soon as the Organisation can specify the required volume and further details. The building is expected to be completed two and a half years later. The Tower will be situated in the city centre business district next to Central Station.

For a period of 3 years during the full implementation phase, The Hague and the Netherlands will pay for the rent of the office space, 110 parking places for the Organisation inside the building, maintenance costs of the building and the installations, energy costs (heating, cooling, electricity, water) and turnkey costs (carpeting, partitioning).

The building is flexible enough to allow space to be made available to the Organisation in proportion to the number of staff, up to a maximum of 18,000 square metres. After the period in which the Netherlands Government will pay for the office space as described above, office space can be leased by the Organisation at a guaranteed price of US\$ 250 per square metre (indexed on the basis of the 1992 price level, basic rent).

If required expansion needs of the Organisation are known before the end of 1993, the building can be expanded to a maximum of 22,000 square metres. This expansion can be leased by the Organisation at a guaranteed price of US\$ 250 per square metre (indexed on the basis of 1992 price levels, basic rent).

7. When needed, a conference room for approximately 170 delegations will be made available, free of charge, during the maximum eight year period of the Netherlands bid at the nearby Peace Palace or Netherlands Congress Centre.

8. Subject to the promise that all office supplies, service contracts and other office materials for which the Organisation will pay, shall be purchased at the normal going rates from a supplier designated by The Hague, the Netherlands offer during the preparatory phase (maximum of five years) includes:

- providing all necessary office furniture according to official European standards, free of charge;
- providing all the reasonably necessary office equipment, free of charge;

During the preparatory phase (maximum of five years) the Netherlands offer also includes:

- providing a fully integrated digital telephone switchboard, telephones on every desk and 10 fax machines free of charge.

9. After the preparatory phase during a period of three years office furniture (according to official European standards) and reasonably necessary office equipment will be supplied free of charge on a one-time basis, provided that all office supplies, service contracts and other office materials for which the Organisation will pay, shall be purchased at the normal going rates from a supplier designated by The Hague.

Laboratory/Training

10. The Prins Maurits Laboratory (PML) of the Netherlands Organisation for Applied Scientific Research (TNO), a fully independent not-for-profit research organisation, will grant the Organisation access to its database with analytical chemical data, free of charge. This database contains spectrometric and chromatographic data of a large number of compounds relevant to the Convention.

11. PML is also prepared to provide a technical training programme for 100-150 candidate inspectors of the future Organisation drawn from developing countries mainly. The training programme will be free of charge for the participants.

12. Finally PML, if needed in co-operation with other TNO institutes, could carry out a number of technical functions of the Organisation, such as analyses of samples, development of analytical chemical methods, synthesis of reference compounds, calibration and development of verification equipment, advice on and development of detection and protection equipment, sampling equipment, seals and markers, etc., at a price determined by the integral costs of its activities.

Social Security

13. If the Organisation establishes its own social security system with comparable coverage to Dutch schemes, the Netherlands Government will exempt the Organisation, its Director and staff members/personnel from compulsory insurance under national social security schemes. The exemption rules will be laid down in the Headquarters Agreement. For persons who are not exempt, compulsory insurance schemes will apply and the Organisation will be responsible for paying contributions.

Employment

14. Non-Dutch employees of international organisations in the Netherlands who do not carry diplomatic status, will be -- as a matter of routine -- granted work and residence permits for the duration of their employment in the Netherlands.

15. Family members of persons working at the Organisation who have the nationality of one of the member States of the European Community may take up employment in the Netherlands. Members of the family who do not have the nationality of one of the member States of the European Community may take up employment subject to the requirements of the labour market.

General conditions relating to the Netherlands bid

16. The Dutch bid applies if the Organisation is to remain in The Hague throughout its existence.

17. Property, furniture, equipment and other items that are made available will remain the property of the supplier and/or the Netherlands.
