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Policy review on hosting international organisations in the Netherlands

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Zaken



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Preface

In the past two decades, as a result of the Dutch government's active policy of seeking to attract international organisations (IOs), an increasing number have opted to base themselves in the Netherlands. In 2008, 32 such organisations were based in the Netherlands, including 23 in the Hague area. As a host state of IOs, the Netherlands seeks to present itself as an internationally-minded country with The Hague as the 'legal capital of the world'. However, the conditions offered to these organisations did not keep pace with the government's success in attracting them. Thus, for example, IO staff complained about taxes, residence rights, international schools and the Dutch healthcare system. Cooperation between the government and IOs was far from smooth, and IOs felt that the government's approach was not very solution-oriented.

The then government took this criticism very seriously and, based in part on the findings of a 2002 Interministerial Policy Review (IBO), published a position paper on attracting and hosting IOs in mid-2005. The emphasis shifted from attracting IOs to the Netherlands towards doing better at hosting the organisations already located here.

At the request of the Ministry of Foreign Affairs' Protocol Department (DKP), the Policy and Operations Evaluation Department (IOB) carried out the present policy review to establish the extent to which the measures taken by the government have so far helped to improve conditions for Dutch-based IOs. Coming three years after the introduction of the policy, it is an interim assessment rather than a final evaluation. The key aim is to draw lessons from experiences to date with a view to making further policy improvements.

The review focuses on hosting – and thus not on attracting – IOs. It does not evaluate the position paper itself, but devotes considerable attention to the views of the IOs and their non-Dutch staff, obtained by means of surveys and interviews, on the results of the measures adopted. Other sources of information include a

desk study of documents from the Ministry of Foreign Affairs and interviews with relevant officials of this ministry as well as of other ministries and implementing organisations.

The policy review was conducted by and under the responsibility of IOB inspector Ted Kliet, in cooperation with IOB researchers Bas Limonard and Rianne Verbeek. Zinzi Shamburg of research bureau TNS NIPO was responsible for the survey of IO staff and the statistical analysis of the results.

The policy review was guided by a reference group, consisting of Pauline Genee (head of the Desk for International Organisations until 31 March 2008), Ron Muyzert (Ambassador for International Organisations until 31 July 2008) and Rob Zaagman (Ambassador for International Organisations from 1 August 2008) on behalf of the Ministry of Foreign Affairs, as well as Serv Wiemers of the Ministry of Economic Affairs, Paul Vlaanderen of the Ministry of Finance, Christian Archambeau and, subsequently, Aad Jacobs of the European Patent Office, and Professor of Management and Organisational Sciences Mandy van der Velde of Utrecht University. IOB thanks the members of the reference group for their valuable comments on the draft Terms of Reference of the policy review and the draft report. During the review process, IOB inspectors Rita Tesselaar and Gerard van der Zwan acted as internal readers.

IOB also wishes to thank the IO representatives and staff of the IOs who responded to the surveys and participated in the interviews with the IOB review team. The report contains a list of persons interviewed.

Responsibility for the content of this report rests entirely with IOB.

Bram van Ojik
Director, Policy and Operations Evaluation Department

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List of Abbreviations

ABW	Social Assistance Act
AWBZ	Exceptional Medical Expenses Act
AMIO	Ambassador for International Organisations
AMSCO	African Management Services Company
AO	heads of international organisations and their families, and highest ranking staff and their families
AOW	General Old Age Pensions Act
BO	members of technical and administrative staff and their families
BOIP	Benelux Office for Intellectual Property
BPM	car and motorcycle tax
BSN	citizen service number
CAWI	computer assisted web interviewing
CB/IFB	Central Bureau for International Tax Treatment
CFC	Common Fund for Commodities
CTA	Technical Centre for Agricultural and Rural Cooperation
CWI	Centre for Work and Income
DBC	diagnosis treatment combination
DigiD	digital identity
DKP	Protocol Department, Ministry of Foreign Affairs
DKP/BV	Foreign Missions, Privileges and Immunities Division
DKP/DIO	Desk for International Organisations
DV	Staff members who are considered to be permanent residents in the Netherlands
EM	experts on mission
EO	members of service staff and their families
EPO	European Patent Office
ESA/ESTEC	European Space Agency / European Space Research Technology Centre
EU	European Union

EUROCONTROL	European Organisation for the Safety of Air Navigation
Europol	European Police Office
GDP	Gross Domestic Product
GBA	municipal personal records database
HCCH	Hague Conference on Private International Law
HCNM/OSCE	High Commissioner on National Minorities of the Organisation for Security and Cooperation in Europe
HGIS	Homogeneous Budget for International Cooperation
IBO	Interministerial Policy Review
ICC	International Criminal Court
ICJ	International Court of Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IGO	internationally oriented education
IND	Immigration and Naturalisation Service
IO	international organisation
IOB	Policy and Operations Evaluation Department
IOM	International Organisation for Migration
IOSA-NL	International Organisations' Staff Associations in the Netherlands
ITC-UNESCO	International Institute for Geo-Information Science and Earth Observation
IUSCT	Iran-United States Claims Tribunal
JRC-IE	Joint Research Centre – Institute for Energy
MRB	motor vehicle tax
MVV	authorisation for temporary stay
NAPMA	NATO Airborne Early Warning and Control Programme Management Agency
NATO	North Atlantic Treaty Organisation
NATO JFC	NATO Allied Joint Force Command Brunssum
NC3A	NATO Consultation, Command and Control Agency
NCTb	National Coordinator for Counterterrorism
NFIA	Netherlands Foreign Investment Agency
NGO	non-governmental organisation
NP	no privileges
OCW	Ministry of Education, Culture and Science
OPCW	Organisation for the Prohibition of Chemical Weapons
OZB	property tax
PCA	Permanent Court of Arbitration

PO	private servants
PO/ZF	domestic servants
PROBAS	protocol personal records database
RDW	Road Transport Agency
RGD	Government Buildings Agency
RNI	registration system for foreign nationals
SCSL	Special Court for Sierra Leone
SEO	SEO Economic Research
SVB	Social Insurance Bank
SZW	Ministry of Social Affairs and Employment
UN	United Nations
UNEP/GPA	United Nations Environment Programme / Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities
UNESCO-IHE	United Nations Educational, Scientific and Cultural Organisation / Institute for Water Education
UNU-MERIT	United Nations University / Maastricht Economic and Social Research and Training Centre on Innovation and Technology
UWV	Employee Insurance Agency
VROM	Ministry of Housing, Spatial Planning and the Environment
VWS	Ministry of Health, Welfare and Sport
WW	Unemployment Insurance Act
ZF	no privileges or immunities, resident permit and Schengen visa only
ZVW	Healthcare Insurance Act

1 Key findings and recommendations

1.1 Introduction

This chapter presents the key findings and recommendations. The answers to the research questions, arranged according to the five components that all policy reviews must include, appear in chapter 6. The present chapter cannot deal exhaustively with all the policy issues addressed in this review. For this, the reader is referred to the remainder of the report, in particular chapter 5 on policy implementation.

Background

Since 1988, the Dutch government has pursued an active policy to attract international organisations (IOs) to the Netherlands. As a host state of IOs, the Netherlands seeks to present itself as an internationally minded country with The Hague as the 'legal capital of the world'. Thanks in part to this policy, 32 IOs were based in the Netherlands in 2008, including 23 in the city of The Hague or the Hague area.

At the beginning of this century, it became apparent that there were many problems relating to the conditions offered to IOs in the Netherlands. For example, the tax position of their staff had gradually deteriorated as a result of various measures adopted by the Dutch government. The right to a tax-free car had been curtailed, the threshold for VAT refunds had been raised and the introduction of the Income Tax Act 2001 had worked out unfavourably for IO staff. Moreover, the effects of these measures were distributed unevenly, as substantial differences existed between organisations in terms of the fiscal and other privileges accorded to their staff.

The organisations also felt that the Dutch government did not take sufficient account of their particular situation when adopting new legislation. In 1998, non-Dutch IO staff were removed from the municipal personal records databases as a result of the Benefit Entitlement (Residence Status) Act. This led to administrative problems. The rules for obtaining a permanent residence permit were more restrictive for privileged persons than for persons residing in the Netherlands under the Aliens Act. Complaints of an 'infrastructural' nature related to the limited availability of international education, the perceived high cost of childcare and housing and the shortage of family doctors and dentists in the Hague area. Non-Dutch IO staff were deeply dissatisfied with the Dutch healthcare system.

On the whole, there was a feeling among IOs at the time that the Netherlands was barely fulfilling its role as host nation. They felt that, from time to time, the Dutch government's approach was rigid and not exactly solution-oriented. This created the impression that, despite all the rhetoric, their presence in the Netherlands was not adequately appreciated. As a consequence, cooperation between the Netherlands and the organisations was far from smooth, damaging the Netherlands' image as an attractive host state. Two organisations even threatened to leave the Netherlands.

Policy

An Interministerial Policy Review (IBO) was launched in 2001 and culminated in a report in 2002. This review focused primarily on the costs and benefits of hosting IOs in the Netherlands and to a lesser extent on problems identified by the organisations and their staff.

The government's 2005 position paper on attracting and hosting IOs was not only the formal response to the IBO report but also addressed in detail the problems identified by IOs. The key element of the government's position paper concerned the harmonisation of privileges and immunities according to staff categories, regardless of organisation. This was achieved by granting certain categories of IO staff a diplomatic status similar to that of embassy staff. In addition, the rules on adding together residence periods were relaxed and the right of children of IO staff to a Dutch identity card was expanded.

The government would improve communication with and the provision of information to IOs and to ensure that they were better informed about policy developments and new legislation in areas relevant to them. To this end, measures would also be taken to strengthen the interministerial framework. The Secretary-

General of the Ministry of Foreign Affairs would continue to hold regular meetings with IO representatives. In addition, the government referred to the role of the Central Bureau for International Tax Treatment (CB/IFB) in Rijswijk and a planned expatriate helpdesk in The Hague as central information points.

The government's position paper stated that central government could support and encourage improvements in the infrastructure available to IOs and their staff, including premises, security and access, medical facilities, international schools and conference facilities.

The government's position paper emphasised that various ministries share responsibility for hosting IOs. The Ministry of Foreign Affairs – more specifically the Protocol Department's Desk for International Organisations (DKP/DIO) – plays a coordinating role in this regard. This joint responsibility would be realised by strengthening interministerial cooperation. In each ministry, responsibility for policy in this area would be clearly entrusted to a specially appointed contact person. A high-level interministerial Steering Committee would be established under the chairmanship of the Secretary-General of the Ministry of Foreign Affairs. This committee would focus on formulating policy proposals, including proposals for attracting new IOs, guiding policy implementation in the right direction and rendering account in this regard.

Structure of the policy review

This policy review focuses on the implementation of the government's 2005 position paper, with the exception of those aspects relating to attracting IOs. It does not evaluate the position paper itself, but devotes considerable attention to the views of the IOs and their staff on the results of the adopted measures. For the research questions, the reader is referred to chapter 2 and the Terms of Reference in annexe 2.

Key sources of information included a desk study and interviews with relevant officials from various ministries and implementation agencies. At the request of IOB, research bureau TNS NIPO carried out a survey among non-Dutch IO staff. The relevant questionnaire was answered by 2,676 staff, amounting to a response rate of 39%. This makes it possible to provide a representative picture of the opinions of non-Dutch IO staff. Another questionnaire was sent to IO management and was answered by 22 organisations. In addition, interviews were conducted with representatives from 19 organisations. On the basis of these

questionnaires and interviews, it is possible to provide a representative picture of IOs' views on the implementation of the government's position paper.

It is not easy to demonstrate an indisputable causal link between the adopted measures and the degree of satisfaction of IOs and their staff regarding the performance of the Netherlands as a host state. Reasons for this include a lack of reliable baseline data and the fact that previous studies and surveys do not lend themselves well to comparison with the present policy review because they did not employ the same questions or approach. However, based on the findings of earlier studies and by triangulating the data obtained through the research methods applied in the present policy review, it is possible to demonstrate a plausible link between the improved provision of services by the Dutch government and the extension of fiscal privileges, on the one hand, and the degree of satisfaction of IOs and their non-Dutch staff, on the other.

1.2 Key findings

- 1) *Almost all the planned policy measures have been implemented or are in an advanced stage of implementation.*

Three years after the publication of the government's position paper, implementation is still in full swing. The government vigorously embarked on the implementation of its policy in 2005. For example, it succeeded in harmonising privileges and immunities by concluding supplementary agreements with IOs. It has yet to conclude such agreements with four organisations, which have so far not accepted the proposed package. Fiscal privileges have been extended. Adjustments to make legislation on the adding together of periods of residence more flexible entered into force, as planned, on 1 January 2006. The Xpat Desk of the municipality of The Hague was reinforced with a staff member from the Ministry of Foreign Affairs. A new version of the Protocol Guide for International Organisations was published in 2006 and updated in 2008. As regards infrastructure, central government was not responsible for taking concrete measures, but it nevertheless provided support and encouragement. The following key findings provide insight into the results achieved.

- 2) *The potential of the interministerial Steering Committee on the Netherlands as Host Country, established to promote the joint responsibility for implementing the government's position paper, has not been fully exploited.*

The government's position paper emphasises that all ministries share responsibility for hosting IOs in the Netherlands. The cooperation of other

ministries in implementing a policy that is hospitable, generous, effective and solution-oriented is very important to the Ministry of Foreign Affairs in its capacity as the first point of contact for IOs. This also applies to ministries that may regard hosting IOs as less of a priority.

The interministerial Steering Committee on the Netherlands as Host Country was established as a high-level forum charged with putting the joint responsibility for policy implementation into practice. In reality, it appears that the committee serves primarily as an information exchange platform for the ministries involved in hosting IOs and the municipality of The Hague. Its main value is accordingly that, from time to time, it draws the attention of the ministries to the issue of hosting IOs, which also facilitates bilateral working relations. The level of participation varies widely between ministries, which means that the Steering Committee can no longer be regarded as a high-level body. It keeps little or no record of policy developments that may be relevant to IOs. DKP/DIO prepares the meetings but in practice has difficulty fulfilling its coordinating role within the Steering Committee. For example, it is not easy to induce ministries to find solutions to problems raised by IOs. This is particularly true in relation to issues that are not mentioned specifically in the government's position paper. In addition, the Steering Committee has still not formulated an integrated long-term vision, which means that problems are usually dealt with on an *ad hoc* basis.

3) *The harmonisation of privileges and immunities has calmed relations with IOs. The procedure and criteria for granting permanent residence (DV) status are considered problematic.*

Organisations have praised the elimination of the key differences between them in terms of privileges and immunities. The extension of fiscal privileges has reversed the negative effects of the Income Tax Act 2001, at least for most staff. Most organisations have also praised the process of achieving this harmonisation through supplementary agreements. Dutch staff and staff with DV status are excluded from certain fiscal privileges. For this reason, four organisations have refused to accept the proposed package. In addition, a number of IOs that did accept it have questioned the exclusion of staff with DV status and the strict application of the relevant rules. Eleven per cent of non-Dutch IO staff in the Netherlands have DV status.

The verdict of IO staff has not been uniformly positive. Despite the fact that harmonisation has eliminated key differences in terms of privileges between staff of equal rank in different organisations, it has introduced new differences

between various categories of staff within organisations. Although more than half of all respondents regard the harmonisation as an improvement, approximately 17% do not share this view. Only one quarter of respondents consider the harmonisation to be fair, while a significant proportion of staff (43%) believe that the system of privileges and immunities remains unfair. Dissatisfaction is strongest among staff who are excluded from a number of fiscal privileges. In addition, some respondents believe that the distinction between high-ranking (AO) and lower-ranking (BO) staff is arbitrary.

4) *The staff increase at the Desk for International Organisations and the appointment of an Ambassador for International Organisations have led to an improvement in the management of relations with IOs, but continuity remains a concern.*

Most IOs believe that their working relations with the Ministry of Foreign Affairs' Desk for International Organisations (DKP/DIO) have improved in recent years. In this context, they refer to the increased capacity of DKP/DIO and, above all, to the Ambassador for International Organisations' contribution to the improved cooperation. The larger IOs, in particular, now hold consultations with DKP/DIO staff on a regular basis. Nevertheless, many organisations are concerned about the impact of the high turnover of DKP staff on continuity in the provision of services.

5) *Communication with and the provision of information to IOs have improved, but certain matters still require attention.*

IOs and their staff welcome the measures introduced since 2005 to improve communication and the provision of information. This applies in particular to the new version of the Protocol Guide for International Organisations, the intensification of bilateral contacts initiated by DKP/DIO, the periodic briefings organised by DKP/DIO in cooperation with, for example, the Central Bureau for International Tax Treatment (CB/IFB) and the Immigration and Naturalisation Service (IND), and the establishment of the Xpat Desk by the municipality of The Hague. However, the joint meetings with the Secretary-General of the Ministry of Foreign Affairs have not taken place for some time, despite the fact that there is demand for them among IOs. In addition, IOs believe that communication about planned changes to policy and legislation that are relevant to them is still inadequate. A key example in this regard is the introduction of the new Healthcare Insurance Act in 2006. Both the government and the private sector still rarely provide information in English.

6) *IOs and their non-Dutch staff are generally satisfied with their presence, life and work in the Netherlands.*

Without exception, IOs are generally satisfied with their presence in the Netherlands. In this context, some organisations refer to the stable political climate of the Netherlands, its relatively high standard of living, the good service infrastructure and/or the financial support (e.g. for housing) that they receive from the Dutch government. The survey of non-Dutch IO staff reveals that the vast majority (68%) of respondents are generally satisfied with living and working in the Netherlands. However, this does not prevent both IOs and non-Dutch IO staff from raising issues on which, in their eyes, the Dutch government could take action (see below).

7) *IOs and their non-Dutch staff believe that special attention should be devoted to a number of issues during policy implementation.*

Organisations

The way in which the Dutch government facilitates relocation, renovation and expansion of IO premises and the procedures it applies in the process are not always satisfactory. Obtaining new or permanent premises often takes a considerable amount of time, due in part to the government's sluggish and bureaucratic decision-making.

Security for buildings and persons (staff, defendants, witnesses, etc.) is handled in a satisfactory manner. The Netherlands should continue to provide adequate responses to new security needs. It is important that the relevant authorities consider the varying security needs of organisations that are (or will be) located in close proximity to each other. This issue arises, in particular, in the context of the further development of The Hague's International Zone.

Staff

The Dutch healthcare system appears to be a source of dissatisfaction for many non-Dutch IO staff. This applies to its structure and policies (such as the 'gatekeeper' role of family doctors) as well as to its cultural aspects (such as the egalitarian nature of the system and the restraint in prescribing drugs). Measures aimed at improving the provision of information about the system and facilitating the access of IO staff to medical care have produced some improvements, but have so far not eliminated the dissatisfaction, which undermines the attractiveness of the Netherlands as a seat for IOs.

IO staff have also drawn attention to the need to expand options in the field of international education. Various options for improving the availability of international education in The Hague have now been examined. Improvements include increased options for bilingual secondary education (Dutch-English) within the mainstream education system and the recent introduction by the International School of The Hague of a continuous curriculum for children aged between 4 and 18 at one location. In addition, the availability of international education will increase as a result of the plan to establish a ‘European stream’ at this school in the near future. In contrast, there is a shortage of international educational facilities for children with special needs.

In the case of multilingual childcare facilities, non-Dutch IO staff are confronted by long waiting lists and relatively high costs. The problem is especially pressing for this group, as they are generally less able to rely on family members for childcare.

- 8) *There is a certain discrepancy between the expectations of IOs and their non-Dutch staff and the extent to which the Dutch government is able to meet these expectations in the framework of its policy.*

The review suggests that not all problems experienced by IOs and their staff can or should be dealt with by the government to the same extent. At one end of the spectrum, the government provides services and information directly to IOs. Here, it can and should take responsibility. At the other end of the spectrum, IOs and their non-Dutch staff are confronted by social and cultural habits characteristic of Dutch society. The closer you move to this end of the spectrum, the harder it is for the government to control matters. In addition, there will always be differences of perception regarding what is ‘good enough’ and what could be ‘even better’. In the framework of its policy, the government makes independent choices based on a wide range of considerations, including other interests. When making these choices, however, it is important for the government to listen and give appropriate consideration to the arguments of IOs and their staff.

1.3 Recommendations

As a general rule, policy implementation should take account of the guiding principle of the government’s position paper, namely that the Netherlands should offer IOs conditions that are competitive with those on offer elsewhere and that its policy should be seen as hospitable, generous, effective and solution-oriented. The issues identified in the key findings should be considered from this

perspective. In addition, this section presents a number of specific recommendations.

- 1) *The current level of effort should be maintained and should include effective cooperation between the ministries involved in host country policy.*

During the past three years, a lot of effort has been invested in performing overdue maintenance on the hosting of IOs in the Netherlands. Relations with IOs have accordingly improved considerably. Implementing the basic principles of the government's position paper nevertheless requires constant attention and commitment from all parties. The momentum that has been created should be sustained. In this connection, the Ministry of Foreign Affairs may, where necessary, call on other ministries to shoulder their joint responsibility and help to ensure that the Netherlands remains an attractive host country for IOs.

- 2) *The interministerial Steering Committee on the Netherlands as Host Country should be used more effectively.*

In order to facilitate the implementation of the basic principles of the government's position paper and to ensure that they remain the responsibility of the ministries, the performance of the interministerial Steering Committee on the Netherlands as Host Country needs to be improved. If the Ministry of Foreign Affairs, in cooperation with the ministries responsible for specific issues, prepares the meetings of the Steering Committee more thoroughly, its potential as a high-level decision-making body can be exploited more effectively. This also requires that the representatives in the Steering Committee come from the appropriate level. In addition, contact persons from the ministries and implementing agencies (who are not represented in the Steering Committee) could meet periodically to prepare the work of and implement decisions adopted by the Steering Committee.

- 3) *Developing a long-term vision and defining the ambition level*

In order to move away from the *ad hoc* nature of problem solving, a long-term approach to the presence of IOs and their staff in the Netherlands needs to be developed. This could be done on the basis of scenarios such as the expected arrival of new organisations or the closure of existing ones. In this framework, it would be possible to define the minimum level of service provision to which the Netherlands aspires. Action plans could then be drafted on the basis of this long-term vision.

- 4) *Further improvement of information and communication*

One aspect of creating good conditions for IOs consists of informing them about planned changes to policy and legislation that are relevant to them and taking

account of their special position in connection with such changes. To make this possible, the Ministry of Foreign Affairs should be actively informed about and involved in any changes planned by the other ministries.

It is important to provide a forum in which IOs can provide feedback on host country issues and in which the Dutch government can explain its vision and plans for the future. The meetings of the Secretary-General of the Ministry of Foreign Affairs with IO representatives should be revived. To complement these meetings, substantive issues such as premises, security and residence periods could be explored in greater depth with government and IO experts. In addition to responding to requests for information, the Ministry of Foreign Affairs could proactively examine what issues to single out for clarification or discussion.

Being an attractive host country implies that non-Dutch IO staff should be able to find their way in Dutch society without necessarily being able to speak Dutch. Central government and local authorities should therefore ensure that information and forms relating to their services are available in English or that they are able to provide adequate English-language assistance when approached by non-Dutch speakers. Non-governmental organisations should also be made aware of this need. None of this changes the fact that IOs are also responsible for informing their staff about Dutch society and providing the necessary assistance.

5) *Staffing levels in the Protocol Department*

The level of service provision as experienced by IOs depends to a large extent on staffing levels in the Ministry of Foreign Affairs' Protocol Department (DKP). The department's future staffing levels are therefore a matter of concern, especially in the light of the present cutbacks. At current levels, the Foreign Missions, Privileges and Immunities Division (DKP/BV), which is responsible for registering non-Dutch staff and issuing identity cards, already has little leeway in this regard. Backlogs can therefore easily develop. The actual staffing levels of the Desk for International Organisations (DKP/DIO), which at present relies heavily on temporary, additional staff, should be made permanent. The importance of preserving vital knowledge, established working relations and institutional memory should be taken into account in the regular transfer process within the Ministry of Foreign Affairs. The planned merger of DKP/DIO and DKP/BV should preserve enough manpower for managing relations with IOs, and the position of the Ambassador for International Organisations should preferably be retained.

6) *Attention should be devoted to the systematic monitoring of policy implementation.*

In order to maintain the standard of services provided to IOs and facilitate intervention where necessary, information on the performance of the relevant parties is needed. This entails monitoring policy implementation and systematically logging incidents and complaints. In the future, moreover, as a follow-up to the surveys carried out in the framework of this policy review, similar surveys among IOs and their staff could help to provide an insight into the Netherlands' performance as a host country.

2 Aim and structure of the policy review

This chapter describes the background, aim and research questions of the policy review. This is followed by a brief description of the scope, approach and methodology, limitations and organisation of the review. The chapter concludes with an overview of the rest of the report.

2.1 Background

During the 1990s, the Dutch government invested considerable energy in attracting IOs to the Netherlands, in line with a 1988 policy document in which it affirmed the importance of doing so. Thanks in part to an active policy of seeking to attract such organisations, in 2008 32 IOs were based in the Netherlands (see table 2.1). The Netherlands is competing with other countries that seek or have sought to attract IOs.

International Organisations in the Netherlands

Dutch policy on hosting IOs applies to international *governmental* organisations. The 2002 Interministerial Policy Review (IBO) refers to the following definition by August Reinisch (2000): ‘International organizations are entities consisting predominantly of states, created by international agreements, having their own organs, and entrusted to fulfil some common (usually public) task.’

The nature of Dutch-based IOs varies greatly in terms of their tasks and composition. IOs generally have states parties or member states that support the organisation’s aims and operations financially and/or politically. This includes EU, UN and NATO member states, as well as states parties that support the aims of a specific organisation.

Roughly speaking, Dutch-based IOs can be divided into three groups: (a) judicial IOs (courts, tribunals and EU-linked organisations in the field of investigation and prosecution); (b) organisations in the field of peace and security (non-proliferation or civilian NATO organisations); and (c) technical IOs in a wide range of fields, including patents, space, migration, language, the environment, international education and research.

Although they are based here, the organisations operate independently of the Netherlands. Of the 32 IOs based in the Netherlands, 23 are located in the Hague area.

International Organisations' staff

IO staff can be granted certain privileges and immunities. The host country, in this case the Netherlands, decides which privileges and immunities to grant. Table 2.1 lists the number of staff with privileges and immunities in each organisation as well as the number of non-Dutch IO staff in each staff category. It should be noted that not all staff who are Dutch nationals or have permanent residence (DV) status are registered in the Ministry of Foreign Affairs' personal records database (PROBAS). Moreover, IOs also employ several thousand non-privileged persons. The total number of IO staff is therefore higher than indicated in table 2.1.

Table 2.1 Overview of the number of privileged staff per international organisation

International organisations ¹	Total (including Dutch nationals)	Total number of non-Dutch staff	Staff categories of non-Dutch staff ²			
			AO	BO	EO	Other
European Patent Office	2,059	1,833	363	1,467	0	3
ICTY	1,304	1,097	67	846	0	184
ESA/ESTEC	1,147	1,125	222	898	0	5
International Criminal Court	658	570	45	457	3	65
OPCW	640	550	144	405	0	1
NATO C ₃ Agency	450	309	72	236	0	1
Europol	440	418	105	313	0	0
EUROCONTROL	169	168	3	165	0	0

¹ At the time of the policy review, the Special Tribunal for Lebanon was not yet operational.

² See table 2.2 for an explanation of the abbreviations AO, BO and EO.

Institute for Energy	159	157	1	154	0	2
International Court of Justice	154	127	20	61	1	45
Eurojust	131	119	42	77	0	0
NAPMA	120	89	11	78	0	0
Special Court for Sierra Leone	83	79	5	65	1	8
IOM	63	4	0	4	0	0
IUSCT	54	32	26	6	0	0
HCNM/OSCE	34	27	4	22	0	1
CTA	32	29	2	25	2	0
Common Fund for Commodities	31	25	4	21	0	0
HCCH	27	21	3	16	0	2
BOIP	23	10	5	5	0	0
ICTR	19	19	1	18	0	0
Permanent Court of Arbitration	19	13	8	5	0	0
UNEP/GPA ³	10	7	0	7	0	0
Allied Joint Force Command	8	8	2	6	0	0
UNU-MERIT	8	7	1	6	0	0
ITC-UNESCO	2	0	0	0	0	0
UNESCO-IHE	2	1	1	0	0	0
AMSCO	1	0	0	0	0	0
EU Commission Representation	1	1	0	1	0	0
UNHCR	1	0	0	0	0	0
Dutch Language Union	1	0	0	0	0	0
EP Information Office	0	0	-	-	-	-
Total	7,850	6,845	1,157	5,364	7	317

Source: PROBAS (April 2008)

Depending on their status (AO/BO/EO/other), IO staff are granted a specific level of fiscal and other privileges and immunities. The supplementary status codes that may be assigned indicate a further restriction of privileges and immunities within each staff category (see table 2.2). Thus, for example, staff with DV status are granted the same lower level of privileges and immunities as privileged Dutch staff.

3 The UNEP/GPA office in the Netherlands was closed mid-2008. Some staff were transferred to the head office in Nairobi.

Table 2.2 Non-Dutch staff in international organisations

Staff category/ status	No supplementary status code	Supplementary status code		Total	%
		DV status	Other status (NP/EM/ZF)		
AO	1,142	15	0	1,157	16.9
BO	4,598	722	44	5,364	78.4
EO	3	4	0	7	0.1
Other	280	25	12	317	4.6
Total	6,023	766	56	6,845	100

AO = heads of international organisations and their families, and highest ranking staff and their families

BO = members of technical and administrative staff and their families

EO = members of service staff and their families

DV = permanent resident status (granted by DKP/DIO)

NP = no privileges

EM = experts on mission

ZF = no privileges or immunities, resident permit and Schengen visa only

Source: PROBAS (April 2008)

The total number of PROBAS-registered, privileged staff working at the 32 Dutch-based IOs is 7,850.

For more information on the characteristics of non-Dutch IO staff who participated in the staff survey for this policy review, see annexe 5.

Background of the policy review

On 27 June 2005, the Minister of Foreign Affairs sent to the House of Representatives the government's position paper on the 2002 Interministerial Policy Review (IBO) 'Policy Framework for Attracting and Hosting International Organisations'.⁴ This position paper was a response to the IBO report as well as an attempt to address a number of problems raised by IOs. It marked an important shift in Dutch policy, from its initial emphasis on attracting IOs to the Netherlands towards doing better at hosting the organisations already located here. The government aimed not only to fulfil its legal obligations towards Dutch-based IOs but also to create an image of the Netherlands as an attractive host country. In this context, the guiding principle and main policy objective was that the Netherlands should offer IOs conditions that are competitive with those on offer elsewhere and that its policy should be seen as hospitable, generous, effective and solution-oriented.

4 House of Representatives, 2004-2005, 30 178, no. 1.

However, this was not the case in 2005. It was apparent from contacts with IOs that they experienced many problems in terms of the conditions offered to them in the Netherlands (see chapter 3).

The government's position paper formulated measures to improve the situation in the following four areas:

- a) admission to and residence in the Netherlands for foreigners;
- b) information and communication;
- c) privileges and immunities; and
- d) infrastructure.

The planned improvements meant that the hosting of IOs in the Netherlands needed to be organised more effectively both within the Ministry of Foreign Affairs and at the level of interministerial cooperation.

The Protocol Department (DKP) of the Ministry of Foreign Affairs is the primary contact point for foreign missions and IOs in the Netherlands. Among other tasks, it is responsible for registering privileged persons and for matters concerning the immunities and privileges of the diplomatic corps and IO staff. Since 2001, the Desk for International Organisations within DKP (DKP/DIO) has served as the central contact point for IOs within central government and provides various services to them. In 2005, it received a substantial increase in manpower. To emphasise the importance of hosting IOs properly, an Ambassador for International Organisations (AMIO) was appointed in 2006.

There are many bodies that are responsible and take responsibility for the working environment of IOs. In 2005, an interministerial Steering Committee on the Netherlands as Host Country was established to bolster interministerial coordination, information provision and accountability in this policy area. The Steering Committee, which is chaired by the Secretary-General of the Ministry of Foreign Affairs, includes representatives from all the relevant ministries and the Hague municipality. They must have the mandate to solve any policy and financial problems that may arise. If necessary, the Steering Committee can establish working groups to find solutions to specific problems. Each ministry's involvement with IOs must be transparent and centrally coordinated. Besides a representative in the Steering Committee, each ministry appoints a contact person for day-to-day business.

The Ministry of Foreign Affairs is charged with playing a coordinating and stimulating role, in consultation with the Hague municipality and the ministries and institutions concerned, in order to ensure adequate capacity and high quality in the provision of services to IOs.

2.2 Aim of the policy review

The Protocol Department (DKP) of the Ministry of Foreign Affairs asked the Policy and Operations Evaluation Department (IOB) to carry out a review of Dutch policy on hosting IOs in the Netherlands, which has been in force since mid-2005.⁵ IOB carried out this policy review between April and October 2008.

The aim of the policy review is to establish the extent to which the measures taken have so far helped improve conditions for Dutch-based IOs. This will enable the Dutch government to render account to Parliament and the IOs themselves and draw lessons with a view to making further improvements to policy. For further details, see annexe 2: *Terms of Reference*.

2.3 Research questions

In accordance with the 2006 Order on Periodic Evaluations and Policy Information (*Regeling periodiek evaluatieonderzoek en beleidsinformatie*, RPE 2006), all policy reviews must include five components. These components form the basis of the research questions that the present policy review seeks to answer.

- a) *Description and analysis of the problem that led to the policy*
 - i) What were the issues and problems facing Dutch-based IOs and their staff prior to 2005?
 - ii) How did central government obtain information about these issues and problems?

- b) *Description and underpinning of the role of central government*
 - i) Which aspects of hosting IOs are the legal responsibility (treaty obligations) of central government?
 - ii) For which aspects does central government take responsibility? Which aspects does it not consider its responsibility?

⁵ See the programmed evaluations annexe of the explanatory memorandum to the 2008 budget of the Ministry of Foreign Affairs. The review focuses on operational objectives 1.3 (properly functioning international legal institutions in The Hague) and 8.4 (an attractive climate for international organisations in the Netherlands).

- iii) Which aspects do the IOs and their non-Dutch staff consider to be the responsibility of central government?
- c) *Description of the policy objectives investigated by the review*
 - i) What problems did the Dutch government set out to solve?
- d) *Description of the instruments used to solve the problems and analysis of the results*
 - i) What measures did central government take to solve the problems?
 - ii) How relevant were the measures taken?
 - Do the IOs and their non-Dutch staff regard the measures taken as appropriate?
 - iii) How effective were the measures taken?
 - Have the measures been implemented?
 - Have the measures led to an improvement in the services provided to IOs?
 - Do the IOs and their non-Dutch staff think the measures have been effective?
 - Has the number of complaints decreased?
 - iv) Has the policy been implemented efficiently?
 - How well has the interministerial Steering Committee been performing, and what is the role of DKP/DIO?
 - How well have the three interministerial working groups been performing?
 - Has the interministerial Steering Committee facilitated taking decisive action to solve the problems?
 - Do the IOs and their non-Dutch staff think the problems have been energetically and effectively tackled?
- e) *Description of the budgets used*
 - i) How much did central government budget for this policy in 2006 and 2007?
 - ii) What did these budgets consist of?⁶

The answers to the research questions appear in chapter 6.

⁶ The scope of the budgetary overview provided by the review depended on the extent of the information supplied by the different ministries.

2.4 Scope of the policy review

Target group

The policy review only examines the conditions for Dutch-based *international governmental organisations*.⁷ Foreign embassies, international companies and private or non-governmental organisations are not covered. This is because facilitating the work of IOs has its own rationale, namely: (1) the presumed added value of their presence in the Netherlands; (2) the importance of the Netherlands' competitive position, which is not such an important factor with foreign embassies; and (3) the fact that non-Dutch IO staff generally tend to stay in the Netherlands for longer periods.

It should be noted that the Dutch government also takes many other measures and initiatives to improve the Netherlands' image and the conditions for hosting public and private organisations. The review takes note of these initiatives but evaluates only those measures that are strictly related to international governmental organisations.

Conditions for Dutch-based IOs

As indicated above, the review examines the measures that have been taken to improve conditions for IOs in the Netherlands. Due to considerations of time and methodological complexity, it deliberately does not review the position paper's conclusions about the purported advantages of the presence of IOs in the Netherlands, such as a favourable impact on the country's image, the advancement of Dutch foreign policy objectives and the construction of legal and other knowledge infrastructures. Nor does the policy review discuss efforts to attract new IOs.

Focus on government action

The perception of the Netherlands as a host country by IOs and their staff is clearly influenced by many factors on which the government can have no effect. Examples of this include the weather and social and cultural habits characteristic of Dutch society. The policy review therefore restricts itself to investigating those factors that the government is considered able to influence. However, the review does consider the possibility that, in its attempts to attract IOs, the government may have painted a picture of the Netherlands that gave rise to certain expectations

7 See the definition by August Reinisch in section 2.1.

among IOs and their non-Dutch staff which subsequently did not match their experiences.

Government departments covered by the review

As regards the various government departments that implement Dutch policy in respect of Dutch-based IOs, the policy review focuses primarily on the role of the Ministry of Foreign Affairs, with an emphasis on DKP/DIO, and on the performance of the interministerial Steering Committee on the Netherlands as Host Country. Where relevant, actions by other ministries⁸ and municipal authorities are also described. However, their actions are not evaluated separately.

Period under review

The period being assessed runs from June 2005 (when the government issued its position paper) to the end of 2007. Where appropriate, the current situation (in 2008) is also taken into consideration. The review has been conducted at a relatively early stage, some two and a half years after the introduction of the new policy. Therefore, not all the measures taken can be expected to have resulted in noticeable improvements. The review should therefore be regarded as an interim assessment rather than a final evaluation.

2.5 Approach and methodology

The policy review is based on a desk study, interviews and two surveys.⁹

Desk study

Written and electronic sources were analysed by means of a desk study. These sources included letters to Parliament and policy documents; internal memoranda of the Ministry of Foreign Affairs; DKP/DIO's correspondence with other ministries, the Hague municipality and IOs; records of meetings of the interministerial Steering Committee and the related working groups; records of meetings of the Ministry of Foreign Affairs with IOs; and information material. The desk study served mainly to trace how policy was developed, what measures were planned, what measures were actually taken, how communication policy was implemented, and how the Steering Committee and the working groups have been performing.

⁸ Also referred to as 'line ministries', such as the Ministry of Finance, which is responsible for fiscal matters relating to IOs and their non-Dutch staff.

⁹ An evaluation matrix for the policy review, with indicators of policy inputs, outputs and outcomes, appears in the Terms of Reference (see annex 2).

Interviews

Interviews were conducted with DKP/DIO staff, members of the interministerial Steering Committee and working groups and contact persons at the line ministries, staff of implementing organisations (the Government Buildings Agency, the Xpat Desk of the Hague municipality, the division of the Ministry of Foreign Affairs responsible for PROBAS registrations and the Immigration and Naturalisation Service) and representatives from Dutch-based IOs and the International Organisations' Staff Associations in the Netherlands (IOSA-NL). A list of persons interviewed during the review process appears in annexe 9.

Surveys

Two surveys were carried out to identify the key problems in 2005 and ascertain the target group's views on the measures subsequently taken by the government. In addition to a questionnaire with open-ended questions directed at IO management (see annexe 6), a second survey was carried out among the approximately 6,850 non-Dutch staff members of these organisations. At the request of IOB, research bureau TNS NIPO carried out the second survey by means of computer assisted web interviewing (CAWI). All staff received an email containing a personalised link to a questionnaire consisting mainly of multiple-choice questions.¹⁰ The response rate to the questionnaire was 39% (see annexes 4 and 5).

In addition, on 2 June 2008, two members of the IOB review team attended a meeting of the interministerial Steering Committee where they explained the structure of the policy review and observed the deliberations of the committee.

2.6 Limitations of the policy review

The policy review has a number of limitations. Some are due to a lack of accessible information, others to choices relating to the structure of the review.

The first limitation is that there are no firm data on services provided to IOs and their staff by the Dutch government. As a result, it was impossible to determine 'objectively' whether services have improved or deteriorated. In addition, the Ministry of Foreign Affairs does not register all complaints, making it impossible to identify statistical changes in their frequency and nature. Any improvement in

¹⁰ Because this method could not be used for all IOs, a general web link to the questionnaire was also provided. At their request, two organisations received a printed version of the questionnaire.

the provision of services therefore had to be measured on the basis of qualitative data and perceptions. Care was taken to triangulate the data from the various sources (staff and management surveys and interviews).

Secondly, not all IOs provided the same level of input. The management questionnaire was completed and returned by 22 of the 30 organisations that received it (a response rate of 70%).¹¹ The intention was initially to conduct follow-up interviews with representatives from a very small number of organisations, based on the results of the management survey (see Terms of Reference). This approach was abandoned during the review in favour of interviews with representatives from 19 organisations. Two organisations were interviewed in lieu of providing a written response to the management questionnaire. Annexe 3 contains an overview indicating which organisations returned the management questionnaire and which of them were interviewed.

A third limitation concerns the exclusion of Dutch IO staff from the staff survey. The reason for this was that the responses of Dutch nationals would have distorted the answers to many of the questions. When formulating the questions for the survey, moreover, the review team was not sufficiently familiar with the position of Dutch staff *vis-à-vis* their non-Dutch colleagues in terms of privileges and immunities. It therefore investigated this issue via the management questionnaire and the subsequent interviews with the organisations, as well as in an interview with IOSA-NL. In addition, several respondents to the staff questionnaire referred to the position of their Dutch colleagues.

Finally, it should be noted that the quantitative results of the staff survey cannot be compared with the situation prior to the publication of the government's position paper, given the lack of baseline data for this period. The survey carried out by IOSA-NL in 2005 cannot serve as a baseline due to the different nature of its questions and scope. The results of the staff survey carried out by research bureau TNS NIPO in the framework of the present policy review may serve as a baseline for future questionnaire surveys.¹²

¹¹ Management questionnaires were not sent to the European Parliament Information Office and the Special Tribunal for Lebanon, which was not yet operational at the time of the policy review.

¹² Such surveys could also examine the views of Dutch IO staff by means of a separate questionnaire.

2.7 Organisation of the policy review

The policy review was conducted by and under the responsibility of IOB inspector Ted Kliet, in cooperation with IOB researchers Bas Limonard and Rianne Verbeek. The work of conducting the survey among non-Dutch IO staff was outsourced to research bureau TNS NIPO. The survey questions were drawn up by the IOB review team. TNS NIPO performed the statistical analysis of the results. The full results of the survey appear in annexe 4.

The review was guided by a reference group consisting of Pauline Genee, Ron Muijzert and Rob Zaagman of the Ministry of Foreign Affairs, Serv Wiemers of the Ministry of Economic Affairs, Paul Vlaanderen of the Ministry of Finance, Christian Archambeau and, subsequently, Aad Jacobs of the European Patent Office, and Professor of Management and Organisational Sciences Mandy van der Velde of Utrecht University. The reference group was chaired by IOB director Bram van Ojik and commented on the draft Terms of Reference of the policy review and the draft report.

During the review process, IOB inspectors Rita Tesselaar and Gerard van der Zwan acted as internal readers.

2.8 Structure of the report

Chapter 3 analyses Dutch policy on hosting IOs. It discusses the background of the policy, including the key problems and the 2002 Interministerial Policy Review (IBO), its formulation and the role of the various actors involved. It then examines the substance of the government's position paper.

Chapter 4 discusses the organisational aspects of hosting IOs in the Netherlands. It covers the joint responsibility of the ministries for hosting IOs as well as the relevant organisational structure within the Ministry of Foreign Affairs. It goes on to discuss the performance of the interministerial Steering Committee on the Netherlands as Host Country, before concluding with an overview of the budget.

Chapter 5 forms the main part of the report and examines policy implementation. Addressing each policy area in turn, it provides a brief description of the problems and then discusses the approach adopted by the Dutch government. This is followed by the views of the IOs and their non-Dutch staff and the IOB review team's conclusion. The policy areas are: privileges and immunities, admission

and residence, infrastructure, information and communication, and other aspects of conditions in the Netherlands.

Finally, chapter 6 provides the answers to the research questions, arranged according to the five components that all policy reviews must include.

In addition, as customary in IOB evaluation reports, chapter 1 presents the key findings and recommendations of the review. These findings and recommendations do not deal exhaustively with all the policy areas discussed in chapter 5, nor do they cover exactly the same issues as those discussed in chapter 6.

3 Analysis of the policy

3.1 Introduction

This policy review focuses on the implementation of the government's 2005 position paper on attracting and hosting IOs. In order to assess how and to what extent the position paper is being implemented, it is important to understand the background to it. In this context, several questions arise. What prompted the government to adopt the position paper? What problems did it focus on? What choices were made and what were the reasons for these choices? And what role did the various parties concerned play in the formulation of the policy? These questions are at the centre of this chapter.

Section 3.2 describes the problems experienced by IOs and their staff prior to the adoption of the government's position paper, as well as the implications of these problems for relations between the IOs and the Netherlands as host nation. Section 3.3 describes the development of the government's position paper, starting with the Interministerial Policy Review (IBO) to which it formed a response and moving on to the basic positions of the relevant ministries and the key decision moments. Section 3.4 discusses the choices made in the government's position paper. Finally, section 3.5 draws several conclusions.

3.2 Background of the policy

Since 1988, in accordance with a government policy document on the issue, the Netherlands has pursued an active policy to attract IOs. It thereby presented itself as an internationally-minded country with The Hague as the 'legal capital of the world'. Thanks in part to this policy, more than 30 IOs were based in the Netherlands at the beginning of the present century, which is a relatively high number for a country of this size.

In order to professionalise the services provided to these organisations, a Desk for International Organisations (DIO) was established within the Ministry of Foreign Affairs' Protocol Department (DKP) in 2001.¹³ The establishment of the desk marked a change in the Ministry of Foreign Affairs' approach. In addition to attracting IOs, the emphasis was now on solving problems in the provision of services to IOs already based in the Netherlands.

Soon after the establishment of the desk, the full scale of the problems relating to the hosting of IOs in the Netherlands became clear. In meetings with IO representatives, it emerged that the organisations were deeply dissatisfied. They felt unwelcome in the Netherlands for all kinds of reasons. Given its attitude, the Dutch government did not appear to value their presence very much. On several occasions, IOs were confronted with new legislation that had unfavourable consequences for them or their staff and did not take account of their particular situation.¹⁴ In their view, the Dutch government took a formalistic approach to hosting IOs. There was a general feeling that the Netherlands sometimes failed to honour its commitments – or that it did so in a minimalist fashion – and that it curtailed fiscal privileges.

3.2.1 Problems

This section briefly discusses the key problems identified between 2001 and 2005,¹⁵ which will be examined in greater depth in chapter 5.

Fiscal matters

The main problem with the conditions offered to IOs in the Netherlands related to fiscal matters. The salaries of IO staff are exempt from income tax. As a result, they also did not pay wealth tax until 2001. Due to the introduction of the new tax system in 2001, however, IO staff were obliged to start paying tax on income from their savings and investments in box 3. Combined with other measures, such as restricting the right to a tax-free car and raising the threshold for VAT returns from 100 guilders (EUR 45) to EUR 225, it appeared that the Netherlands was eroding fiscal privileges.

13 Until that time, a Host Country Representative for International Organisations had been responsible for the Ministry of Foreign Affairs' relations with Dutch-based IOs. The Host Country Representative for International Organisations reported directly to the Secretary-General of the Ministry of Foreign Affairs. Chapter 4 discusses the organisational aspects of hosting IOs in the Netherlands.

14 For example, in the case of the Benefit Entitlement (Residence Status) Act 1998 and the Income Tax Act 2001.

15 These have been reconstructed on the basis of DKP/DIO dossiers, the 2002 IBO report, the government's 2005 position paper, the IO management survey carried out by IOB and the follow-up interviews with representatives of several IOs.

These measures did not affect all IOs in the same way, as some of them had secured a much more generous package of privileges in their headquarters agreement than others. Because diplomatic privileges were considered to be important immediately after the Second World War, the International Court of Justice (ICJ) and the Permanent Court of Arbitration (PCA) had obtained a generous package of privileges. More recently, in its attempt to attract IOs to the Netherlands, the Dutch government has granted generous privileges and immunities in order to offer IOs conditions that were competitive with those on offer elsewhere. Many other Dutch-based IOs had a less generous package of privileges and immunities than the one being offered to new IOs. This caused dissatisfaction among organisations with a less generous package of privileges and immunities. The Netherlands could no longer justify the resulting substantial differences in status between staff of equal rank in different organisations on legal or functional grounds.

Provision of government services

- As a result of the 1998 Benefit Entitlement (Residence Status) Act, IO staff were removed from the municipal personal records database (GBA), i.e. the population register. However, registration in the GBA is essential for obtaining services from a number of government agencies and private companies (e.g. insurance, telephone services, internet connections and so forth). Voluntary registration in the GBA was subsequently made possible again.
- The lack of a clear framework within central government to deal with IOs (too many information desks and not enough coordination and synergy).
- A fragmented and non-transparent system for dealing with security issues; the lack of a proactive approach to potential threat risks.

Residence rights

- The impossibility of adding together periods of legal residence under the Aliens Act and as privileged persons was regarded as unfair and restrictive. IO staff and their family members who had lived in the Netherlands for a long time thus rarely qualified for permanent residence permits or naturalisation.
- Once they had turned 18, non-studying children lost their right to an identity card issued by the Ministry of Foreign Affairs. Depending on their nationality, some of them accordingly needed a visa to enter and stay in the Netherlands.

Communication and information

- IOs felt that they were not informed in a timely manner about policy developments that could have significant implications for them.

- Many non-Dutch IO staff experienced problems because much information and many forms from government agencies and private companies were only available in Dutch.

Infrastructure

- a lack of affordable housing;
- a shortage of suitable premises for IOs;
- problems relating to childcare facilities (too few and too expensive);
- the limited availability of international education; and
- long waiting lists for family doctors and dentists.

3.2.2 Consequences of the problems

Strengthened by contacts between IO staff – whether during briefings organised by the Ministry of Foreign Affairs or otherwise – the negative view that the Netherlands was only barely fulfilling its obligations as host country gained widespread acceptance. Countries that the Netherlands regarded as competitors in terms of hosting IOs also became aware of these problems. This view damaged the Netherlands' image as an attractive host country for IOs.

The dissatisfaction of the Dutch-based IOs had repercussions on their cooperation with the host country. As the primary point of contact, the Ministry of Foreign Affairs found it very difficult to cooperate with IOs due to the general negative attitude regarding the Netherlands' performance as host state. Some organisations were so dissatisfied that they threatened to leave the Netherlands, which would have further damaged its image and led to loss of income. In addition, the Ministry of Foreign Affairs began to feel that the Netherlands' good reputation within a number of international bodies was gradually being eroded.

3.2.3 IOSA-NL

In 2001, the staff associations of several IOs established the International Organisations' Staff Associations in the Netherlands (IOSA-NL). Its establishment can be partly attributed to the increasing dissatisfaction among the staff of Dutch-based IOs. IOSA-NL aims to act as a centralised collection and distribution point for information about ongoing areas of concern to IO staff members and their families and dependants living in the Netherlands, especially in the area of working and living conditions. In addition, it aims to express the needs and raise

the concerns of IO staff members before the relevant agencies of the Dutch government or local authorities.¹⁶

In October 2005, in other words after the publication of the government's position paper, IOSA-NL published the results of its first survey among the staff members of the five organisations whose staff associations were affiliated with it.¹⁷ This survey examined the general level of satisfaction of Dutch and non-Dutch staff with regard to living and working in the Netherlands. Its key finding was that more than three-quarters of the respondents indicated that they would prefer to leave the Netherlands.¹⁸ Even among the Dutch respondents, more than half expressed this preference. The main reasons for wanting to leave the Netherlands were: the weather, cultural factors (such as the poor standard of services), the quality of the Dutch healthcare system, housing costs and poor local government services. Media coverage of the survey contributed to public awareness of the problems relating to expatriates.

IOSA-NL published the results of a survey on international education needs¹⁹ in December 2006 and a report on the level of satisfaction regarding the Dutch healthcare system²⁰ in March 2008.

Although IOSA-NL representatives have participated as observers in briefings at the Ministry of Foreign Affairs and once attended an information meeting with DKP/DIO staff, the Ministry of Foreign Affairs only recognises IO representatives as official discussion partners. This is in line with the wishes of IOs.

¹⁶ See: <http://www.iosa-nl.org>.

¹⁷ *At Home in Holland? How Staff Members of International Organisations View Life in The Netherlands*, Report on Survey Results, prepared by the Secretariat of the International Organisations' Staff Associations in The Netherlands (IOSA-NL), approved on 12 October 2005.

¹⁸ With regard to this finding, it should be noted that the introduction to the questionnaire was not phrased in an entirely neutral manner. It read, in part: 'In recent weeks, several reports concerning the dissatisfaction of International Organisations' staff in the Netherlands have appeared in the Dutch and foreign media. IOSA-NL would like to find out what YOU think about living in the Netherlands.' The first question, which was also somewhat leading, read: 'Would you be interested in being transferred to a new or existing site of your organisation (with suitable conditions being met)?'

¹⁹ *Current and Future Needs for the Education of Dependents of Employees of International Organisations*, Report on Survey Results, prepared by the Secretariat of the International Organisations' Staff Associations in The Netherlands (IOSA-NL), December 2006.

²⁰ *Report on the Survey on the Dutch Medical System*, by the International Organisations' Staff Associations in the Netherlands (IOSA-NL), report agreed by IOSA-NL members on 28 March 2008. Both surveys are discussed in section 5.4.

3.3 The development of the government's position paper

3.3.1 The Interministerial Policy Review (IBO)

An Interministerial Policy Review (IBO) on attracting and hosting IOs was launched in 2001.²¹ The aim of this review was to formulate a general policy on attracting and hosting IOs and to achieve a certain degree of standardisation. The reason for formulating a more explicit policy was the considerable cost for the Netherlands of attracting IOs and providing attractive conditions and premises for them. The material and non-material benefits of attracting and hosting IOs also needed to be clarified. Moreover, there were substantial differences among IO staff in terms of privileges and immunities, legal status and tax treatment.²²

The policy framework proposed in the IBO report was based on three elements: an evaluation of current policy, a survey of the costs and benefits of the establishment of IOs in the Netherlands and an international comparison of several conditions offered to IOs.

Evaluation of current policy

The evaluation covered a number of issues and in some cases an opinion was expressed:

- With regard to the candidacy of and the financial inducements offered by the Netherlands, it was noted that the budgetary implications of Dutch bids were not always mapped out in detail.
- With regard to assisting IOs in relation to policy implementation, it emerged that the organisations identified several problems in this area, for example relating to the timeliness and completeness of information on relevant policy developments.
- With regard to privileges and immunities, no opinion was expressed but a detailed explanation of the existing situation was provided.
- With regard to social security, it was noted that, if an organisation had its own social security system that, in the opinion of the Netherlands, offered adequate protection to its staff and their families, that organisation would be excluded from the Dutch system. As an ultimate step, the Netherlands could

21 Every year, the government selects a number of review projects to be carried out by interministerial working groups. The interministerial policy reviews (IBOs) focus on the development and impact of policy options. In general, a staff member from the Ministry of Finance runs the secretariat of the working groups.

22 See, annexe 2 to Interministerial Policy Review, *Zetel akkoord*, Final Report of the Working Group on the Policy Framework for Attracting and Hosting International Organisations, 2001-2002 cycle, no. 8, p. 51.

order the organisation to modify its system in order to prevent staff from making claims under the National Assistance Act (ABW) due to poor coverage.

- The evaluation described the residence rights situation without giving an opinion. Only persons whose employment ended after a period of at least ten years were entitled to a residence permit.

Where no opinion was expressed, the explanation provided may be regarded as justifying the existing situation or it implies that the drafters of the report were unable to agree on a joint opinion.

Cost-benefit analysis

In 2002, as part of the IBO, SEO Economic Research (SEO) carried out a cost-benefit analysis of attracting and hosting IOs.²³

The establishment and presence of IOs in the Netherlands have positive spillover effects that cannot be expressed in financial terms. These spillover effects – including support for international policy objectives and other positive ramifications, such as status and diplomatic or cultural benefits – are often the main reason for attracting IOs. Hosting IOs gives the Netherlands a certain international reputation. Thus, for example, The Hague presents itself as the ‘legal capital of the world’. IOs also contribute to cultural diversity in the Netherlands. Finally, there can be diplomatic benefits, in that the Netherlands may be able to have a greater impact on international decision-making and exercise greater authority at global level in its capacity as host state. Other diplomatic benefits include economies of scale. Due to the concentration of international legal institutions in The Hague, subsequent institutions of this kind may be able to operate more effectively.

The SEO report also argued that the spending increase resulting from the presence of IOs, their staff and visitors in the Netherlands could lead to a temporary rise in GDP. According to SEO, however, the effects of this expenditure were dependent on underlying economic conditions, more specifically the extent to which existing factors of production were being used. In addition to spending effects, there could also be employment effects if IOs recruited local staff, for example for staff

²³ Michiel de Nooij and Jules Theeuwes, *Kosten-batenanalyse van vestiging en verblijf internationale organisaties* (Cost-benefit analysis of the establishment and presence of international organisations), SEO report no. 617, Amsterdam, 2002.

positions or professional services (security, cleaning, catering and transport). According to SEO, this effect was also dependent on the economic situation.²⁴

These benefits are counterbalanced by the costs of hosting IOs in the Netherlands. In some cases, for example, security may deteriorate due to the establishment of IOs. In addition, the establishment of IOs in the Netherlands often entails additional expenditure by the Dutch government on premises or external security or in the form of a contribution towards other operating costs. This expenditure is in addition to the regular contribution that the Netherlands pays as a member state of the IO concerned. Since 1997, expenditure for IOs is sometimes funded from the Homogeneous Budget for International Cooperation (HGIS).²⁵ Additional costs may consist of a one-off contribution to the establishment costs (such as modifying a building), temporary expenditure (such as providing premises at below market prices for a limited period) or expenditure of a more long-term nature (such as external security costs).

The conclusion of the analysis was that IOs can have both positive and negative effects on Dutch society. In the case of the three IOs highlighted by SEO to illustrate the cost-benefit analysis, the quantifiable costs and benefits produced a positive balance. With the exception of the security risk, spillover effects were deemed to be positive in some cases and non-existent in others.

International comparison of conditions for IOs

In order to create a picture of Dutch policy in relation to the policies of other countries, the IBO report examined arrangements relating to various aspects of attracting and hosting IOs.

The IBO report looked at the funding of premises, privileges and immunities, tax-free shops, taxation of income (other than IO salaries), tax-free cars and the employment of family members. It emerged from the analysis that the Netherlands occupied the middle ground in relation to most of these issues (see table 3.1). The Netherlands – together with Germany – only deviated from the norm in connection with the taxation of income not resulting from employment by an IO, as such taxation does not exist in Austria, Switzerland, the United

24 The IOB review team queries the linkage of the spending increase and the employment effects to the economic situation, since they are long-term rather than temporary effects.

25 The Homogeneous Budget for International Cooperation (HGIS) is a distinct budgetary construction within the central government budget which makes it possible to see at a glance the most important areas of expenditure by different ministries on international cooperation each year.

Kingdom and the United States and only exists in theory in Belgium, France and Italy.

In many other host states, the foreign ministry also proved to be the central contact point for IOs and the body responsible for registering foreign residents and distributing identity cards.

Recommendations

The recommendations of the IBO report appear in box 3.1. The report focused mainly on the procedure for attracting IOs and on the costs and benefits of the policy. It did not consider the problems experienced by IOs in the same amount of detail. The recommendations on attracting IOs are not relevant to the present policy review.

Table 3.1 Comparison of conditions for IOs in the IBO report

	Netherlands	Germany	Belgium	UK	France	Italy	Austria	Switzerland
Number of IOs	33	28	55	31	70	30	14	20
Government funding of premises	Differs for each IO	Differs for each IO	Funded mainly by IOs	Funded mainly by IOs	Funded by IOs	Differs for each IO	Yes (building and maintenance)	Differs for each IO
'Most favoured' clause*	No (except for OPCW)	No	No	No	No	No	No (except for UN organisations)	Yes
Exemption from VAT/ excise duties	All IOs + staff with diplomatic privileges	All IOs + staff with diplomatic privileges	All IOs + staff with diplomatic privileges	All IOs + staff with diplomatic privileges	IOs + staff (e.g. for tobacco, petrol and alcohol)	All IOs + staff with diplomatic privileges	No	All IOs + staff with diplomatic privileges
Are privileges standardised?	Mostly, award of diplomatic privileges differs in each HQ agreement	Only for UN organisations	No, differs in each HQ agreement	No, differs in each HQ agreement	Yes	Yes	No, depends on nature/ character of IO	Yes
Tax-free shop	No (except for NATO and OPCW)	No	No (except for NATO)	No	No (except for UNESCO)	No (some exceptions)	Yes, only for IO staff with diplomatic privileges	Yes, only for > P5** and foreign delegates

Exemption from tax on other income	No	No	Yes	No	No	Yes	Yes
Exemption from municipal taxes for staff	No, except for staff with diplomatic privileges	No, except for staff with diplomatic privileges	No, except for staff with diplomatic privileges	No, except for staff with diplomatic privileges	No (but tax exemption for water, telephone and electricity bills > EUR 250)	Yes	Differs in each canton
Tax-free car	Yes	Only for staff with diplomatic privileges	Yes	Yes	Yes	Yes	Yes

* The 'most-favoured' clause means that organisations already based in the Netherlands automatically receive any more generous privileges accorded to new Dutch-based IOs.

** Staff level.

(Source: IBO 2002, p. 30)

Box 3.1 Recommendations of the IBO report²⁶

- 1) Establish a permanent interministerial Steering Committee chaired by the Ministry of Foreign Affairs to prepare the ground for decision-making on the establishment of an IO in the Netherlands. The Steering Committee should advise the cabinet on whether the Netherlands should bid to host the organisation and, if so, what financial inducements and conditions it should be prepared to offer.
- 2) Base the decision to bid to host any new IOs on a broad cost-benefit analysis including the following elements:
 - ascertain the importance of the IO to the Netherlands' foreign policy;
 - determine whether the Netherlands would have to take action to ensure the creation of the new organisation or would find itself competing to host it;
 - identify the spillover effects of the organisation's presence in the Netherlands and calculate any temporary effects on spending;
 - consider potential security risks and estimate the unavoidable costs involved in establishing the IO in the Netherlands (costs of the bid, establishment, external security and implementation); and
 - weigh up the material and non-material benefits against the costs and potential security risks.
- 3) Base any additional financial contribution – over and above the regular contribution to the organisation and the unavoidable costs of establishment – on an estimate of the probability that this contribution will persuade the IO to base itself here and an evaluation of the benefits of this for the Netherlands. Make this financial contribution a temporary commitment (lasting no more than ten years), provide it as a one-off payment wherever possible and fund it, in principle, from the budget of the relevant ministry and/or the Homogeneous Budget for International Cooperation (HGIS), in accordance with the accepted budgetary rules.
- 4) Base the award of privileges and immunities primarily on multilateral agreements adopted, for example, within the European Union or NATO. Standardise privileges and immunities wherever possible. Any other differences in privileges and immunities between IOs are only acceptable on functional grounds.

²⁶ IBO report 2002, p. 9.

- 5) Grant diplomatic privileges to the head and deputy head of new IOs. Consider granting them more widely (to senior officials) in the case of organisations with missions in the field of peace and justice. Streamline the award of diplomatic privileges within organisations already based in the Netherlands according to the same principle, without prejudice to earlier agreements. In headquarters agreements with new organisations, consider to what extent the exemption from income tax for officials with diplomatic privileges can be confined to the salary paid by the organisation.
- 6) Where arrangements with organisations already based in the Netherlands are laid down in headquarters agreements, leave them unchanged unless the Netherlands and the IO jointly decide to modify them.
- 7) Retain the right to assess the social security systems of IOs, but only assess organisations with social security systems and conditions of employment that differ from the staff rules of major organisations (like the United Nations or the European Union). In such cases, assess social security systems in advance, during international consultations on the establishment of the new IO, rather than retrospectively when the headquarters agreement is being drafted. In addition, consider raising within the European Union the future possibility of taxing the pensions of staff of EU organisations in the country in which the organisation is based.
- 8) Award current and former IO staff and their relatives²⁷ an independent right of residence in the Netherlands on the basis of the Aliens Act after ten years' residence.
- 9) Satisfy the wishes of IOs by improving information and communication about Dutch legislation and relevant policy developments.
- 10) Improve information provision and accountability with regard to policy implementation by means of obligatory annual reports by the Ministry of Foreign Affairs on expenditure relating to IOs and relevant policy developments, to be presented together with the ministry's financial statement. The ministries responsible for one or more IOs should supply the necessary figures.

27 It should be noted that the term family members is more appropriate than the broader term relatives.

3.3.2 Preparation of the government's position paper

As a rule, the government adopts a position paper in response to every interministerial policy review. This paper is published together with the review and sent to parliament. In the case of the IBO on attracting and hosting IOs, it took the government almost three years to adopt its position paper. This long interval was due to significant differences of opinion between several ministries regarding the package of privileges that the Netherlands should offer to IOs. The most controversial issue in this regard was the package of fiscal privileges, but the negotiations on residence rights also lasted a long time.

The starting points of the various ministries and their attitudes towards the presence of IOs in the Netherlands varied widely, leading to opposing views on what measures needed to be adopted.

As the 'front office' responsible for direct contacts with IOs, the Ministry of Foreign Affairs bore the brunt of their dissatisfaction. It accordingly attached great importance to finding an arrangement that would satisfy them. In addition, it believed that the Netherlands' ambition to be an attractive host nation should give rise to a generous policy.

Many other ministries did not see a valid ground for the complaints of IOs and their staff. Although they generally valued the presence of IOs in the Netherlands, this did not imply, in their eyes, that these organisations and their staff were entitled to preferential treatment. In the view of several ministries, the Ministry of Foreign Affairs spent too much time acting as the IOs' mouthpiece. The Ministry of Finance, in particular, felt that the Ministry of Foreign Affairs should adopt a more critical stance in relation to the wishes of IOs. The Ministry of Foreign Affairs, in turn, believed that several ministries demonstrated too little willingness to solve the problems of IOs.

For a long time, the Ministry of Justice, which, like the Ministry of Economic Affairs, supported the Ministry of Foreign Affairs' approach, had difficulty accepting the proposed relaxation of the rules on residence rights – not so much in relation to IO staff as in relation to their family members. In the end, the relevant ministers agreed that it would apply to both categories.

The Ministry of Finance was opposed – at administrative and political level – to awarding more fiscal privileges to IO staff. This would go against the trend, as favoured by the ministry, of awarding fewer tax exemptions to European civil

servants and diplomats within Europe. In addition, the Ministry of Finance felt that IO staff should submit to the workings of the Dutch tax system just like the rest of the population, arguing that ‘the law is the law’. However, the Ministry of Foreign Affairs acknowledged that the gradual deterioration in the tax position of the staff of certain IOs was a real problem and that a solution was needed. After a prolonged stalemate and various discussions in the cabinet, the parties agreed that the issue had to be resolved. The Ministry of Finance was willing to make concessions but wanted a sound legal basis for the fiscal privileges. It accordingly put forward the idea of awarding diplomatic status to all IO staff, thus resolving the impasse.

On 22 April 2005, the cabinet concluded its decision-making on the government’s position paper. The Minister of Foreign Affairs was authorised to complete the memorandum based on the principle of harmonising fiscal privileges. Afterwards, the Ministries of Finance and Foreign Affairs continued to communicate regularly at administrative level about the scope of the privileges (which fiscal privileges and for how long) and the organisations to which the rule would apply (all organisations whose lower-ranking staff did not yet have diplomatic status). The ministries did not always interpret the cabinet’s decision in the same way. Only after they reached agreement at the beginning of June 2005 was the Minister of Foreign Affairs able to sign the memorandum and send it to parliament.

Although there were no other unresolved issues at this final stage, a few ministries felt excluded from the final decisions of the Ministries of Finance and Foreign Affairs and stated at administrative level that they did not feel connected to the memorandum. As a result, the government’s position paper did not enjoy the full support of the ministries concerned, which placed a burden on its implementation.

3.4 Content of the government’s position paper

3.4.1 Basic principles of the government’s position paper²⁸

Although the government’s position paper was officially a response to the IBO report, its scope was actually wider, because it also addressed problems relating to the conditions offered to IOs in the Netherlands at that time. These problems had become apparent in direct contacts with IO representatives. The IBO report

²⁸ For quoted passages, see *Government Position Paper on the Interministerial Policy Review (IBO) of the Policy Framework for Attracting and Hosting International Organisations*, House of Representatives, 2004-2005, 30 178, no. 1, pp. 2-5 (hereinafter, *Government Position Paper 2005*).

focused more on policies for attracting IOs, the decision-making procedure for this purpose and the standardisation of conditions for IOs in the Netherlands. The present policy review does not consider those aspects of the government's position paper that focus on policies for attracting IOs.

The government's position paper acknowledged in so many words that there were disparities between the ambitions of the Netherlands as an internationally minded country and The Hague's status as the 'legal capital of the world' and the views held by IOs and the parties to the treaties establishing them concerning the conditions offered to IOs in the Netherlands. The explicit aim of the government's position paper was 'to highlight and strengthen the position of the Netherlands as a host country.'

The basic premise of the memorandum was that there were strong political, practical and economic arguments for the presence of IOs in the Netherlands. The government therefore wanted the Netherlands to be seen as an attractive host state for such organisations. 'The government supports the provision of hospitable and generous conditions for IOs and the creation of a climate in which the parties involved in hosting them can operate efficiently and effectively.' [...] 'The government's guiding principle is that the Netherlands should offer IOs conditions that are competitive with those on offer elsewhere and that its policy should be seen as hospitable, generous, effective and solution-oriented.'

Regarding the infrastructural problems encountered by IOs, the government's position paper noted: 'The host state has a responsibility to do its best to provide good facilities for IOs that are permanently based in the Netherlands.'

3.4.2 Harmonisation of privileges and immunities

The main problem relating to conditions offered to IOs in the Netherlands concerned the differences in treatment accorded to the same categories of staff in different organisations. These differences could not always be explained on the basis of the character or origin of the organisations and were therefore felt to be discriminatory. In order to eliminate this criticism, the government decided to introduce uniform and equal treatment for all staff of Dutch-based IOs. This meant that all categories of staff were to be streamlined in accordance with the relevant international standards. The most senior IO staff would be placed on an equal footing with diplomats of equivalent rank at embassies in the Netherlands. Other staff would be placed on an equal footing with the administrative and technical staff or – where applicable – service staff at such embassies. They would

all be entitled to the immunities and fiscal and other privileges corresponding to these ranks. This would bring the situation into line with the Vienna Convention on Diplomatic Relations (1961).²⁹ It also meant that the privileges and immunities of all IO staff would be standardised and would be the same as those applying to embassy staff. The uniform standard led to an improvement in the position of staff in the category 'other staff' in particular.

Although the government's position paper did not state so explicitly, the government also introduced several other fiscal privileges at this time. With the Ministry of Finance's approval, lower-ranking IO staff were granted an exemption from income tax in box 3 due to the streamlining of privileges and immunities.³⁰ For a period of ten years starting from their first arrival in the Netherlands, moreover, all staff were granted the right to purchase a tax-free car and an exemption from motor vehicle tax on this car during the same period. Finally, during their first year in the Netherlands, all staff were exempt from excise duty on petrol and import duty on motor vehicles already in their ownership.

Dutch nationals working for IOs and non-Dutch IO staff with permanent residence (DV) status were excluded from the harmonisation, making it the first time that a distinction in the award of privileges was made on the basis of residence status.

The government intended to implement these measures by concluding supplementary agreements with all IOs. This was not necessary in the case of the International Court of Justice and the Permanent Court of Arbitration, which already enjoyed more generous privileges, or the Organisation for the Prohibition of Chemical Weapons (OPCW), whose headquarters agreement had formed the basis for the harmonisation of privileges.

The aim was to bring the new regime into operation on 1 January 2006. It speaks for itself that the Dutch government's ability to conclude supplementary agreements was dependent on the approval of the organisations concerned.

3.4.3 Admission and residence

According to the government's position paper, practical measures had been taken to ensure rapid processing of applications for visas and work permits in the case of journalists and staff of non-governmental organisations (NGOs) who play a key

²⁹ The Treaty itself does not apply to IOs.

³⁰ Officially, they are treated as non-resident taxpayers for the purposes of box 3 (taxable income from savings and investments).

role in the work of IOs. In addition, the granting of work permits for NGO staff and journalists from non-EU countries would no longer be subject to the non-availability of suitable job seekers from the Netherlands or other EU member states.³¹

The government decided to relax the policy on identity cards issued by the Ministry of Foreign Affairs in two respects. Dependent non-studying children aged between 18 and 23 would henceforth also qualify for identity cards as family members, provided that they were part of the household of the staff member concerned and lived in the family home. Children younger than 27 who were studying abroad would also be eligible for identity cards – valid for one year – provided that they were both studying in and nationals of a non-Schengen country. Identity cards also serve as Schengen visas.

The government adopted the IBO report's recommendation to grant employees and former employees of IOs and their accompanying family members an independent right to remain in the Netherlands on the basis of the Aliens Act after ten years' residence. IO staff would be entitled to a permanent residence permit under the Aliens Act after ten years, even if they voluntarily left their employment. Adult family members would be able to apply for a permanent residence permit after ten years' residence in the Netherlands, even if the member of staff they were originally accompanying continued to work for an IO or left the Netherlands.

The government also decided that IO staff and their accompanying family members would in future be allowed to add together periods of legal residence under the Aliens Act 2000 and as IO employees. This would enable them to apply for a permanent residence permit after ten years' residence in the Netherlands.

The ability to add together periods of residence is also important in relation to naturalisation. When a person has been resident in the Netherlands on the basis of his or her privileged status for the required five-year period immediately prior to admission under the Aliens Act, he or she qualifies for naturalisation. However, the person concerned must also satisfy the other requirements for naturalisation laid down in the Dutch Nationality Act and present a declaration from the Ministry of Foreign Affairs stating that he or she has been continuously resident in the

³¹ Measures concerning visas and work permits for journalists and staff of NGOs who can or do play a key role in the work of IOs are beyond the scope of the present policy review.

Netherlands and registered in the Ministry of Foreign Affairs' PROBAS personal records database for a period of at least five years.

3.4.4 Information and communication

The government supported the IBO report's recommendation to improve information and communication about Dutch legislation and relevant policy developments. There would be systematic communication with IOs about policy developments relevant to them and about intended changes in legislation. This was one of the purposes of the measures to strengthen the interministerial framework (see section 3.4.6).

The existing practice of inviting all IOs to annual or biannual meetings with the Secretary-General of the Ministry of Foreign Affairs to discuss relevant policy developments and issues would be maintained. In this way, the government wished to offer the organisations a forum in which to raise issues that were giving rise to problems on the ground. Other ministries and the municipality of The Hague would also take part in these meetings.

The government's position paper also referred to the Ministry of Foreign Affairs' Desk for International Organisations (DKP/DIO) and the Central Bureau for International Tax Treatment (CB/IFB) in Rijswijk as two central government helpdesks and to the 'international desk' of the municipality of The Hague. Consideration would be given to how central government could best support municipal initiatives.

3.4.5 Infrastructure

At the outset, the government noted that not all problems relating to infrastructure could be blamed on central or local government, although the Netherlands did have a responsibility – as host nation – to provide good facilities for IOs permanently based within its borders.³² In other words, the government made a commitment to do as much as it could in this regard.

The government's position paper covered a number of areas, including specific or fairly specific policy proposals.

32 Government Position Paper 2005, p. 11.

Premises

The job of finding suitable premises for IOs was undertaken in collaboration with the ministry with primary responsibility for the organisation concerned and with the relevant municipality. The Government Buildings Agency (RGD) was available to serve as landlord and buildings manager, but IOs were also free to engage such services directly from the private sector. If the RGD was used, the Premises for International Organisations (Procedures) Order (2000) applied. The government decided to amend this order so that IOs could sign a contract directly with the RGD. In such cases, the only remaining role for the ministry responsible for the IO concerned would be to bear the financial risk in relation to the RGD. The ‘advantage’ of this option was that the ministry would no longer need to be involved in matters relating to the premises or act as an intermediary between the RGD and the organisation.

Security

The host country is responsible for the external security of IO premises. In addition, it may be responsible for the personal security of IO staff and, in the case of tribunals, for the security of defendants, witnesses and visiting family members. The measures to be taken by the Netherlands will depend on the nature of each organisation and the threat and risk assessments produced by the competent authorities with regard to the premises and/or persons involved. This is systematically reviewed according to an established framework in which the Surveillance and Protection Coordinator³³ plays a central role. The Minister of Foreign Affairs acts as an intermediary vis-à-vis the organisations and ensures that treaty obligations are met. Efforts were being made to raise the profile of existing security measures and ensure that communication with IOs on security matters is swift and clear. In the future, the competent services would not only provide the usual information on a regular basis but also give briefings.

Medical facilities

The government’s position paper notes that IO staff receive information about the Dutch healthcare system as soon as they arrive in the Netherlands. In addition, agreements had been reached with relevant institutions in and around The Hague to ensure that IO staff have guaranteed access to primary health care through a family doctor. The paper stated that consultations were taking place with relevant institutions and insurance companies on ways to improve access to specialists

33 The Surveillance and Protection Coordinator is a senior official in the office of the National Coordinator for Counterterrorism who falls under the responsibility of the Minister of Justice and the Minister of the Interior and Kingdom Relations.

and to tackle the shortage of dentists in and around The Hague. In the future, these measures would be rolled out nationwide so that all Dutch-based IOs could benefit from them.

International schools

The range of international education includes both privately run international schools (like the American, British, French and German schools) and schools that are part of the mainstream Dutch education system but offer internationally oriented education. The initiative of the International School of The Hague to offer a continuous curriculum for children aged between 4 and 18 with all the associated facilities was a response to the increasing demand. The school planned to achieve this by 2006. The government's position paper also noted that there were thoughts of establishing a European School with different language streams in the Hague area. A number of European organisations had expressed a need for such a school. The relevant organisations and the International School would together examine whether this plan could be linked to the school's initiative. It remained unclear what efforts the Dutch government would undertake to improve the availability of international education.

Conference facilities

The government's position paper referred to the substantial demand for high-class professional conference facilities. The Netherlands was striving to ensure that the standard of the available facilities was such that the annual meetings of the Assembly of States Parties of the International Criminal Court would always be held in The Hague. The government's position paper did not indicate what efforts the government would make to increase the availability of high-level professional conference facilities. However, it did refer to the refurbishment of the Netherlands Congress Centre, which was carried out in cooperation with the municipality of The Hague, the conference facilities of the large hotels in The Hague and the fact that a number of IOs had their own large conference rooms. In addition, the Ministry of Foreign Affairs regularly made its large conference hall – complete with technical equipment and booths for simultaneous interpretation – available at cost price.

Accessibility

With regard to the accessibility of The Hague, the government's position paper referred to the city's good rail links with Brussels and Schiphol Airport. The planned entry into operation of the High Speed Link South (HSL-Zuid) in 2007

would further improve these connections. Measures to tackle congestion in The Hague should place particular emphasis on the accessibility of IOs.

In consultation with the municipality of The Hague and the relevant ministries and institutions, the Ministry of Foreign Affairs would coordinate and encourage efforts to guarantee the capacity and quality of the infrastructure available to IOs.

3.4.6 Interministerial framework

The government endorsed the IBO report's recommendations concerning interministerial coordination, information provision and accountability for policy implementation. Although the government's position paper did not state so explicitly, it may be assumed that this includes the annual financial reports referred to in the IBO report.

An interministerial Steering Committee would be established under the leadership of the Secretary-General of the Ministry of Foreign Affairs. A clear and strong interministerial framework was important not only to ensure proper policy preparation, accountability and evaluation but also for implementing and coordinating hosting activities. Lessons could be learned from the way in which Switzerland had organised such matters, in particular the concerted effort of all institutions to ensure the success of the country's role as host state.

The interministerial Steering Committee would include representatives from all the ministries as well as from the municipality of The Hague. The members of the committee would need to have the authority to solve any policy and financial problems that might arise. Each ministry's involvement with IOs would be centrally coordinated and transparent.

In addition to having a representative in the Steering Committee, each ministry would appoint a contact person for day-to-day business. The ministries would thus be represented at two levels: at a high level in the Steering Committee with a mandate to solve policy-related and financial problems and at a lower level for day-to-day contacts.

All ministries share responsibility for hosting IOs. Their efforts are coordinated by the Ministry of Foreign Affairs, which also runs the Steering Committee's secretariat. Although the Ministry of Foreign Affairs is the central contact point for the entire policy area, the ministry responsible for a particular IO is partly responsible for solving any problems that arise in relation to that organisation.

The Steering Committee will prepare policy proposals, evaluations and statements, as well as proposals for attracting new IOs, and subsequently present them to the government. It will also produce an annual policy report that will be presented to the House of Representatives.

3.5 Conclusions

Since the end of the 1980s, the government has succeeded in attracting a large number of IOs to the Netherlands. However, the services provided to these organisations did not keep pace with the increase in their numbers. This only became apparent following the establishment of the Ministry of Foreign Affairs' Desk for International Organisations. IOs experienced problems in relation to the conditions offered to them in the Netherlands, and this damaged the Netherlands' reputation as an attractive host country both at home and abroad. The reason for the policy changes outlined in the government's position paper was accordingly the poor state of relations with Dutch-based IOs and the need to perform some overdue maintenance in this regard.

As the central contact point for IOs within central government, the Ministry of Foreign Affairs had the most interest in solving these problems. Many other ministries did not regard hosting IOs as a priority and were by nature less inclined to propose or support specific policy solutions. The Interministerial Policy Review that was launched in 2001 devoted considerable attention to the policy framework for attracting IOs and the financial aspects of this policy. Already during the drafting of the IBO report, the most involved ministries were engaged in tough negotiations.

A key policy decision in the government's position paper concerns the harmonisation of privileges and immunities between IOs according to staff categories. This improved the position of most staff, especially in terms of fiscal privileges, and removed the main differences between the organisations. Other key policy decisions include relaxing the rules on adding together periods of residence by staff members and their family members, better communication on policy developments relevant to IOs and efforts to improve the infrastructure available to IOs and their staff, including security, international education, medical facilities and conference facilities.

The laborious development of the government's position paper, due to the widely divergent starting positions of various ministries and their lack of support for the

policy, cast a shadow over its implementation. Its emphasis on the joint responsibility of ministries for hosting IOs and the reinforcement of interministerial cooperation by means of an interministerial high-level Steering Committee is therefore all the more striking.

4 Organisational aspects of hosting international organisations in the Netherlands

4.1 Introduction

This chapter discusses the organisational aspects of hosting IOs in the Netherlands. Section 4.2 briefly considers the joint responsibility of all ministries for hosting IOs and the Ministry of Foreign Affairs' coordinating role in this regard. Section 4.3 examines the way in which the work of hosting IOs is allocated within the Ministry of Foreign Affairs. Section 4.4 looks at the performance of the interministerial Steering Committee on the Netherlands as Host Country, which was established in response to the government's 2005 position paper. Section 4.5 provides an overview of the budget for the organisational aspects of hosting IOs in the Netherlands. Finally, section 4.6 draws several conclusions based on the above.

4.2 A joint responsibility

Hosting IOs is the joint responsibility of all ministries.³⁴ The Ministry of Foreign Affairs is the coordinating ministry and bears primary responsibility for contacts with IOs and for mediating between them and local authorities in case of problems.³⁵ This does not alter the fact that the ministry responsible for a particular IO is partly responsible for solving any problems that arise in relation to that organisation.³⁶

34 Government Position Paper 2005, p. 14.

35 Interministerial Policy Review, *Zetel akkoord?*, p. 6.

36 These ministries usually have a strong substantive connection to the organisation in question. See annex 8.

As a result of this division of labour, the Ministry of Foreign Affairs, which bears primary responsibility for all contacts with IOs regarding their presence in the Netherlands, is the first to find out about problems experienced by these organisations. It is dependent on the cooperation of other ministries for solving many of these problems. The Ministry of Foreign Affairs serves as a ‘front office’ for IOs and must also articulate their concerns to other ministries and mediate between them. As noted in chapter 3, some ministries characterise the Ministry of Foreign Affairs as the IOs’ mouthpiece within the Dutch government, while some IOs have in the past referred to it as the mouthpiece of the Ministry of Finance. These characterisations are illustrative of the ministry’s difficult position.

The Ministry of Foreign Affairs plays a coordinating role, but does not enjoy additional powers in this regard. It is therefore dependent on the willingness of other ministries to help solve problems raised by IOs. In order to provide a clear and strong framework for this interministerial cooperation, the Ministry of Foreign Affairs established, in response to the government’s position paper, an interministerial Steering Committee on the Netherlands as Host Country (see section 4.4).

The municipalities where IOs are based also have a role to play. The municipality of The Hague occupies a special position in this regard, as most IOs (19) are located within its boundaries and another four are based in the Hague area. This explains why the municipality is represented in the interministerial Steering Committee and why it has established, in cooperation with central government, a helpdesk for expatriates within city hall (see chapter 5).

4.3 Organisational structure within the Ministry of Foreign Affairs

The Protocol Department (DKP) is the contact point for foreign missions and IOs in the Netherlands. It is responsible for various tasks, including registering privileged persons, dealing with matters concerning the immunities and privileges of the diplomatic corps and IO staff, and organising and supervising high-level visits.

In recent years, DKP’s workload relating to IOs has increased due to the rise in the number of organisations, changing security needs resulting from international developments and the emergence of new tasks connected to the activities of the international criminal courts and tribunals based in the Netherlands. In addition,

DKP's activities have intensified as a result of the government's 2005 policy on attracting and hosting IOs.

Two units that provide services to IOs operate within DKP: the Desk for International Organisations (DKP/DIO) and the Foreign Missions, Privileges and Immunities Division (DKP/BV). In addition, DKP cooperates with the Legal Affairs Department and the Movement of Persons, Migration and Alien Affairs Department in various areas, such as drafting headquarters agreements for IOs, residence rights and other legal issues.

Desk for International Organisations (DKP/DIO)

DKP/DIO was established in 2001 in order to manage the work of hosting IOs more effectively than in the past.³⁷ At this time, it consisted of two policy officers and, until mid-2005, dealt mainly with the interministerial preparation of the government's 2005 position paper on attracting and hosting IOs. In addition, it focused on measures to improve the services provided to these organisations, which were meant to be implemented at interministerial level and together with the municipal authorities.

Following the adoption of the government's position paper, the staff establishment of DKP/DIO was substantially increased. At the time of this policy review, DKP/DIO consisted of four full-time staff members (a head, a deputy head and two policy officers). In addition, it had at its disposal two additional policy officers – a temporary employee and a civil service trainee who were charged with developing and implementing a special project³⁸ – and one or more trainees. The use of trainees, who combine their own research with practical work experience, has proved valuable to DKP/DIO in recent years. Between the beginning of 2007 and mid-2008, five trainees participated in the activities of DKP/DIO.³⁹

Each DKP/DIO staff member serves as a liaison – or account manager – for several IOs. In addition, every staff member is responsible for one or more policy areas, in which they need to sort out problems.

37 In the past, a single policy officer at DKP, supported by a secretary, had dealt with IOs. The work focused mainly on attracting new organisations.

38 'My first month in the Netherlands'. For more information on this project, see section 5.5.

39 They carried out specific research on activities relating to IOs and assisted with the day-to-day activities of DKP/DIO.

In DKP/DIO's weekly staff meetings, staff members discuss current issues relating to account management and monitor progress, for example in the handling of complaints submitted by IOs.

Ambassador for International Organisations

The importance that the Ministry of Foreign Affairs attaches to the effective implementation of government policy and the need to approach IOs in an appropriate manner in order to achieve this led to the appointment of an Ambassador for International Organisations (AMIO) in 2006. The first Ambassador served for two years and was succeeded in August 2008.

On behalf of the Ministry of Foreign Affairs, the Ambassador liaises with the leadership and high-ranking officials of IOs, as well as with the relevant parts of central government and the municipal authorities. His activities concern matters that transcend the responsibilities of individual staff members and the head of DKP/DIO and issues regarding which IOs expect to receive a response at the appropriate level. The Ambassador relieves the director of DKP of his responsibilities in this regard and plays a key role in guiding DKP/DIO through important long-term issues and in preventing and resolving conflicts with IOs. Moreover, the existence of this post gives expression to the importance that the Netherlands attaches to the presence and proper hosting of IOs in the Netherlands. The Ambassador's role is similar to that of officials in other countries that host large numbers of IOs, such as Austria, Belgium and Switzerland.

At the time of this policy review, the Ambassador was obliged to spend a considerable amount of his time contributing to the negotiations on the establishment of the Special Tribunal for Lebanon in the Netherlands and dealing with numerous issues at interministerial level relating to its operationalisation.⁴⁰

Foreign Missions, Privileges and Immunities Division (DKP/BV)

DKP/BV is responsible for carrying out policy and operational tasks relating to the diplomatic corps. One key task, which is carried out by 'regional staff' members, consists of registering expatriate IO staff and issuing them with identity cards. Under the leadership of the 'regional coordinator', each of these staff members is responsible for a number of IOs, in addition to the foreign embassies and consulates that fall under their own 'accounts'. This arrangement was chosen to

40 This was partly due to the fact that the position of head of DKP/DIO was vacant between April and September 2008.

enable DKP/BV to continuously process applications regardless of holiday periods and staff sick leave. When necessary, policy officers from DKP/DIO assist the regional staff members. The relevant administrative processes are supported by the electronic PROBAS personal records database (see below).

DKP Manual on Hosting IOs in the Netherlands

DKP/BV staff use the DKP Manual on Hosting IOs in the Netherlands to carry out their tasks. This document contains the rules employed by DKP for issuing identity cards and granting privileges and immunities to foreign nationals who are entitled to them by virtue of their function in the Netherlands. The *Vienna Convention on Diplomatic Relations* and the *Vienna Convention on Consular Relations* provide the main basis for these rules.⁴¹ The headquarters agreements and relevant bilateral agreements with Dutch-based IOs are also important in this regard.

The manual lists the relevant rules and exceptions and is regularly updated. It explains which persons enjoy immunities and functional privileges, how they may enter the Netherlands and, subsequently, the general procedures for issuing them with identity cards. It also explains how to identify and deal with exceptional situations. Finally, it discusses various special issues that arise in connection with privileged status, such as distinctions within fiscal and other privileges and the scope of the immunities granted.

The manual is designed for use by regional staff members who register privileged persons in the PROBAS personal records database and produce their identity cards. It also provides guidelines for policy officers whose task is to determine which privileges and immunities apply in each specific case.⁴²

PROBAS and administrative processes

The PROBAS personal records database is a computerised system that contains the personal data of foreign diplomats and international civil servants registered in the Netherlands, their family members and their personal assistants and servants. Its function and use are described in the PROBAS policy rules.⁴³

⁴¹ Formally, these conventions only apply to foreign missions.

⁴² The manual is explicitly not intended for DKP's clients, that is to say, foreign residents in the Netherlands with privileged status. For information regarding their status and associated privileges in the Netherlands, they are referred to the most recent version of the *Protocol Guide for International Organisations* and the *Protocol Guide for Diplomatic Missions and Consular Posts*.

⁴³ *Government Gazette*, 6 November 2002, no. 214, p. 13. See also: http://www.st-ab.nl/wettenno04/0415-001_Beleidsregels_Protocolaire_Basisadministratie.htm.

Pursuant to these rules, PROBAS data are not shared with third parties without the authorisation of the person concerned.⁴⁴ This is different in the case of PROBAS clients, who are allowed to receive PROBAS data for information purposes in connection with the implementation of their own tasks.⁴⁵ The main users of personal data concerning privileged IO staff members are the Tax and Customs Administration's Central Bureau for International Tax Treatment (CB/IFB), Customs, the municipal personal records database (GBA), municipalities (in connection with municipal taxes), the chiefs of the regional police forces and the Road Transport Agency (RDW).

DKP/BV worked with PROBAS-I until October 2007 and has since been using PROBAS-II. PROBAS-I was not user-friendly, intractable and had problems generating electronic client reports. In its search for a new database program, the Ministry of Foreign Affairs considered whether to develop its own program or to look for an existing commercial one. In consultation with its Information Resource Management Service, the ministry chose to purchase and adapt a standard application (Oracle). The design of PROBAS-II began in January 2007. Following a brief trial period, the application became operational on 30 October 2007.⁴⁶ The main clients were involved in the design of PROBAS-II, but it was not possible to comply with all their technical and other wishes.

While the system was still being designed, it became apparent that it was not capable of generating electronic client reports in a straightforward way. Because PROBAS-II, like the previous version of the application, experiences problems in this area, no such reports have been submitted to the Tax and Customs Administration since October 2007.⁴⁷ In addition, DKP/BV notes that PROBAS-II is not very suitable for the type of client management that is required and that the system is not user-friendly on a technical level. For example, an account that has been entered incorrectly and saved cannot be deleted, which means that the

44 This applies in particular to the provision of personal data to lawyers, notaries and the like.

45 These clients include state organs, provinces, municipalities and other public bodies, including agencies, institutions and companies that report directly to them, as well as organs of institutions responsible for carrying out tasks under public law. If requested pursuant to a statutory provision, personal data from PROBAS can also be provided to persons or bodies other than clients.

46 The data in PROBAS-I were transferred to PROBAS-II during the last week of October 2007. PROBAS-I was not operational during that week.

47 After prolonged insistence, this major client received a commitment that a technical modification would be carried out in the very near future. This modification will enable the Tax and Customs Administration to apply its own selection criteria in PROBAS. In addition, it will be able to retrieve the current status and address details of privileged persons directly from the PROBAS system. The aim of this is to ensure that privileged persons do not erroneously receive tax assessments or tax demands. DKP and the Tax and Customs Administration have different interests in relation to PROBAS. DKP deals exclusively with privileged expatriates and has nothing to do with Dutch nationals employed by IOs, who are registered in the municipal personal records database (GBA) in their own place of residence. However, the Tax and Customs Administration cannot deduce from the GBA what organisation a person works for or whether he or she enjoys fiscal privileges.

database rapidly becomes polluted. Another problem relates to changing an account with the status ‘pending authorisation’. Such accounts are not returned by the system in response to a query until they have been authorised.

Relationship between PROBAS and the GBA

Non-Dutch IO staff do not need to be registered in the municipal personal records database (GBA), and PROBAS is accordingly not linked to the GBA.⁴⁸ Nevertheless, it is in the interests of non-Dutch IO staff to be registered in the GBA and receive the accompanying digital identity (DigiD)⁴⁹ and citizen service number, which are needed to obtain a wide range of services, including from municipal agencies (e.g. certificates), the Tax and Customs Administration (compulsory when submitting electronic tax returns), insurance companies, health services, the Social Insurance Bank (SVB), the Centre for Work and Income (CWI), the Employee Insurance Agency (UWV), the Information Management Group (student finance) and so forth.

The Ministry of Foreign Affairs can provide extracts from PROBAS to individuals who are not registered in the GBA. However, it is not authorised to provide copies of birth certificates, for example, as this is the responsibility of the municipality.

The procedure for issuing identity cards

In theory, the process unfolds as follows. The IO’s personnel department sends the relevant staff member’s application to DKP/BV. The regional staff member responsible for the organisation in question then evaluates the application, with or without consulting his or her colleagues. As a rule, on the last work day of the week, DKP/BV digitally scans and stores the personal data from every approved application in an electronic file and sends it to the printing company Sdu Identification in Haarlem, which produces the identity cards, via a secure internet connection. Sdu generally processes the data within three workdays. It then prints the cards and sends them to the Ministry of Foreign Affairs the following day. DKP/BV subsequently issues the card to the individual concerned via his or her IO.

⁴⁸ This may become possible in the future. In addition, it will be examined whether privileged persons who wish to receive a citizen service number (BSN) or a digital identity (DigiD) can be registered in the registration system for foreign nationals (RNI) by means of a special procedure.

⁴⁹ DigiD, an abbreviation of digital identity, is the name of a system that allows the Dutch authorities to verify a person’s online identity. It is, so to speak, a digital passport for government institutions. After submitting a request, individuals receive a username and password from DigiD. In this way, a single log-in code can be used to access the electronic services of a growing number of government institutions.

The regional coordinator initially determines the status of a non-Dutch IO staff member on the basis of the data provided. If the IO staff member in question does not accept this status, his or her objection is reported to a DKP/DIO policy officer.

Box 4.1 Administrative procedure for issuing identity cards

Issuing a new or amended identity card requires the following steps:

- The applicant submits his or her details by post (through a designated contact person in the personnel department of the IO concerned, which is expected to check the application for completeness and possible errors). In the case of a new card, the applicant also has to submit a visa application that must be approved by DKP. Registration is performed on the basis of a travel document, which must be returned to the holder within three days.
- A regional staff member of DKP/BV processes the application and determines the applicant's status. Applications are processed according to the 'first in, first out' principle (no organisation is granted precedence, but priority is given to issuing identity cards in urgent situations, for example when a visa has expired or when the staff member concerned has to travel outside the Netherlands for work).
- The regional staff member evaluates the application. In the case of ambiguities and/or inaccuracies, the application is returned for correction and/or clarification and the process starts all over again.
- The regional coordinator approves the application by adopting the regional staff member's evaluation.
- The application for the identity card is prepared.
- The application is sent to Sdu (via a secure internet connection) on the last workday of the week.
- DKP registers the transmission of the application in its records.
- Sdu prints the identity card.
- Sdu returns the identity card (once a week).
- DKP registers the incoming identity card in its records.
- The identity card is registered in PROBAS.
- DKP prepares a receipt for the recipient of the identity card.
- DKP sends the identity card and the receipt.
- The client signs for receipt of the identity card and in doing so accepts his or her status. The IO concerned then returns the receipt to DKP.
- The signed receipt and other documents are archived by the regional staff member of DKP/BV.

Together with the regional coordinator, the policy officer then determines the staff member's status using additional information, for example from the Tax and Customs Administration (which has better sources of information regarding a person's – possible earlier – residence in the Netherlands). Generally speaking, few exceptions are made to the rules for determining the status of non-Dutch IO staff. At first sight, this appears to be a relatively straightforward process. However, it involves a large number of labour-intensive administrative steps (see box 4.1).

DKP/BV prefers each IO to appoint one contact person and recommends that individual staff members do not contact DKP/BV regarding their applications for identity cards. DKP/BV believes that this is an effective arrangement. Where necessary, general issues, structural problems and/or specific cases are discussed by means of close contacts (such as reciprocal visits).

At the time of this policy review, seven regional staff members were involved in processing identity cards at DKP/BV. There is a replacement mechanism in case of sickness or leave, but the regular workload is such that individual staff members have little leeway to process additional applications in a timely manner. DKP/BV periodically experiences significant variations in the number of applications it receives. There is a clear peak during the summer months, due to the annual transfer of staff at foreign missions in the Netherlands. There were also delays during the recent week-long trial of PROBAS-II.⁵⁰ At peak times, processing applications can take longer than desirable.⁵¹

Table 4.1 Number of identity cards issued

Year	Number of identity cards issued*
2006	7,195
2007	9,371
2008**	3,014

* The ratio of identity cards for IOs to identity cards for embassies and consulates is 2:1.

** Until the end of July 2008.

Source: DKP/BV

50 DKP/BV sent IOs and foreign missions a circular regarding the trial period and the delay it might cause in the processing of applications for identity cards. The circular was sent out relatively late because it was difficult to determine exactly when the new PROBAS system would be ready for testing.

51 In the Ministry of Foreign Affairs' 2008 staff transfer round, six of the seven staff members were replaced by new staff members whose experience related primarily to consular affairs. DKP/BV inducted the new staff members as quickly and effectively as possible by means of training and coaching.

The number of persons registered in PROBAS is higher than the number of identity cards issued (see table 4.1) because PROBAS also includes persons, generally Dutch nationals and permanent residents, who do not apply for identity cards. DKP/BV also performs administrative tasks for departing staff members. It is estimated that regional staff members devote 60% of their time to activities relating to applications for identity cards. Other activities include communicating by telephone with contacts outside the Ministry of Foreign Affairs as well as with the Aliens and Visas Division of the Movement of Persons, Migration and Alien Affairs Department and issuing 'certificates' to privileged persons attesting to their residence in the Netherlands.

The number of DKP staff assigned to PROBAS tasks is a vital factor. While the number of staff at foreign missions in the Netherlands hardly varies and does not go up every year, the number of IO staff continues to rise. This means that DKP has gradually started to receive more applications. DKP/BV wishes to maintain its current standard of service provision to foreign missions and IOs.

4.4 The interministerial Steering Committee on the Netherlands as Host Country

The adoption of the government position paper on 27 June 2005 represented an important step forward in the relations between Dutch-based IOs and the Netherlands as host country. The aim of the government's policy was that the Netherlands would seek to provide the best possible facilities for Dutch-based IOs. The government appointed the Ministry of Foreign Affairs to coordinate the implementation of the policy. All relevant ministries were expected to cooperate actively in the vigorous implementation of the government's position paper in order to promote their joint responsibility for implementing the policy. To this end, an interministerial Steering Committee needed to be established under the chairmanship of the Secretary-General of the Ministry of Foreign Affairs.

The Ministry of Foreign Affairs established the Steering Committee in September 2005. The letter of invitation to the secretaries-general of the ministries involved in IO policy indicated that the Steering Committee was the instrument for realising government policy, closely monitoring – and where necessary adjusting – the implementation and coordination of hosting activities and rendering account in these areas. The Steering Committee would prepare policy proposals, evaluations and reports, as well as proposals for attracting new IOs and subsequently present them to the government. It was also required to prepare an annual policy report

for the House of Representatives. In short, the Steering Committee, whose secretariat would be run by DKP/DIO, was expected to give a strong boost to conditions for IOs in the Netherlands.⁵²

The Steering Committee was designed to be a high-level interministerial body. Its members needed to have a policy-related and financial mandate from their ministries to develop and implement government policy and propose solutions for any problems that may arise. To improve the coordination of policy implementation, the participating ministries were also required to appoint contact persons to manage day-to-day business relating to IOs and implement policy. Given the high concentration of IOs within its boundaries, the municipality of The Hague was also invited to join in the Steering Committee.

Performance of the Steering Committee

The Steering Committee met six times between September 2005 and October 2008. It discussed many important issues, including:

- strengthening interministerial cooperation;
- exchanging information on the activities of individual ministries and the municipality of The Hague with regard to IOs;
- activities that could improve conditions for IOs;⁵³
- exchanging information on progress in harmonising the tax treatment of IO staff by means of supplementary or new headquarters agreements;
- offering IO staff and their family members possibilities for permanent residence in the Netherlands;
- intensifying communication with IOs;
- finding premises for new organisations and finding new premises or improving existing premises for organisations already based in the Netherlands;
- security;
- options for increasing the availability of international education in and around The Hague and elsewhere in the Netherlands;
- problems relating to the Dutch healthcare system;
- cooperation with the police, especially the Haaglanden regional police force;

52 Letter from the Secretary-General of the Ministry of Foreign Affairs, dated 24 September 2005, to secretaries-general of ministries directly or indirectly involved in hosting international organisations.

53 Information was also exchanged about government activities to improve conditions for international companies.

- cooperation with the Centre for Vehicle Technology and Information of the Road Transport Directorate;
- the need to issue citizen service numbers (BSN) to privileged persons;
- the provision of services to privileged persons by the Tax and Customs Administration's Central Bureau for International Tax Treatment (CB/IFB) in Rijswijk;
- hotel accommodation for delegates from least developed countries during plenary sessions of the Organisation for the Prohibition of Chemical Weapons (OPCW) and the International Criminal Court (ICC);
- establishing the International Zone within the municipality of The Hague;
- establishing new IOs, in particular the Special Tribunal for Lebanon, in the Netherlands; and
- appointing an Ambassador for International Organisations (AMIO).

Where necessary, the Steering Committee established *ad hoc* policy working groups, with the active participation of the key ministries in the policy area concerned, in order to facilitate its work on the above-mentioned issues. Examples of this include the Helpdesk Working Group, which focused on establishing the Xpat Desk in the Hospitality Centre of the municipality of The Hague (see sections 5.5 and 5.6), the IO Premises Working Group, which was set up to tackle problems relating to the housing of new and established IOs,⁵⁴ and the Education Working Group, which dealt with problems relating to international education in and around The Hague and elsewhere in the Netherlands.

The Steering Committee sent the House of Representatives reports on its activities in 2006 and 2007.⁵⁵ These reports indicated that, following the adoption of the government's position paper in mid-2005, the Steering Committee was able to strengthen the position of the Netherlands as a host country of IOs in 2006 and 2007. In 2005 and 2006, it implemented improvements in the legal status of non-Dutch IO staff, especially in relation to fiscal privileges and possibilities for permanent residence. In 2007, according to its report, the Steering Committee also devoted attention to other issues, including: the further intensification of communication with and the provision of information to IOs; employment possibilities for family members of IO staff and the appointment of trainees at IOs; the introduction of PROBAS-II; a pilot project in which the Netherlands covered the hotel accommodation costs of delegations from least developed

54 Providing premises for IOs is an important aspect of host country policy. A number of IOs have criticised the way in which their housing or rehousing has been handled (see section 5.4.1).

55 House of Representatives, 30 178, no. 2 and no. 4.

countries during plenary sessions of the OPCW and the ICC; and further efforts to harmonise the fiscal privileges of IO staff. Finally, in accordance with the basic principles laid down in the government's position paper, the Netherlands signed a headquarters agreement with the United Nations on the establishment of the Special Tribunal for Lebanon in the Netherlands.

In practice, the Steering Committee serves primarily as a useful platform for exchanging information on current activities and related problems, proposing new ideas to improve conditions for IOs in the Netherlands and activities relating to the role of the Netherlands as a host country for all kinds of foreign persons and institutions (private business, financial institutions and so forth). The Steering Committee thus facilitates cooperation between ministries, some of which are only occasionally involved – whether directly or indirectly – in issues relating to IOs. In the meetings of the Steering Committee, the Ministry of Foreign Affairs constantly emphasises the joint interest of hosting IOs in the Netherlands by referring to government policy in this area. It appears that the Steering Committee has strengthened interministerial cooperation, thus creating an opportunity to break down the compartmentalisation of the Dutch government's treatment of IOs. Despite the fact that it concludes most of its meetings by formulating action points, it appears that the Steering Committee has still not established itself as a high-level decision-making body. In this context, it should be noted that the rank of the representatives in the Steering Committee is shifting from directors to heads of division and policy officers. This is not in keeping with the aim that the representatives in the Steering Committee should have the mandate to solve any policy-related and financial problems that may arise. In general, the actors who are directly involved in a particular issue adopt a decision without consulting the Steering Committee.

Opinions on the Steering Committee

Members of the Steering Committee believe that the committee's main value is in improving the Ministry of Foreign Affairs' relations with the line ministries and the municipality of The Hague. By participating in the Steering Committee, the parties ensure that they continuously receive information on current activities. The Steering Committee also plays a key role by keeping the objectives of government IO policy in the minds of all participants. With the exception of the IO Premises

Working Group, all the other working groups have completed their activities and have in practice been disbanded.⁵⁶

Some members believe that there are no more issues that require a joint approach, but the issue of IO premises forms an exception in this regard. The Government Buildings Agency (RGD) advocates an integrated approach and close cooperation between the relevant agencies. Other members argue that the Steering Committee's potential as a policy implementing and coordinating body is not being fully exploited. This is partly due to the nature of the issues that appear on its agenda. For the most part, they concern *ad hoc* (but important) matters that require swift, practical solutions. In each case, various actors contribute to the solution. Reporting takes place afterwards at the next meeting of the Steering Committee.

The ICC Task Force: an example of interministerial coordination

The ICC Task Force serves as an example of an effective approach to interministerial coordination during the establishment of a new IO – in this case the International Criminal Court (ICC) – and the joint search for solutions to implementation problems in order to enable that organisation to function.

The ICC has stated that the establishment of the ICC Task Force contributed to the resolution of several implementation issues that enabled it to function effectively as an organisation (ranging from the organisation's premises to the transport of detainees). Communication and cooperation between various ministries were vital to the activities of the Task Force.

The ICC Task Force gave substance to the Netherlands' dual role as a states party to the treaty establishing the ICC and the institution's host country. The Task Force was established to supplement the activities of DKP/DIO. It had a clear mandate and had agreed on a clear division of tasks with DKP. The ICC maintained separate contacts with the Task Force and DKP/DIO. At the same time, DKP and the Task Force remained in close contact with each other. This meant that each one knew what the other was doing and enabled them to agree on a division of

⁵⁶ The activities of the Helpdesk Working Group concluded with the secondment of a staff member from the Ministry of Foreign Affairs to the Xpat Desk of the municipality of The Hague. Similar initiatives to establish helpdesks for expatriates are being carried out in other municipalities. The Education Working Group dealt with problems at the European School in Bergen and the need for education in other languages in and around the Hague. The Ministry of Education, Culture and Science (OCW) has prepared a report examining the possibility of establishing a European school in The Hague. There are also plans to open a European stream at an international school in The Hague in 2010 (see also section 5.4.4).

responsibilities in respect of the ICC. The Task Force was responsible for spurring on the relevant ministries and implementing organisations. It reminded the ministries of their responsibilities and made an effort to ensure that they were all working towards the same goal. Every ministry is individually responsible for the joint effort to provide good conditions for IOs in the Netherlands.

An ICC project group, consisting of representatives of the ICC Task Force, various ministries and implementing organisations met on a monthly basis. All members were expected to attend the project group's meetings, even if the agenda items were of less interest to the ministries concerned. The project group focused on implementation issues (such as organising the detention and transport of suspects and defendants). The members of the project group allocated tasks, set deadlines and called each other to account with regard to meeting these deadlines. In this way, they were able to cultivate a professional attitude and exert peer pressure where necessary. The sound project structure and clear coordination produced effective cooperation. In addition to its role in the project group, the Task Force's bilateral contacts with the ministries and implementing organisations were also very important.

4.5 Budget

A standard component of all policy reviews is a description of the budgets used to implement the policy in question. The policy on hosting IOs in the Netherlands entails various costs, such as financial contributions towards the housing or rehousing of organisations (including the provision of premises or sites for a symbolic fee or free of charge), incidental financial contributions supplementing the Netherlands' regular contributions as a member state or states party and the costs of transporting and providing security for defendants (and visiting family members), lawyers and witnesses involved in the work of the international tribunals. The Netherlands' regular contributions to IOs and the ministries' operating costs are not included in the budget for hosting IOs. Similarly, the loss of income by the Dutch state resulting from the harmonisation of fiscal privileges is not counted as part of the cost of hosting IOs.

The determination of the budget for hosting IOs is complicated by the following factors. Firstly, the costs of this policy are borne by the various ministries that are responsible for one or more IOs and sometimes by different departments within

these ministries.⁵⁷ There is accordingly no overall budget. The IOB review team therefore asked the relevant ministries – through their representatives in the interministerial Steering Committee – to provide insight into the costs that they and their implementing organisations had incurred in 2006 and 2007.

Table 4.2 Overview of expenditure on hosting IOs in the Netherlands (average for 2006 and 2007 in EUR 1,000)

Ministry	Budget		
	Premises*	Security	Other contributions**
Foreign Affairs	11,490	-	3,135
Education, Culture and Science ⁵⁹	650	-	2,900
Justice ⁶⁰	15,000 ⁶¹	3,000	-
National Coordinator for Counterterrorism (NCTb)	-	2,000	-
Transport, Public Works and Water Management	95	-	420
Defence	No data available		
Economic Affairs	No data available		
Finance	No noteworthy or attributable expenditure		
Social Affairs and Employment	No noteworthy or attributable expenditure		
Health, Welfare and Sport	No noteworthy or attributable expenditure		
Housing, Spatial Planning and the Environment	No noteworthy or attributable expenditure		
Agriculture, Nature and Food Quality	No noteworthy or attributable expenditure		
Interior and Kingdom Relations	No noteworthy or attributable expenditure		
Total	27,235	5,000	6,455

* The economic value of the locations made available by the Dutch state for a symbolic fee or free of charge has not been included in this overview.

** Other contributions include contributions to wage costs, grants and unspecified amounts.

Source: Data provided by the ministries concerned

As evident from the overview presented in table 4.2, not all ministries were able to provide all the requested information. Secondly, not all ministries differentiate

57 For an overview of the ministries and the IOs for which they are responsible, see annexe 8.

58 Not including expenditure of the University of Twente and Maastricht University. Expenditure on the European School in Bergen (North Holland) has been included.

59 Data from the tribunals are lacking.

60 The building costs of the new Europol premises are estimated at EUR 241 million (from 2010).

between the Netherlands' regular contributions to IOs as a member state or states party and the costs arising from hosting IOs in the Netherlands. In the case of three organisations, moreover, the Netherlands' contribution is made through the Dutch university to which each organisation is linked.⁶¹ Finally, not all ministries were able to provide a detailed breakdown of the costs involved in hosting IOs.

Table 4.2 presents an overview of the data provided by the ministries responsible for one or more IOs. The IOB review team has not verified these figures. In the light of the above, it should be pointed out that this overview cannot be considered complete. Perhaps a complete picture can be produced in the future under the auspices of the interministerial Steering Committee.

4.6 Conclusions

The ownership of problems relating to the hosting of IOs in the Netherlands lies mainly with the Ministry of Foreign Affairs. This follows from the ministry's primary responsibility for monitoring and ensuring compliance with the relevant obligations under international law, which requires it to be in contact with IOs on a daily basis. In this context, DKP/DIO is the primary contact point for IOs and DKP/BV is responsible for registering privileged IO staff and their family members and issuing them with identity cards.

Following the adoption of the government's position paper, the Ministry of Foreign Affairs decided to increase the staff establishment of DKP/DIO to enable it to cooperate effectively with other government departments and IOs. The number of staff has risen gradually, although the ministry opted to supplement the long-term staff establishment with temporary staff, which may have implications for DKP/DIO's activities in the future. The staff establishment of DKP/BV is commensurate with its activities. However, the size of the workload means that there is little leeway to process additional applications for identity cards in a timely manner. The Protocol Department aspires to maintain its current standard of service provision to foreign missions and IOs, despite upcoming cutbacks in the Ministry of Foreign Affairs' workforce.

Many ministries are indirectly involved in hosting IOs and do not regard it as a priority. Nevertheless, they are responsible for implementing certain aspects of

⁶¹ UNESCO-IHE is linked to Delft University of Technology, ITC-UNESCO is linked to the University of Twente and UNU-MERIT is linked to Maastricht University. The relevant costs have not been included in the overview, as the IOB review team did not ask the universities to provide these data.

the government's position paper and are accordingly represented in the interministerial Steering Committee. It appears that the Steering Committee serves primarily as a platform for information exchanges between the ministries that share responsibility for this policy area. In this context, it plays a key role by periodically reminding the officials concerned of what is at stake. However, it is debatable whether this achieves the ambition of establishing a clear and strong interministerial framework for policy preparation, accountability and evaluation and for implementing and coordinating hosting activities.

The Steering Committee's potential for interministerial cooperation and decision-making is not being fully exploited. In addition, the Ministry of Foreign Affairs has not managed to carve out a coordinating role through the Steering Committee – a role that it did perform in the ICC Task Force. The other ministries do not consistently inform the Ministry of Foreign Affairs via the Steering Committee about policy developments that have important implications for IOs. During its relatively brief existence, moreover, the Steering Committee has not yet had or taken the opportunity to develop an integrated long-term vision, strategies or scenarios on attracting and hosting IOs. Finally, due to the gradual decline in the rank of the participants appointed by the ministries, the initial high-level character of the Steering Committee is being watered down.

5 Implementation of government policy

5.1 Introduction

This chapter examines the implementation of government policy on hosting IOs in the Netherlands. Each section covers a different policy area and describes what problems existed before the adoption of the government's position paper in 2005, how the Dutch government subsequently dealt with those problems and the opinions of IOs and their non-Dutch staff regarding the measures adopted. These opinions are drawn from the staff survey, the IO management survey and the interviews conducted with IO representatives. Each section concludes with IOB's own judgement on the measures adopted and the level of satisfaction among IOs and their staff.

The following policy areas are examined: the harmonisation of privileges and immunities and implementation of the rules on privileges and immunities (section 5.2); admission and residence of foreign nationals and the service delivery in this area (section 5.3); infrastructure for IOs and their staff (section 5.4); information provision by the government and communication of government organisations with IOs and their staff (section 5.5); and other aspects of the conditions offered to IOs in the Netherlands (section 5.6). Section 5.7 presents some general conclusions on the implementation of government policy.

5.2 Privileges and immunities

IOs and their staff are granted privileges and immunities to ensure that they are able to perform their duties without hindrance and independently of the host country. The salaries of IO staff are generally exempt from income tax.⁶² In addition,

⁶² Such matters are laid down in an organisation's founding treaty or headquarters agreement.

the heads of IOs and most judges of international tribunals are granted the same privileges and immunities as diplomats of equivalent rank. The organisations themselves largely enjoy the same privileges and immunities, which are granted, first and foremost, on the basis of existing multilateral agreements.

5.2.1 Harmonisation of privileges and immunities

Problems

IOs criticised the differences in the privileges and immunities granted by the Dutch government to the same categories of staff in different organisations. The government was unable to justify these differences based on the character or origin of the organisations. Some organisations had a generous package of privileges and immunities because they had established themselves in the Netherlands at a time when diplomatic privileges were considered to be important. In the case of more recently established IOs, the Netherlands had made a generous offer in order to attract them here. The negative effects of the Income Tax Act 2001 for staff members of IOs with less generous packages gave rise to a discussion on this issue. The 2002 IBO report acknowledged the differences that existed between organisations but also noted that the Netherlands occupied the middle ground in comparison to other host countries. It recommended harmonising privileges and immunities as much as possible. Differences in privileges and immunities between IOs would only be acceptable on functional grounds.

Measures

In view of the competition between host countries to attract IOs, the government decided to eliminate the differential treatment of staff in the same category. To this end, all categories of staff were to be streamlined in accordance with the international standards enshrined in the *Vienna Convention on Diplomatic Relations* (1961). The highest-ranking IO staff would be placed on an equal footing with diplomats of equivalent rank at embassies in the Netherlands (AO status). Other staff would be placed on an equal footing with the administrative and technical staff (BO status) or – where applicable – service staff (EO status) at such embassies.⁶³ In other words, the provisions that generally apply to embassy personnel were chosen as the standard for the privileges and immunities of all IO staff. The package of privileges and immunities that applied to the Organisation for the Prohibition of Chemical Weapons (OPCW) served as a benchmark for the

⁶³ Private servants are granted PO status and domestic servants PO/ZF status. For a detailed account of the privileges of the various staff categories, see the Protocol Guide for International Organisations (2008).

harmonisation of privileges according to staff categories.⁶⁴ Dutch staff and staff with permanent residence (DV) status were excluded from this harmonisation, although they did retain their tax-free salaries.

In order to enshrine these changes in international law, the government had to conclude an agreement with every Dutch-based IO as a supplement to its headquarters agreement.⁶⁵ This was obviously not necessary if the organisation in question had an agreement that already provided for the chosen standard of treatment.⁶⁶ The supplementary agreements would not affect other provisions of existing headquarters agreements. The Dutch government presented the package of privileges and immunities to IOs as a non-negotiable offer. In practice, however, the government discussed the percentage of staff members who would receive AO status and the granting of DV status to staff members with a number of organisations. The standard approach would also apply to any IO that decided to base itself in the Netherlands in the future. In accordance with this policy, the Special Court for Sierra Leone, which was established in 2006, and the Special Tribunal for Lebanon, whose headquarters agreement was finalised in 2007, received the standard package of privileges and immunities.

Immediately after the adoption of the government's position paper, the Desk for International Organisations (DKP/DIO) initiated consultations with eligible IOs regarding the modification of their headquarters agreements. The scale of the differences between organisations as regards privileges and immunities, especially in relation to fiscal matters, only became fully clear during the harmonisation process.⁶⁷

According to the government's position paper, the aim was to bring the new regime into operation on 1 January 2006. The Dutch government was of course dependent on the cooperation of the organisations themselves. Between mid-2005 and the end of 2007, the government concluded supplementary agreements with 26 IOs. At the time of writing, the process has not yet been completed, as four organisations have still not accepted the proposed package. The key problem for

⁶⁴ The OPCW's tax-free shop and 'most favoured' clause were not included in the benchmark.

⁶⁵ Instead of a formal headquarters agreement, some organisations have an exchange of letters with the Dutch state that fulfils the same function.

⁶⁶ In addition to the Organisation for the Prohibition of Chemical Weapons (OPCW), this applied to the International Court of Justice (ICJ) and the Permanent Court of Arbitration (PCA).

⁶⁷ In order to obtain a clear picture, DKP/DIO prepared a detailed overview of the existing situation as regards privileges and immunities at the beginning of 2006. This overview was discussed in the interministerial Steering Committee on the Netherlands as Host Country.

these organisations is the exclusion of Dutch staff and staff with DV status from the proposed privileges and immunities.⁶⁸

Box 5.1 DV status and privileges

Residence in the Netherlands prior to employment by an IO can have an impact on the status that the Ministry of Foreign Affairs grants to staff members and, where relevant, their family members. Granting DV status (to staff members who are considered to be permanently resident in the Netherlands) affects their eligibility for certain privileges. The criteria for granting DV status are laid down in Note Verbale DKP/DIO-2005/220 of 8 December 2005 and also appear in the Protocol Guide for International Organisations.

The Ministry of Foreign Affairs decides whether or not to grant a staff member DV status when registering him or her in the PROBAS personal records database. The decision is made on the basis of the information in the application form submitted by the IO on behalf of the staff member (see also section 4.3). At the time of this policy review, approximately 11% of non-Dutch IO staff had DV status.

NB: Permanent residence (DV) status as referred to here should not be confused with the permanent residence permit granted by the Immigration and Naturalisation Service (IND). After working for a Dutch-based IO for a period of ten years, a privileged IO staff member can apply to IND for a permanent residence permit. A permanent residence permit automatically includes DV status, with the resulting loss of most privileges and immunities. In contrast, DV status does not automatically include a permanent residence permit. The present report uses the terms DV status (granted by the Ministry of Foreign Affairs) and permanent residence permit (granted by IND) in order to prevent confusion between these two forms of permanent residence.

Opinion of IOs

IOs are generally satisfied with the results of the harmonisation process. This is not surprising, given that the majority of staff are better off in terms of privileges and immunities. However, a number of IOs question whether there has been full harmonisation. They point out, for example, that the headquarters agreements of

⁶⁸ In particular, institutions linked to the European Commission (the European Commission Representation in the Netherlands and the Institute for Energy in Petten) have not accepted the offer because the Commission's rules prohibit distinctions on the basis of nationality. A similar argument applies in the case of the International Organisation for Migration (IOM).

certain organisations are slightly more favourable in some areas due to their position prior to the harmonisation.⁶⁹

Organisations that accepted the proposed package right away are of the opinion that the harmonisation process was smooth. Organisations that wanted to negotiate the terms of the package, for which there was officially no scope, hold a different view. Negotiating points included the number of staff members that would be entitled to AO status and the possibility to appeal against the granting of DV status in individual cases. Three organisations stated that they had found the process long and difficult. One organisation claimed that it was given very little time to sign the supplementary agreement, while another stated that its governing body had received ample opportunity to approve the agreement. Some organisations were able to discuss the package in the framework of existing negotiations on a new (or revised) headquarters agreement. One IO noted that the harmonisation has expedited the conclusion of the intractable negotiations on the renewal of its headquarters agreement, which had lasted for several years.

Although most IOs are satisfied with their current headquarters agreements, a number of concerns were raised. For example, IOs with branches in several countries (such as the European Patent Office and the International Organisation for Migration) are confronted with differences in privileges and immunities between host countries. This has implications for the transfer of staff between these branches. Two organisations note that they wish to conduct negotiations with the Dutch government concerning the exclusion of Dutch staff and their family members from the Dutch social security system. Another concern relates to the inferior position of Dutch staff and staff with DV status. Although they have signed supplementary agreements, a majority of organisations regard the granting of DV status as a problem. Only a few feel the same way about the exclusion of Dutch staff.

⁶⁹ This is related to the choice of the aforementioned benchmark employed for harmonisation purposes. Due to their favourable starting positions, the ICJ, the PCA and the OPCW enjoy a few additional privileges that were not affected by the harmonisation.

Box 5.2 Problems relating to the granting of DV status

Most organisations criticise the rules for granting DV status and their strict application. This includes:

- The application of the strict rule on granting DV status to a person who has resided in the Netherlands for longer than six months (whether for personal, professional or academic reasons) before he or she starts working for an IO. This rule, which also applies to partners, makes it unattractive for foreign nationals to study at a Dutch university prior to working for a Dutch-based IO.
- The application of the strict rule on granting DV status to a staff member who has a gap of one or more days between successive contracts with an IO.
- The application of the strict rule on granting DV status to a former IO staff member if he or she goes back to work for the same organisation within 12 months of leaving the Netherlands. This rule is also applied in the case of temporary secondment to a branch in a different host country.
- In contrast to privileged persons without DV status, persons with DV status who wish to employ a private/domestic servant must arrange a work permit and pay the relevant social security contributions themselves. This makes it too expensive for many of them, although hiring such staff is important to them for the purpose of childcare, all the more so because they are generally unable to rely on family members for this purpose.
- The granting of DV status in complex cases is regarded as slow and inefficient. In addition, it sometimes takes the Ministry of Foreign Affairs' Protocol Department (DKP) a long time to respond to requests for an explanation of the decision to grant DV status.

Opinion of non-Dutch IO staff⁷⁰

Opinions are divided among non-Dutch IO staff regarding the harmonisation of privileges and immunities. More than half (57%) of respondents regard the harmonisation as an improvement, over one-quarter (27%) are neutral and 17% believe that it is not an improvement. It is noteworthy that 43% of respondents who expressed an opinion believe that the system of privileges and immunities is

⁷⁰ As noted in chapter 2, 39% of non-Dutch IO staff (i.e. 2,676 persons) completed the questionnaire. The percentages reported in this chapter do not include respondents who selected the answer 'no opinion' or 'not applicable'. In other words, the percentages only apply to those respondents who expressed an opinion. For the detailed findings of the survey, see annex 4.

unfair. One-quarter of respondents believe that it is fair, and 31% are neutral.⁷¹ The extension of privileges has caused dissatisfaction among staff members who were excluded from it. Instead of differences between organisations, significant differences have now emerged between staff members of the same category within organisations, based on Dutch nationality and DV status. Some respondents with BO status complain that they enjoy fewer privileges than their colleagues with AO status, although they share the same financial burden. It was also noted that staff members of certain IOs still enjoy more privileges than those of other organisations.⁷²

Just under half of all respondents claim to be well aware of the system for granting privileges and immunities. Approximately one-third claim to have some knowledge of the system, while one-fifth claim to have no knowledge. Awareness appears to be highest among persons who have resided in the Netherlands for some time, have AO status, speak reasonable or good Dutch or are familiar with the Protocol Guide for International Organisations.⁷³ Just under half (44%) of all respondents believe that the system for granting privileges and immunities is clear, one-third (33%) are neutral and over one-fifth (22%) believe that the system is unclear.⁷⁴

Conclusion

The process of harmonising privileges and immunities according to staff categories has now largely been completed according to plan. The implementation of this key issue from the government's position paper has calmed and – where necessary – had a positive impact on relations between the Dutch government and Dutch-based IOs. The decision to exclude a number of privileges from the benchmark, which means that three organisations continue to enjoy a slight advantage, is not regarded as a problem. The majority of staff now have a package of privileges and immunities that may be regarded as generous in international terms. There is less understanding for the decision to exclude Dutch staff and staff who are granted DV status on the basis of prior residence in the Netherlands or a short break between two contracts. As a result, not only have a number of IOs still not accepted

71 It should be noted that the over-representation of staff members with DV status among the respondents may have had an impact on this result.

72 This is because, as already noted, a few privileges remained outside the benchmark for certain organisations.

73 For example, fewer newcomers (less than two years in the Netherlands) were 'well aware' (28-32%) compared to persons who have resided in the Netherlands for more than 11 years (70%). Persons with AO status were much more aware (80%) than persons with EO status (20%) or persons who stated that they did not know what their status was (26%).

74 Ninety-three per cent of respondents had an opinion on this issue. Clarity receives better scores among persons who have resided in the Netherlands for longer than 11 years, have AO status, are familiar with the Protocol Guide for International Organisations or are generally satisfied with living and working in the Netherlands.

the proposed package, but many organisations that did accept it continue to have problems with the effects of this measure. The Netherlands justifies its decision on the basis of the *Vienna Convention on Diplomatic Relations*, but those who do not accept it base their arguments on the same document. It is likely that this issue will return to confront the Dutch government in the future, for example in the form of notices of objections or possibly even legal proceedings.

5.2.2 Implementation of the rules on fiscal privileges

Problems

As a result of the harmonisation of privileges and immunities according to staff categories, staff with AO status were granted certain fiscal privileges for an unlimited period of time, while staff with BO status received them for a maximum period of ten years, starting from the date on which they were registered with the Ministry of Foreign Affairs.

Annexe XIII K of the Protocol Guide for International Organisations contains an overview, which refers to the Income Tax Act 2001, of the various fiscal privileges and their application to staff with AO or BO status. These fiscal privileges include partial or total exemptions from a range of national and municipal/local taxes, such as income tax (boxes 1, 2 and 3), value-added tax on certain goods and services, excise duties, import duties, tax on cars and motorcycles, motor vehicle tax, tax on games of chance, transfer tax, energy tax, tax on tap water, water board charges, property tax, municipal tax on second homes, dog licences, public announcements tax, tax for installations on public land or water, administrative charges, betterment levies, sewerage charges, waste disposal charges, waste collection charges, toll charges and parking taxes.⁷⁵

Staff members are generally exempt from paying income tax on their salaries from IOs. However, they are expected to pay tax on income not derived from their official activities in the Netherlands, that is to say, income other than the salary and emoluments obtained as a result of their employment by an IO. There is accordingly a partial exemption of income that must be declared in box 3.⁷⁶

IOs and staff with AO status are entitled to VAT refunds on certain goods and services with a value in excess of EUR 225.⁷⁷ Many staff members have criticised

75 No rights may be derived from this list; the headquarters agreements are authoritative.

76 These rules are derived from chapter 7, section 7.7 of the Income Tax Act 2001.

77 This does not apply to food, tobacco products and alcoholic beverages.

the quadrupling of the original threshold of 100 guilders, which applied until 1997, to EUR 225. They also feel that the procedure for obtaining VAT refunds is complicated and time-consuming.

Measures

The Tax and Customs Administration's Central Bureau for International Tax Treatment (CB/IFB) focuses specifically on handling the fiscal affairs of Dutch-based IOs, embassies and consulates and their Dutch-based staff. CB/IFB also provides advice on fiscal matters to these institutions and their staff.

The origins of CB/IFB date back to the 1980s, when a few employees at the Rijswijk tax office began to specialise in handling the fiscal affairs of staff members of the European Patent Office, which is located in Rijswijk. At that time, the fiscal affairs of IO staff were handled in a decentralised manner, namely, by the tax office in the place of residence of the staff member concerned. This often led to different assessments of the amount of tax they owed. In 1992, due to the growing number of IOs in and around The Hague, the government decided to concentrate the income tax treatment of these organisations and their staff at the Rijswijk tax office. In 2002, the handling of customs matters and VAT refunds was added to the list of responsibilities. As of 2008, CB/IFB is responsible for handling the fiscal affairs of all Dutch-based IOs and their staff. It also answers questions from IO staff members regarding surcharges. The government also plans to concentrate the handling of surcharges in Rijswijk. This would make it possible to streamline the tax treatment of IOs and their staff and optimise the services provided in this area.

One of the key tasks of CB/IFB is to provide information on fiscal matters to IOs, which it visits on an annual basis. In addition, it helps IO staff who are interested to file their tax returns. CB/IFB officials visit IOs (as well as consulates and embassies) for this purpose. According to CB/IFB, this involves approximately 1,000 tax returns per year.

Opinion of IOs

IOs are generally satisfied with the assistance and services provided by CB/IFB and note that there has been an improvement in this area compared to the past. However, they point out that tax refunds (e.g. VAT refunds) could be processed more swiftly and that the provision of information could be further improved.

A few organisations criticise the lack of an income tax exemption for trainees. They argue that this creates quite a large amount of red tape, while there is no justification in their eyes for this tax.

Opinion of non-Dutch IO staff

The partial non-exemption from income tax in box 3 remains a source of dissatisfaction, due in part to the various rules that apply in this regard.⁷⁸ The lack of English-language tax forms is also regarded as a shortcoming.⁷⁹

However, CB/IFB's close contacts with IOs and their staff – and the fact that it helps staff members to file their tax returns – help to ensure that its activities are greatly appreciated. A little over a third of all non-Dutch IO staff are now familiar with the CB/IFB, while one-quarter are vaguely aware of its existence and 40% have never heard of it. Its services are generally regarded as useful. Most staff feel that it is customer-friendly and efficient.⁸⁰

Conclusion

The implementation of the Income Tax Act 2001 and the fiscal privileges agreed in the framework of the implementation of the government's position paper are fixed and, in the opinion of the IOB review team, non-negotiable. The differences between AO and BO status and between the related fiscal privileges and immunities correspond to the Vienna Convention, which applies to embassies and consulates. The decision to introduce this system, which was adopted during the implementation of the government's position paper, is therefore justifiable. The provision of fiscal services, which is currently concentrated at CB/IFB in Rijswijk, has gradually improved and is regarded as efficient. However, the bureau's website does not yet include an English-language section listing the rules that apply to IOs and their staff and providing practical examples.

78 The situation is often complicated, owing to the status (or a change in the status) of the staff member concerned, whether or not there are two wage earners in the household, the residence of a partner or other family members abroad and a wide range of income sources other than income deriving from employment with an IO.

79 The Ministry of Finance applies the rule that no tax forms are distributed in other languages. However, CB/IFB does provide information and advice in English.

80 Sixty-five per cent of persons who are familiar with CB/IFB regard its services as useful, while 8% do not. Fifty-six per cent consider its service delivery to be customer-friendly and efficient, while 12% do not and one-third are neutral.

5.2.3 Immunities in practice

Problems

Complaints from privileged persons and police reports submitted to the Ministry of Foreign Affairs indicated that there was a fundamental lack of knowledge about privileges and immunities both within the police and among IO staff. The police did not always respect valid immunities, while IO staff members sometimes wrongly invoked them.

Measures

Dutch-based IOs operate within the territory of the Netherlands. The main rule in this regard is that they and their staff are subject to national law: they are not above the law. Immunities granted to organisations by virtue of their tasks are laid down in headquarters agreements and thus form an exception to this rule. IO staff fall under these headquarters agreements and thus also enjoy certain immunities.⁸¹ The privileges and immunities granted to privileged persons under a headquarters agreement are granted for the sake of the organisation and not for the personal benefit of the individuals concerned. Moreover, the fact that persons enjoy certain immunities does not imply that they are above Dutch law. It is beyond the scope of this policy review to provide an overview of the various immunities enjoyed by IOs and their staff. The Protocol Guide for International Organisations provides a detailed description of privileges and immunities and their practical implications for staff members (e.g. if they come into contact with the police). This section does not repeat that description and confines itself to providing an insight into how immunities are dealt with in practice.

In the course of the harmonisation of privileges and immunities, a distinction was made between staff with AO status (the highest ranking staff) and BO status (lower ranking staff). Staff members in the first category enjoy absolute immunity from Dutch criminal jurisdiction.⁸² Staff members in the second category only enjoy functional immunity, that is to say, immunity for official acts performed in the course of their duties.

DKP considers it vital that the Ministry of Foreign Affairs, the police and the judicial authorities communicate swiftly and effectively in the case of incidents

81 However, a distinction is made between staff and other categories of persons involved in the work of IOs, such as experts or witnesses in cases at the international tribunals.

82 Staff members with AO status of the European Patent Office (EPO) and the European Space Agency's European Space Research Technology Centre (ESA/ESTEC) form an exception to this rule.

involving privileged persons. If privileged persons come into contact with the police or the judicial authorities, they must inform the official in question of their status by identifying themselves with the identity card issued by the Ministry of Foreign Affairs. Privileged persons often invoke their immunity when they come into contact with law enforcement officers. However, persons with functional immunity cannot invoke their immunity in relation to traffic violations (e.g. speeding offences or driving under the influence). Persons with absolute immunity are requested to respect Dutch law and cooperate with the police if, for example, they decide to conduct a breathalyser test. However, the police cannot compel persons with absolute immunity to cooperate with such tests. In the past, it emerged that the Haaglanden regional police force and other police forces in the Netherlands were not always sufficiently aware of the current rules on immunities. It also emerged that the identity card issued by the Ministry of Foreign Affairs caused confusion.

If a privileged person invokes his or her immunity after allegedly committing an offence and/or believes that he or she was treated discourteously by the police, the Foreign Missions, Privileges and Immunities Division (DKP/BV) receives the relevant police report.⁸³ In addition, the ministry may receive a complaint directly from the person concerned. DKP registers these complaints and police reports and deals with them if necessary. The procedure is as follows: DKP drafts a letter to the relevant IO stating that the incident is being investigated. This letter also states the facts from the police report. If it transpires that the person concerned has been arrested several times for a particular offence (e.g. driving under the influence), the Ministry of Foreign Affairs can inform his or her employer of this fact, as such incidents can also harm the IO concerned.

Following the adoption of the government's position paper, the Ministry of Foreign Affairs decided to intensify its contacts with the leadership of the Haaglanden regional police force and also organised briefings on privileges and immunities for uniformed police officers. Due in part to these measures, it appears that officers of the Haaglanden regional police force are currently better informed of the privileges and immunities granted to IO staff and how they should act in this context.⁸⁴ Police forces elsewhere in the Netherlands appear to be less familiar with the rules concerning privileges and immunities. For answers to questions

83 This may concern general traffic checks in which it is established that a car with a special licence plate is not (properly) registered in the police or Road Transport Agency (RDW) database or breathalyser tests.

84 This obviously also applies to the privileges and immunities granted to staff members of foreign missions.

concerning the rights and duties of privileged persons, they can contact DKP at any time of the day or night.

In order to make IO staff more aware of the current rules relating to immunities, they are referred to the Protocol Guide for International Organisations, which has been available online since 2007. DKP notes that the number of complaints concerning police action is falling.⁸⁵

Opinion of IOs and non-Dutch IO staff

The staff survey does not provide any hard data on the application of the rules relating to immunities by Dutch law enforcement officers. However, the survey did include a question on the customer-friendliness of the Dutch police. One-fifth (19%) of respondents felt that the police were not customer-friendly, one-third were neutral and slightly more than half (51%) described the police as sufficiently customer-friendly.⁸⁶ Several IOs noted that complaints in this regard were taken very seriously in the past and that the number of incidents has declined in recent years.

Conclusion

The closer cooperation between DKP/DIO and the Haaglanden regional police force, for example by means of briefings, has helped to raise awareness of privileged persons, their status and the use of identity cards. It is unfortunate that complaints are not registered consistently, as this makes it impossible to determine with certainty whether the number of complaints has fallen. With some caution, however, it may be inferred from the findings of the present policy review that this number is indeed falling. The same applies to the number of cases in which privileged persons invoke their immunities. In addition, the level of recognition of the identity card among law enforcement officers has increased. It is important that DKP/DIO consolidate this trend by continuing to brief the Haaglanden regional police force and police forces elsewhere in the Netherlands on a regular basis.

⁸⁵ DKP does not register all complaints, making it impossible to compare different periods.

⁸⁶ All respondents had an opinion on this issue. In their comments on the questionnaire, they often linked customer-friendliness to the conduct of the police towards privileged persons during traffic checks and while dealing with home and car burglaries or other forms of theft.

5.2.4 Social security

Problems

IOs are confronted with the social security system of the host state. In general, they have their own social security system for their staff. During their establishment, IOs often model their system on an existing international system, such as that of the United Nations or the European Union.⁸⁷ They can also opt for another system. As member state or states party, the Netherlands is involved in designing the social security system and employment conditions during the establishment of a new IO. If an IO decides to base itself here, the Netherlands assesses the organisation's social security system in its capacity as host country. If necessary, it asks the organisation to modify the system, although in practice this has rarely happened.

If the Netherlands believes that the organisation's social security system offers adequate coverage to its staff and their family members, it excludes the organisation and its staff from the Dutch social security system. This exclusion implies that the staff and their dependent family members do not have to pay social security contributions to the Netherlands and, as a result, that they are not covered by the Dutch social security system. However, if there are no arrangements for family members or if they do not offer adequate coverage, those family members are obliged to pay contributions to the Dutch social security system in exchange for coverage.⁸⁸ As regards maintaining the withholding obligation in a more general sense, as well as income-dependent benefits, consultations take place, where necessary, between the Ministry of Finance, the Ministry of Social Affairs and Employment, the Ministry of Health, Welfare and Sport, and the Ministry of Foreign Affairs (DKP/DIO).

In 2002 the IBO report observed that the standard provision on social security in the headquarters agreements was functioning satisfactorily but that further streamlining was desirable. In addition, it advised the government only to assess the employment conditions and social security system of a new IO if the organisation intended to adopt a system that deviated from the staff rules of UN or EU institutions. In such cases, the social security system should be assessed

87 Such systems are referred to as staff rules. Small IOs often opt for a package of employment conditions and social security provisions that deviates from the UN or EU staff rules.

88 This applies to the family members of staff at EPO, ESA/ESTEC, EUROCONTROL and NAPMA. In contrast to the principal family member employed by these organisations, they are not excluded from the Dutch social security system (see DKP Manual, p. 73). These organisations are accordingly required to pay contributions to employee insurance schemes.

during international consultations on the establishment of the new IO rather than when the headquarters agreement is being negotiated.⁸⁹

The IBO report also focused on the taxability of IO staff pensions. It emerged that there were various rules governing the taxation of the retirement income of such staff. The key rule is that the pensions of former international officials are taxed in their country of residence.⁹⁰ The IBO report stated that ‘the tax exemptions of IO staff should in principle not extend to retirement income, also in view of the ageing of the population and the demands of this group on national amenities’. In addition, the IBO report advised the government to consider raising within the European Union the future possibility of taxing the pensions of staff of EU organisations in the country in which the organisation is based (IBO 2002, p. 9).

Measures

The government’s position paper endorses the need to assess an IO’s social security system at an early stage. It did not adopt the IBO report’s recommendation to make proposals within the European Union to start taxing the pensions of staff of EU organisations in the country in which the organisation is based instead of by the European Union.

The Ministry of Foreign Affairs believes it is important to establish a minimum standard for the social security system, especially for Dutch nationals who work for IOs. The relatively high level of employee protection in the Netherlands compared to other countries means that complying with Dutch standards entails high costs. Moreover, IOs regard it as a matter of principle that they do not contribute to the social security system of the host state, let alone relatively generous (i.e. expensive) systems.

Since the adoption of the government’s position paper, two new IOs have decided to base themselves in the Netherlands. During the establishment of the Special Court for Sierra Leone and the drafting of its headquarters agreement, the social security system was not properly assessed at an early stage. Due to the need to set up this organisation as swiftly as possible,⁹¹ its headquarters agreement and

⁸⁹ In order to avoid situations in which a social security system that has already been adopted at international level subsequently needs to be modified (IBO report 2002, p. 9).

⁹⁰ The pensions of former staff of EU institutions, which are taxed internally by the European Union and are thus exempt from taxation in the member states, form an exception to this rule. In addition, the Netherlands awards retired former staff members of the so-called ‘coordinated organisations’ who reside here partial compensation for the income tax they pay on their pensions in the Netherlands. This does not apply to other retired officials (IBO report 2002, p. 41).

⁹¹ The arrest of the former president of Liberia, Charles Taylor, necessitated swift action.

social security system were modelled on those of a UN-established international organisation. However, the Ministry of Foreign Affairs,⁹² the Ministry of Social Affairs and Employment and the Special Court for Sierra Leone did not take into account that this tribunal is not a UN organisation. As a result, the headquarters agreement does not contain adequate provisions on pensions and collective social insurance, and the tribunal's social security system does not yet satisfy the minimum requirements imposed by the Netherlands. During the recent establishment of the Special Tribunal for Lebanon in the Netherlands, its social security system was assessed at an early stage, with the involvement of DKP/DIO.

Opinion of IOs

Organisations whose social security systems cover all staff members as well as all their family members have nothing special to report about the Dutch social security system in general.⁹³

However, they have drawn attention to the following problems:

- First, there are problems relating to pension rights. All IO staff (including Dutch nationals) and their dependent family members lose the right to build up a basic state pension under the General Old Age Pensions Act (AOW). For every year that they work for an IO, 2% is deducted from their state pensions.⁹⁴
- The privilege of a tax-free salary does not apply to retirement income (pension). As a rule, a retired staff member's pension is taxed in the country where he or she lives or intends to live. As already noted, other rules apply to retired staff of EU institutions. One organisation has suggested that the Netherlands should make an exception to existing international rules, arguing that it should not tax pensions on the grounds that retired staff members who settle here permanently contribute to the Dutch economy. Staff members who are building up private supplementary pensions complain about the *de facto* taxation of their pensions under the heading of savings and investments (partial taxation in box 3).
- Because the Netherlands only pays state pensions from the age of 65, staff members of UN institutions, which set the pensionable age at 62, are faced with a pension gap.

92 DKP/DIO was not sufficiently involved in the process.

93 A number of organisations have a narrower social security system as far as health insurance is concerned (see section 5.4.3.).

94 This also means that, from the age of 15 onwards, dependent children of IO staff members lose the standard annual 2% accrual of state pension rights.

- An IO that plans to reduce its activities in the near future and terminate them in due course raises both above-mentioned problems. As a result of terminating a majority of its tasks, the organisation will soon start to reduce its workforce. It foresees a problem with regard to financing unemployment benefit for staff members who will be made redundant. It is not clear to the many Dutch staff members employed by this organisation whether they are entitled to unemployment benefit (WW). The organisation claims that the Ministry of Social Affairs and Employment (SZW) has so far turned down every request for a meeting.⁹⁵
- Another administrative problem relates to the transfer of Dutch pension rights to the pension system of an IO.
- Finally, the provision of English-language information on the social security system, including the possibilities for taking out voluntary insurance, is inadequate. This concerns the websites of the Employee Insurance Agency (UWV) and the Postbus 51 government information service.

Opinion of non-Dutch IO staff

The staff survey did not include a detailed question on social security but asked staff members whether they were aware of the rules on social security that applied to them. According to the response, 43% had little or no knowledge of the rules, 34% were moderately or well informed and 21% were neutral.

The main complaints of staff members concern issues that have already been discussed above, such as the rules on building up state pensions and the taxation of pensions. In addition, one staff member referred to the administrative problems besetting the transfer of foreign pension rights to the Netherlands.

Other actors

The Ministry of Social Affairs and Employment and the Ministry of Foreign Affairs are familiar with the problems described above. However, they take the position that it is the responsibility of IOs or individual staff members to close any gaps in the basic pension. It is also the responsibility of IOs to make arrangements for paying unemployment benefit to their staff, in accordance with what was laid down in this regard in the headquarters agreement of the organisations concerned. The fact that an IO was apparently unable to make the financial provisions in this regard does nothing to alter this.

⁹⁵ Information received after the conclusion of the present policy review indicates that the Ministry of Social Affairs and Employment is willing to meet the organisation concerned.

DKP/DIO pointed out that the secondary employment conditions (the rules on building up state pensions) in the majority of Dutch-based IOs could make these organisations less attractive to senior-level Dutch international officials. The Netherlands is thus denying itself the opportunity to be adequately represented within these organisations.

The Ministry of Foreign Affairs believes that the provision of information on the social security position of Dutch nationals and foreign nationals with DV status who work for IOs can be improved. This involves explaining more clearly that non-working partners and children of non-Dutch staff, as well as Dutch nationals and foreign nationals with DV status, are excluded from the Dutch social security system. These matters were also discussed specifically in the meetings of the interministerial Steering Committee on the Netherlands as Host Country.

Conclusion

IOs and their staff are responsible for making their own arrangements in relation to social security. Under current rules, they cannot shift this responsibility onto the Dutch government. However, the Dutch government is responsible for monitoring the quality of the arrangements made by IOs. In this context, it is important that the relevant government departments cooperate in drafting the headquarters agreement of every new Dutch-based IO, in order to ensure that its social security system satisfies the minimum requirements imposed by the Netherlands.

The rules on building up state pensions are enshrined in Dutch law, and IOs and their staff are expected to be familiar with them. The taxation of pensions is standard practice internationally, and the Netherlands is right not to depart from it. In the case of a departure from the pensionable age that is used by an IO and applies in the Netherlands, the organisation or staff member concerned should make independent arrangements. The same applies to arranging unemployment benefit in cases in which an IO is winding down or terminating its activities in the Netherlands.

However, communication and the provision of information on rights and duties, as well as the personal responsibility of non-Dutch IO staff to build up their own pensions and unemployment benefit, could be organised more effectively.

5.3 Admission and residence

The government's position paper contains a number of measures relating to the admission and residence of foreign nationals. The present policy review examines the implementation of these measures in so far as they apply to IO staff and their family members.⁹⁶ This section covers the process for issuing identity cards to IO staff and their family members, various issues relating to the admission and residence of other family members and foreign visitors and the eligibility of IO staff and their family members for permanent residence in the Netherlands.

5.3.1 Identity cards

Problems

IO staff and their family members are entitled to identity cards issued by the Ministry of Foreign Affairs. The government's position paper states: 'If the relevant headquarters agreement contains a commitment to this effect, the Ministry of Foreign Affairs will also issue identity cards to IO staff who are permanent residents of the Netherlands, while Dutch nationals employed by such organisations can qualify for identity cards at the request of the organisation concerned.'⁹⁷ Family members of Dutch staff and staff with DV status are not entitled to identity cards. The 2008 Protocol Guide for International Organisations contains an exception to the effect that family members of IO staff with DV status originating from countries outside the European Union or the European Economic Area are entitled to identity cards.

The identity card for privileged persons is a valid identity document in the Netherlands. It indicates that the holder is residing legally in the Netherlands, has a visa permitting him or her to travel within the Schengen area and enjoys certain privileges and immunities. In the case of family members, it also indicates whether or not they may work in the Netherlands. The identity card is not a travel document. For travel outside the Netherlands, a valid travel document is required.

Two problems arose in connection with the identity card. First, public authorities in the Netherlands (municipalities, police, IND, Customs and so forth) and abroad did not always recognise or accept the card. Second, there were complaints that the Ministry of Foreign Affairs sometimes took a long time to issue identity

⁹⁶ Measures concerning visas and work permits for journalists and staff of non-governmental organisations (NGOs) who can or do play a key role in the work of IOs are beyond the scope of the present policy review.

⁹⁷ Government Position Paper 2005, pp. 7-8.

cards. This occasionally caused problems for IO staff, who need the card to travel within and to the Schengen area and to apply for certain goods and services, such as bank accounts, mobile phones and insurance.

Measures

As explained in chapter 4, the Ministry of Foreign Affairs issues an identity card after the person concerned (staff member or family member) has been registered in the PROBAS personal records database. The card is issued at the request of the IO concerned, which submits an application form for this purpose. On the basis of this form, the Ministry of Foreign Affairs determines the status of the person concerned, which is indicated on the card. In general, the determination of the staff member's status does not give rise to problems, enabling the ministry to issue the card swiftly. The ministry does not employ a guaranteed turnaround time for applications. In the case of application forms that have been completed correctly and in full, however, the process usually takes approximately two weeks. This is also the ministry's target. In the case of an incorrectly completed application form,⁹⁸ or when the determination of the applicant's status proves complicated,⁹⁹ the application takes longer to process. Moreover, the process within the ministry is sometimes delayed by seasonal peaks or temporary understaffing in DKP/BV.¹⁰⁰

It is not standard practice to report delays in the application process or the reasons for such delays to IOs, unless they are caused by incorrectly or incompletely filled-out application forms. At the time of the policy review, the ministry was examining the possibility of processing applications electronically in order to reduce the turnaround time and make the process less labour intensive.

To make the identity card better known, DKP has organised briefings and courses to bring it to the attention of the immigration service (border controls carried out by Royal Military and Border Police) and the regular police. The identity card also appears on the government's website of identity documents that are valid in the

98 An application form that is incomplete, inaccurately filled out or accompanied by a photograph that does not meet the necessary specifications. It takes time to return incorrectly completed application forms by post. DKP notes that there are differences between IOs as regards the frequency of errors in applications.

99 Where appropriate, including in cases in which repeated requests to complete the form correctly give rise to problems, the application is forwarded to DKP/DIO so that it can determine the applicant's status. DKP can obtain information regarding prior residence in the Netherlands from the Tax and Customs Administration.

100 This concerns sickness or leave of staff members responsible for processing applications. The introduction of the new PROBAS application at the end of 2007 also led to delays, because the system could not be used for a week.

Netherlands (www.identiteitsdocumenten.nl). Officials are expected to consult this website.

Opinion of IOs

IOs note that the Ministry of Foreign Affairs generally issues identity cards in a swift and efficient manner. However, many organisations have occasionally experienced substantial delays as a result of temporary understaffing at the ministry.¹⁰¹ The introduction of the new PROBAS application caused significant delays in the registration of staff and the issuing of identity cards. A long waiting period can lead to awkward situations. If it lasts more than a month, it can give rise to problems if the person concerned (and his or her family) applied for a one-month Schengen visa on arriving in the Netherlands (instead of the three-month visa that can be issued via DKP) and needs to travel outside the Schengen area shortly after arriving here.¹⁰²

IOs argue that the identity card is not sufficiently clear, in that it does not state that it serves as a Schengen visa but does state that it is not a travel document.¹⁰³ As a result, border officials do not always recognise or accept the identity card as a Schengen visa. This causes problems for certain non-EU passport holders at border crossings.¹⁰⁴ The Ministry of Foreign Affairs acknowledged these problems and introduced a new identity card on 1 July 2008. The new card states: ‘This ID card together with a travel document entitles the bearer to reside in the Netherlands and to enter the territory of the Schengen states.’ As long as the old identity cards are still in circulation, however, problems can still occur. The Ministry of Foreign Affairs has informed IOs about the new identity cards and offers IO staff who anticipate problems while travelling the opportunity to apply for a new card.¹⁰⁵

There are also problems regarding the recognition and acceptance of the identity card by third parties in the Netherlands. Judging from the comments of some IOs, the Haaglanden regional police force is now better acquainted with the identity

¹⁰¹ One or two organisations noted that they experienced a delay of several months.

¹⁰² The Ministry of Foreign Affairs can issue a declaration extending the validity of the visa until the identity card has been issued. However, this declaration is only valid for residence in the Netherlands and cannot be used for travel within the Schengen area.

¹⁰³ The card states: ‘This is not a valid travel document.’ It should be used in conjunction with a valid travel document.

¹⁰⁴ One IO noted that stamping the passports of IO staff from non-EU countries at the airport when they enter or leave the Netherlands violates their privileges and immunities.

¹⁰⁵ In view of the costs involved, the Ministry of Foreign Affairs is not replacing all old identity cards with new ones. Identity cards are normally replaced when they expire or when the holder’s details change.

card. However, the same cannot be said for other police forces, municipal institutions and government departments, and commercial enterprises such as banks, utility companies and post offices. When privileged persons show their identity cards, they are frequently and wrongly asked to present a passport or driving licence instead. It speaks for itself that this causes irritation.

Opinion of non-Dutch IO staff

The above-mentioned problems are also mentioned in the response to the staff survey. Respondents note that it is not only service providers and commercial establishments in the Netherlands that are not sufficiently familiar with the identity card but also the immigration service at Schiphol Airport and foreign immigration services.¹⁰⁶ In this context, they refer in particular to the confusing text on the card, which leads to misunderstanding by immigration services and thus to delays when travelling to and from the Netherlands.¹⁰⁷

A majority (53%) of respondents feel that the process for obtaining or renewing identity cards is efficient (simple and fast), while one-fifth (20%) hold the opposite view and 27% are neutral. A vast majority (83%) of staff note that they receive adequate help from their employer in this regard.¹⁰⁸

Opinions differ regarding the treatment by the Royal Military and Border Police on arrival at Schiphol Airport.¹⁰⁹ One-fifth (22%) of respondents feel that it is not customer-friendly, one-third (34%) are neutral and almost half (44%) regard it as moderately or very customer-friendly. A few staff members describe their experiences relating to border controls, noting that lack of knowledge regarding the identity card and the status of privileged persons can in certain cases give rise to discourteous and occasionally offensive treatment.¹¹⁰

Opinions concerning the courteousness of the police provide a similar – albeit slightly more positive – picture, but respondents also point to a lack of knowledge regarding the identity card in this context.

106 In a few cases, staff members reported that the Dutch embassies in their countries of origin were not sufficiently familiar with the identity card. In addition, a senior staff member reported that an official at the reception desk of the IND office in The Hague did not accept the card as a valid identity document. However, the IOB review team was unable to verify whether these reports were based on fact.

107 This relates to the text that appeared on the card until 1 July 2008.

108 In particular, staff members from Latin America, Africa and Asia (with the exception of Japan), who represent 9% of all respondents, hold very positive views in this regard.

109 Sixty-seven per cent of respondents had an opinion on this issue.

110 Several respondents reported that, despite having an identity card, privileged persons of non-Western appearance were checked more thoroughly. This occasionally causes frustration. Nevertheless, the survey does not provide any significant evidence of differences in treatment based on the origins of privileged persons.

Conclusion

Measures aimed at making the identity card better known are having a positive effect but focus mainly on law enforcement officers in and around The Hague and the immigration service at Schiphol Airport. The Ministry of Foreign Affairs needs to provide more information on a continuous basis to these and other institutions to ensure that the card is recognised and accepted at national and international level (including by Dutch embassies) and thus fulfils its intended purpose. The modification of the identity card was necessary and is expected to reduce the problems experienced by certain groups of non-Dutch staff at the border.

The introduction of a fixed turnaround time for issuing identity cards would increase the quality of the services provided by the Ministry of Foreign Affairs in this area. In cases in which it exceeds this target, the Ministry of Foreign Affairs should inform the organisation concerned. The introduction of an electronic application form would speed up the process considerably.

5.3.2 Admission and residence of children and visitors

Problems

Some IOs considered the policy on issuing identity cards to children of privileged persons too restrictive. Dependent, non-studying children lost their right to an identity card as soon as they turned 18, and children studying abroad were not entitled to an identity card at all.

Measures

In its 2005 position paper, the government decided to relax the policy on issuing identity cards to children belonging to the family of privileged persons. Dependent, non-studying children aged between 18 and 23 would henceforth also qualify for identity cards as family members, provided that they were part of the household of the staff member concerned and lived in the family home. Children younger than 27 who were studying abroad would also be eligible for identity cards – valid for one year – provided that they were both studying in and nationals of a non-Schengen country.¹¹¹ The new rules resulting from this measure appear in the Protocol Guide for International Organisations.

¹¹¹ The government's position paper also noted that other rules would apply to journalists and staff of NGOs who play a key role in the work of IOs. In view of its scope, the present policy review does not express an opinion on this part of the government's position paper.

The admission of family members and visitors to the Netherlands falls under current visa policy. The Protocol Guide for International Organisations also contains detailed instructions in this regard.

Opinion of IOs

Some IOs refer to the occasionally slow nature of the procedure for granting visas to guests and family members of IO staff. In addition, they claim that DKP/DIO does not provide adequate assistance or feedback when problems arise.¹¹²

Opinion of non-Dutch IO staff

A majority (62%) of respondents regard the relaxation of the rules on issuing identity cards to the above-mentioned categories of children as an improvement, while one-third (36%) are neutral and a very small proportion (2%) does not consider it an improvement.¹¹³ In addition, one-third (32%) of respondents feel that the rules are sufficiently flexible, while a majority (57%) are neutral and 12% feel that they are not.

The opinion of respondents regarding the procedure for obtaining or renewing identity cards is slightly less positive in relation to their children than in relation to themselves. Of those responding,¹¹⁴ 31% consider the process efficient, 14% consider it inefficient and a majority (55%) have no strong opinion either way. Parents with children aged 19 and over find the process less efficient than parents with children in other age categories.¹¹⁵

Opinions vary regarding the procedure for obtaining visas for visiting family members and friends. Twenty-eight per cent of the respondents who answered this question¹¹⁶ feel that the process is easy or very easy, while 21% feel that is difficult or very difficult and half are neutral. In the comments section of the survey, ten staff members characterised the policy as restrictive and the procedure as bureaucratic.

112 One international educational organisation noted that visas and residence permits for foreign students (and where relevant their family members) were only valid for 12 months. This period was not compatible with the organisation's education programme. In general, Dutch missions provided good assistance in connection with the issue of visas for students, visitors and visiting staff.

113 Sixty-seven per cent of respondents had an opinion on this issue.

114 Fifty-six per cent of respondents had an opinion on this issue.

115 This may be due to the fact that studying children are required to apply for a new identity card every 12 months, at the beginning of September. In these applications, they are required to submit proof of their enrolment at a recognised educational establishment in the Netherlands or abroad.

116 Forty-six per cent of respondents considered this issue relevant or had an opinion in this regard.

Conclusion

The relaxation of the policy on issuing identity cards to certain categories of children is a positive development. DKP is responsible for distributing identity cards to children, whose applications should also be processed swiftly. The admission and residence of family members fall under the jurisdiction of IND. Under the Equal Treatment Act, visiting family members of privileged persons have to go through the same procedures as all other visitors. Where problems arise, DKP/DIO and the IO concerned can provide assistance.

5-3-3 Permanent residence

Problems

After their employment has ended, IO staff and their families must in principle leave the Netherlands. Before 2005, staff members were entitled to remain in the Netherlands under certain conditions, provided that they had been employed continuously by their organisation for at least ten years. Prior to the adoption of the government's position paper, dependent family members, particularly children, did not have a right to continued residence if the principal family member left the Netherlands.¹¹⁷ The IBO report advised the government to award current and former IO staff and their relatives¹¹⁸ an independent right of residence in the Netherlands on the basis of the Aliens Act 2000 after ten years' residence.

Moreover, IO staff and their family members were not allowed to add the years they had resided in the Netherlands as privileged persons to any periods of residence under the Aliens Act. This had a negative impact on their ability to obtain a permanent residence permit and any plans they may have for naturalisation.

Measures

The government adopted the IBO report's recommendation. IO staff would be entitled to a permanent residence permit after working in the Netherlands for ten years. Adult family members would be able to apply for a permanent residence permit after ten years' residence in the Netherlands, even if the member of staff they were originally accompanying continued to work for an IO or left the Netherlands. The government also decided that IO staff and their accompanying family members would in future be allowed to add together periods of legal

¹¹⁷ IBO report 2002, p. 42.

¹¹⁸ As noted in chapter 3, the term family members is more appropriate than the broader term relatives.

residence under the Aliens Act 2000 and as IO employees. This would enable them to apply for a permanent residence permit after ten years' residence in the Netherlands.

The ability to add together periods of residence is also important in relation to naturalisation. The government decided to amend the Aliens Act Implementation Guidelines so that periods of residence as a privileged person would count towards the required period of residence for naturalisation, if the person concerned had been resident in the Netherlands on the basis of his or her privileged status for at least five years immediately prior to admission under the Aliens Act. In order to implement its position paper, the government amended the relevant legislation in the area of the Aliens Act and naturalisation as planned on 1 January 2006.

The 2008 Protocol Guide for International Organisations describes the rules on the basis of which IO staff and family members aged 18 or over who are part of the staff member's household are eligible for a permanent residence permit. One condition is that they have been registered with IND or the Ministry of Foreign Affairs for a continuous period of ten years.¹¹⁹ When a staff member and his or her family members are granted permanent residence permits, their status automatically changes to DV status. As a result, the staff member concerned loses almost all fiscal privileges and immunities, with the exception of tax-free income derived from employment by an IO and functional immunity. Staff members who wish to qualify for a permanent residence permit after their employment with an IO has ended must submit an application before their employment ends.¹²⁰ According to the 2008 Protocol Guide for International Organisations, persons who receive a permanent residence permit may be obliged to take a civic integration exam. As of 1 September 2008, this exam is required by law.¹²¹

According to DKP, a significant number of IO staff are willing to make an effort to complete the ten-year residence period in order to qualify for a permanent residence permit. They can achieve this by extending their employment with a Dutch-based IO. In some cases, moreover, they apply for a grace period, on

119 During this period, the applicant may spend no more than six consecutive months or ten cumulative months outside the Netherlands.

120 This rule for obtaining a permanent residence permit differs from the rules for embassy and consulate staff, who are automatically granted DV status after ten years. In contrast, IO staff have a choice. The rule does not apply to EU citizens, who are entitled to permanent residence permits on other grounds.

121 Civic integration falls under the responsibility of the Minister for Housing, Communities and Integration. Both DKP and IOs only recently became aware of this statutory provision. The same applies to agencies that deal with immigrants. In August 2008, however, the government decided to postpone the entry into force of this requirement.

medical grounds or for educational reasons relating to a family member, in order to complete the ten years.

Immigration and Naturalisation Service

In recent years, the Immigration and Naturalisation Service (IND) has done its best to meet the needs of IOs but acknowledges that it has not always been successful in this regard. It appears that little use is being made of the possibility to apply for a permanent residence permit, even after the relaxation of the relevant rules on 1 January 2006. First of all, the ten-year residence period is too long for many staff members. In addition, the transition from residence as a privileged person to residence under the Aliens Act is not an easy one. Finally, the conditions that must be satisfied in order to qualify for a permanent residence permit either wholly or partly under the Aliens Act continue to be very demanding. This is particularly true for persons who are required to apply for an authorisation for temporary stay (MVV).¹²² IND is looking into these problems. Since the spring of 2008, IND and other relevant government bodies have held regular informal meetings to discuss possible solutions. The government is considering the possibility of formalising these meetings in the form of a special working group of the interministerial Steering Committee on the Netherlands as Host Country.

On several occasions, at the request of the Ministry of Foreign Affairs and other parties, IND has participated in briefings for IOs.¹²³ It also visits IOs if they are interested. In addition to these visits and briefings, IND communicates with IOs in connection with specific cases. Every IO appoints a contact person who has access to the information service for IND partners operated by the IND's Information Department.¹²⁴ There is thus a direct channel of communication through which IND staff can provide information on standing policy.¹²⁵

122 Persons who are required to apply for an MVV are faced with the problem that they must first return to their countries of origin in order to apply for a residence permit. However, by returning to their countries of origin, they interrupt their residence periods, which means that the ten-year residence requirement starts all over again.

123 At one of these briefings, IND provided information on aliens law and naturalisation. The head of IND, who attaches importance to providing good information to IOs and their staff, attended this briefing.

124 This is a telephone service through which IND's partners (e.g. municipalities) can obtain information on the status of current applications.

125 In principle, individual IO staff members do not have direct access to the IND's Implementation Policy Division but are able to submit questions to IND via the contact person in their organisation. A different division (Decisions) processes current applications. Staff members who have questions concerning their current application can call IND's regular 0900 number.

Opinion of IOs

IOs have nothing special to report regarding the relaxation of the rules on obtaining a permanent residence permit. However, one organisation pointed out that, after repeated requests, DKP had proved unable to issue the necessary declaration of establishment due to the lack of a database covering the period before the introduction of digital registration (i.e. prior to 1997). This made it difficult for the staff of this organisation to apply for permanent residence permits.

Another issue raised by IOs concerns the lack of clarity in the application procedure for residence permits. They referred to uncertainty within IND regarding the required length of staff contracts, the question of whether family ties with a Dutch partner carry any weight and the way in which the MVV procedure functions when the staff member's contract with the IO has ended. In addition, they noted that IND contact persons did not always respond to requests for clarification in a timely manner and that the information provided through the information service did not always correspond to statements made by other IND staff. Finally, they observed that the procedure for granting permanent residence permits in complex situations was slow and inefficient.

Opinion of non-Dutch IO staff

A significant proportion (64%) of respondents indicate that they are not well informed about the possibilities for obtaining a permanent residence permit. This is surprising, because the Protocol Guide for International Organisations clearly explains these matters. Three-quarters of those familiar with the rules (chapter B12 of the Aliens Act Implementation Guidelines) regard them as positive. This implies that staff members are interested in residing in the Netherlands on a permanent basis in the future. Staff members from EU countries note that the Dutch rules do not correspond to EU legislation on permanent residence, which imposes a five-year residence period.¹²⁶

Other issues raised by staff members include:

- The inconsistency of the Ministry of Foreign Affairs' declarations concerning a staff member's period of registration in PROBAS with his or her period of employment with an IO (because the date of registration differs from the date

¹²⁶ In practice, however, there is no problem. Staff from EU countries choose not to make use of the relevant EU legislation, as they would lose certain privileges and immunities if they were to settle permanently in the Netherlands.

of entry into employment). This leads to misunderstandings between IO staff and IND.

- Persons from non-EU countries note that they have problems with the application procedure, which they characterise as ‘bureaucratic’.
- The occasional inconsistency of the information provided by IND staff.
- Permanent residence (DV) status (with regard to privileges and immunities, granted by DKP) differs from the right to a permanent residence permit (granted by IND). The granting of DV status by DKP, which leads to the withdrawal of certain privileges and immunities but does not include a right of permanent residence (IND), sometimes causes confusion.

Conclusion

There is insufficient clarity regarding the application of rules and procedures on contract length, family ties and the MVV in relation to applications for permanent residence permits. In addition, the use of the terms permanent residence (DV) status (granted by DKP/DIO) and permanent resident permit (granted by IND) is confusing.

5.4 Infrastructure

The government’s position paper devotes attention to the infrastructural problems faced by Dutch-based IOs. As host state, the Netherlands should provide the best possible facilities for these organisations. This section covers IO premises and their external security, medical facilities, international education, conference facilities and accessibility.

5.4.1 Premises

Problems

As host state, the Netherlands can decide to bear all or part of an IO’s housing costs on a temporary or permanent basis. The degree to which the Netherlands contributes to such costs varies for each organisation.¹²⁷ There are no official guidelines, but the value that the government attaches to the establishment of the organisation concerned in the Netherlands is a key factor. The Netherlands can contribute to the financing of essential structural alterations or moving costs. In

¹²⁷ The Netherlands generally contributes to the IO concerned as a member state or states party. As candidate host country, it can pledge an additional contribution to housing costs in the bid book, in order to attract the organisation to the Netherlands.

addition, the state can decide to provide premises free of charge for a certain period.

The IBO report advised the government to contribute to the housing costs of IOs for no more than ten years. During this period, it should provide premises at a subsidised rate or free of charge. The duration and scope of the contribution should be based on a cost-benefit analysis.

Before the adoption of the government's position paper, the Premises for International Organisations (Procedures) Order did not oblige ministries to make use of the Government Buildings Agency (RGD) to find premises for IOs.¹²⁸ The ministry with political and budgetary responsibility for the IO concerned was free to use the services of the RGD or to engage such services from the private sector. The IBO report advised the government to amend the Premises for International Organisations (Procedures) Order so that IOs could sign a contract directly with the RGD. The ministry responsible for a particular IO can choose to provide a temporary contribution to the organisation's housing costs and bears the financial risk for those costs.

Measures

The government's position paper supports the role of the RGD as landlord and buildings manager, but leaves IOs free to engage such services directly from the private sector. The government recognises the advantages of allowing IOs to sign housing contracts directly with the RGD, namely that the relevant ministry no longer needs to be involved in matters relating to the premises or act as an intermediary between the RGD and the organisation.¹²⁹ In such cases, the government can still grant a VAT exemption. In view of the advantages of this option as regards implementation, the government proposed to amend the Premises for International Organisations (Procedures) Order to this effect.¹³⁰

To this end, the Ministry of Housing, Spatial Planning and the Environment (VROM) drafted a plan of action that was also discussed by the interministerial Steering Committee on the Netherlands as Host Country. The Ministry of Foreign Affairs supported the option of allowing the RGD to deal directly with IOs but was keen to ensure that it would take account of the special situation of IOs – including the

¹²⁸ However, the RGD was expected to carry out an exploratory study.

¹²⁹ If an IO signs a contract directly with the RGD, the ministry responsible for the organisation concerned only bears the financial risk in relation to the RGD.

¹³⁰ Government Position Paper 2005, p. 12.

inviolability of their premises – when providing those premises. The Ministry of Finance wished to include a provision on supervision in the Premises for International Organisations (Procedures) Order, but this was ultimately abandoned in order to afford the host country as much flexibility as possible. In May 2006, the relevant parties reached agreement on the new Order.

Before 2006, the RGD handled requests to arrange premises for IOs internally on an *ad hoc* basis. This meant that the IO or ministry concerned was obliged to approach various departments within RGD, which was inefficient. Since mid-2006, the RGD has operated the ‘Premises for International Organisations Unit’. This internal coordination unit carries out all the tasks associated with housing or rehousing IOs. In practice, once it has agreed to the turnkey project, the organisation in question only needs to sign the contract. The Unit maintains contact with other parties involved in arranging premises for IOs, such as the municipality within whose boundaries the organisation concerned is or will be housed.¹³¹

Opinion of IOs

In the management survey, IOs cited various reasons for choosing the Netherlands as host country.¹³² Four IOs noted that the main reason for deciding to base themselves here was that the Dutch offer with regard to premises was better than those of competing countries. Other organisations also referred to the favourable housing conditions, albeit not as the main reason for their decision.¹³³

A few organisations note that they wish to move to a new location in the Netherlands and have provisional or concrete plans in this regard. Reasons for moving include a growing number of staff or certain features of their current premises, such as age, security issues or the fact that the organisation was initially provided with temporary premises pending the choice of a final location and the construction of permanent premises.¹³⁴ IOs note that securing new or

¹³¹ Issues that need to be reviewed and dealt with include compatibility with the land-use plan, security issues and necessary permits (fire safety and environmental requirements). In view of the fact that a majority of IOs are located within the municipal boundaries of The Hague, the process of housing and rehousing IOs can only be effective and efficient if there is good cooperation between the RGD and the various municipal services. According to the RGD, it would be helpful if the municipality established a central contact or coordination point for housing issues relating to IOs.

¹³² The contracting parties generally select a host country after the organisation has been established.

¹³³ According to some IOs, the Netherlands has a good reputation as a host country. A significant number of IOs have been based in the Netherlands for a very long time and chose to establish themselves and remain here based on historical ties. Other relevant factors include: location (geographical position and technical, academic and industrial base), the need to be represented in every member state, including the Netherlands, and the advantages of cooperating closely with another IO already based in the Netherlands.

¹³⁴ This applies, in particular, to the International Criminal Court (ICC), Europol and Eurojust.

permanent premises often takes a considerable amount of time, due in part to the government's laborious and bureaucratic decision-making.¹³⁵

Not all organisations are satisfied with their temporary or permanent premises. Some are placed together in the same building against their wishes, while others, in whose case it would make more sense to do so given the similarity of their tasks, are not. Structural alterations to temporary premises involve substantial costs, in part because organisations do not stay there for very long. The financing of housing and rehousing projects is often a laborious process, as the required resources need to be collected from the budgets of several government institutions. This does not produce the most efficient solutions.

Most IOs indicate that they intend to remain in their present location, but this does not imply that they are fully satisfied with it at all times. Complaints that have been raised relate to vandalism, air pollution and noise pollution in the immediate surroundings of the building, inadequate security measures, lack of parking spaces, poor building management services combined with high rents and so forth.

Four IOs that completed the management survey had just finished or were about to start renovations of their current premises. IOs that recently moved to new premises or whose premises had been renovated were not satisfied with all aspects of the process. Points of criticism included inadequate help in finding alternative premises, the sluggishness of decision-making on the housing or rehousing of IOs and delays in renovation work. One IO noted that it expected more assistance in finding premises than it had thus far received from the Premises for International Organisations Unit.

Opinion of the RGD

In an interview with the IOB review team, the RGD stated that it is in favour of conducting an assessment of the future need for IO premises, which should take account of the housing needs of existing IOs and could be used to develop scenarios for dealing with new organisations that wish to base themselves in the Netherlands. Such an assessment would facilitate an integrated approach to finding premises for IOs instead of the current *ad hoc* approach, which often

¹³⁵ It appears from the reports of the Working Group on Premises of the interministerial Steering Committee on the Netherlands as Host Country that the relevant government departments – the Ministry of Foreign Affairs, the Ministry of Justice, the National Coordinator for Counterterrorism (NCTb) and the RGD – also regard the consultations on housing issues as laborious. This applies both to interministerial consultations and to consultations between state bodies and the relevant municipality. Dutch management culture and the need to obtain guarantees in order to grant permits are partly to blame for this.

results in high housing costs due to the effect of market forces in the case of an acute demand for premises.

Conclusion

The current Dutch approach to housing IOs can be characterised as *ad hoc* and reactive. As a result, IOs feel that the process of finding premises (including new premises) is often long and laborious. There are no scenarios for dealing with the future housing needs of either established or new IOs. It should be noted that the interministerial Steering Committee on the Netherlands as Host Country has not yet addressed this specific issue.¹³⁶

5.4.2 Security

IOs enjoy immunity from jurisdiction within the scope of their official activities. The headquarters agreements provide that the premises of IOs are inviolable.¹³⁷ In order to enter a building, the Dutch authorities therefore need the consent of the head of the IO concerned, except in emergency situations, such as a fire. In such cases, consent is deemed to have been granted tacitly. In principle, the premises of IOs are exempt from inspection. The headquarters agreements also contain provisions on the inviolability of the archives and documents of IOs. They may also contain provisions stating that an organisation's communications and publications are inviolable.

Box 5.3 Example of external security of IO headquarters

Article 8 (1) of the OPCW headquarters agreement states as follows regarding the security of the organisation's headquarters:

'The appropriate authorities of the Kingdom of the Netherlands shall exercise due diligence to ensure that the security and tranquillity of the headquarters are not impaired by any person or group of persons attempting unauthorised entry into, or creating disturbances in, the immediate vicinity of the headquarters. As may be required for this purpose, the appropriate authorities shall provide adequate police protection on the boundaries and in the vicinity of the headquarters.'

¹³⁶ According to several respondents, the Steering Committee could also develop or commission the development of an integrated approach to all issues (premises, public spaces, security and so forth) that are relevant to the further development and establishment of the International Zone in The Hague (see section 5.6.2).

¹³⁷ In line with what applies to foreign missions, the 'premises' of an IO include buildings or parts of buildings and associated areas (land, gardens, parking areas and so forth), regardless of their ownership, that are used for the activities of the organisation. This includes the official residence of the head of the IO.

In order to guarantee the immunity of IOs, the Dutch authorities are responsible for the external security of their premises. IOs employ their own security staff to provide internal security and ensure the safety of staff and visitors.

For obvious reasons, the policy review does not discuss specific security details. However, the IOB review team did question IOs and their staff about their general opinions on safety and security.

Opinion of IOs

In practice, the provision of external security for IO premises rarely gives rise to problems. At any rate, that is the image that the organisations presented to the IOB review team. On being asked, IOs had no specific comments on the way in which the authorities provide external security for their building or buildings. Relations between the organisations and the government agencies responsible for their external security are generally good.¹³⁸ They jointly identify current and future security problems. In addition, the National Coordinator for Counterterrorism (NCTb) continuously determines the required level of security. However, a few organisations emphasise that the location of their premises (e.g. in an office building shared with other organisations and companies) has an impact on their level of security. This also applies in cases where IOs with different tasks (and therefore different security risks) are grouped together in a small geographical area, such as the planned International Zone in The Hague (see section 5.6.2). A few organisations also commented on the Ministry of Justice's policy on issuing firearm permits to IO security staff, which they regard as restrictive.¹³⁹ Finally, one or two organisations wanted to be informed in a more timely manner about expected demonstrations in the vicinity of their premises in order to optimise the interaction between their own security services and the police.¹⁴⁰

¹³⁸ In 2006, initiatives in this area included the establishment of a working group on large-scale criminal investigations involving IOs located within the jurisdiction of the Haaglanden regional police force. This working group focused on developing a uniform procedure for such investigations and was meant to determine who is responsible for and authorised to do what in response to certain incidents, so that operations would be carried out as efficiently and effectively as possible. Among other issues, the working group considered general and additional protection of buildings and certain persons and the form that such protection should take (disaster scenarios).

¹³⁹ The Ministry of Justice intentionally operates a very restrictive policy on issuing firearm permits.

¹⁴⁰ The Protocol Guide for International Organisations notes that IOs can report any suspicion of a security threat to their buildings and/or staff to DKP or the front office (*centrale meldkamer*) of the Ministry of Foreign Affairs at any time of the day or night. The ministry will immediately inform the competent authorities of such threats. In the case of an immediate threat, IOs are advised to call the national emergency number (112). Damage to the premises or vehicles of an IO or its staff members, as a result of vandalism or burglary, should be reported to the Ministry of Foreign Affairs.

Most organisations welcome the measures adopted in the area of external security.¹⁴¹ Nevertheless, they feel that this security could be improved in a number of areas, including more effective measures against vandalism and more frequent police surveillance in the vicinity of their premises outside office hours. Ensuring the best possible compliance with UN and other security requirements for buildings and staff is an important area of improvement. The tribunals and courts consider the security measures adopted for temporary experts, defendants and visiting family members and witnesses to be adequate.

Opinion of non-Dutch IO staff

An overwhelming majority (90%) of staff believe that their working environment is sufficiently secure. A majority of staff also feel that the Netherlands offers them and their families a safe living environment.¹⁴²

Conclusion

Based on the IOs' response, it appears that the Netherlands provides adequate external security for IO premises and that its security measures relating to staff, experts, defendants and witnesses are considered to be satisfactory.

5.4.3 Medical facilities

Problems

The results of the survey conducted by IOSA-NL in 2005, which were published after the adoption of the government's position paper, indicate that there was widespread dissatisfaction among IO staff regarding the operation of the Dutch healthcare system at that time. Frequently cited problems included: long waiting lists, the lack of preventive medical care, the government's policy of reducing healthcare costs rather than focusing on patients, and the standard of the available care and treatment. It emerged from the survey that many staff elected to go abroad for medical treatment. In 2008, IOSA-NL conducted a follow-up survey.¹⁴³ Its results are presented together with those of the staff survey conducted in the framework of the present policy review (see below).

¹⁴¹ IOs do not all require the same level of visible and invisible security measures.

¹⁴² The survey indicates that 77% of staff members feel safe in the Netherlands, while 9% do not and 13% are neutral. In the comments section of the survey, a number of respondents state that there has been an increase in crime and expressions of racism and xenophobia, which has a negative impact on their sense of security.

¹⁴³ Report on the Survey on the Dutch Medical System, IOSA-NL, 28 March 2008. See also: http://iosa-nl.org/Surveys/IOSA_Medical_Survey.pdf. This web-based survey had a response rate of 36% of the total population of Dutch and non-Dutch IO staff.

Measures

These problems were already known during the preparation of the government's 2005 position paper, which introduced several measures to improve access to health care and information on the Dutch healthcare system.¹⁴⁴ Such information is considered important because the Dutch system may differ from the system in a staff member's home country. At the time of the adoption of the government's position paper, arrangements had already been made to improve the access of foreign nationals to primary medical care (family doctors) in The Hague. The government's position paper further states: 'Consultations are now taking place with relevant institutions and insurance companies on ways to improve access to specialists and to tackle the shortage of dentists in and around The Hague. In the future, these measures will be rolled out nationwide so that all Dutch-based IOs can benefit from them.'¹⁴⁵

The Ministry of Foreign Affairs is obviously not directly involved in improving the Dutch healthcare system in general. However, it can help to improve the access of non-Dutch IO staff to medical care, for example by improving the provision of information on the Dutch healthcare system and supporting planned initiatives of healthcare institutions and other interested parties relating to the availability of health care.

In recent years, various healthcare initiatives were undertaken in and around The Hague. In 2003, a working group was established to tackle the shortage of family doctors experienced by IO staff.¹⁴⁶ A number of healthcare institutions actively responded to the specific needs of non-Dutch IO staff. For example, Bronovo Hospital now operates an internationally-oriented family doctors' practice and a children's health clinic for expatriates living in The Hague.¹⁴⁷ In addition, the International Health Centre The Hague has started operating in Scheveningen. In short, these initiatives to improve the access of foreign nationals to local medical care in The Hague were undertaken by the healthcare institutions themselves. To date, no measures have been implemented at national level. As far as is known, no

¹⁴⁴ In the context of medical care, 'access' should not be confused with 'priority'.

¹⁴⁵ Government Position Paper 2005, p. 12.

¹⁴⁶ As a result of the working group's consultations with the regional family doctors association of The Hague, recently arrived IO staff were able to find a family doctor within a short period of time. The working group also examined the possibility of establishing a family doctors' practice for non-Dutch IO staff where family doctors with international experience and knowledge of one or more foreign languages would provide primary medical care.

¹⁴⁷ Every two weeks, children (aged 0 to 18) can visit the doctors at the clinic for treatment of non-acute medical problems.

measures have been taken to tackle the shortage of dentists in and around The Hague.

Informing staff about the Dutch healthcare system is first and foremost the responsibility of IOs. To this end, the Ministry of Foreign Affairs has compiled documentation that organisations can distribute to their new and existing staff members. The documentation refers to the Xpat Desk in The Hague and ACCESS.¹⁴⁸ Both organisations provide general information on medical care in the Netherlands. The Xpat Desk provides this information for free on its website, while ACCESS has various publications, including one on the Dutch healthcare system, that can be purchased through its website. The ‘New to Holland’ website¹⁴⁹ does not provide detailed information on the operation of the Dutch healthcare system.

The Ministry of Foreign Affairs recently asked the Ministry of Health, Welfare and Sport to prepare an English-language information leaflet on the Dutch healthcare system. Another recent initiative is the ‘My first month in the Netherlands’ project (see section 5.5.), which focuses, among other things, on providing better information on the Dutch healthcare system.

Opinion of IOs

It is apparent from the management survey that IOs regard health care as an important issue. In this context, a few organisations draw attention to the results of the above-mentioned IOSA-NL survey. The findings of the survey appear together with the opinion of non-Dutch IO staff (see below).

IOs based in The Hague note that there has been a slight increase in the number of hospital and family doctors who have an international background (i.e. work experience in other countries) and are able to provide their services in several languages. However, they consider that further improvements are still necessary. In addition, it appears that not all IOs in and around The Hague are aware of the establishment of a number of internationally-oriented family doctors’ practices in order to improve expatriates’ access to medical specialists. One organisation has independently taken steps to improve its staff’s access to family doctors.

¹⁴⁸ More information on the Xpat Desk of the municipality of The Hague appears in sections 5.5 and 5.6.2. ACCESS is a non-profit organisation committed to supporting the international community in the Netherlands. See: www.access-nl.org.

¹⁴⁹ This website provides information on matters that persons who are settling in the Netherlands must deal with at various government institutions. It is similar to the ‘My first month in the Netherlands’ initiative and was established by the relevant Dutch government departments and agencies. See: www.newtoholland.nl.

As indicated, no specific measures have been taken outside the Hague area to improve access to family doctors and other healthcare providers. One IO has concluded an agreement with a nearby hospital in order to increase its staff's access to specialist medical care. A few IOs based in South Limburg report that they rarely experience problems, as their staff are able to make use of specialist medical facilities in Belgium (Liège) and Germany (Aachen) with relative ease.

Opinion of non-Dutch IO staff

It can be inferred from the many comments made by respondents in the staff survey that the quality of and access to medical care in the Netherlands are key areas of concern. The complaints fall into two categories. IO staff are dissatisfied with the way in which health care is provided and also highlight the inadequate provision of information on the health care system.

The overall negative attitude of IO staff towards Dutch health care is largely in line with the results of a survey conducted by IOSA-NL among the Dutch and non-Dutch staff of eight IOs in the summer of 2007, which were published at the beginning of 2008. The most important finding is that '... a majority of respondents, although generally satisfied with the provision of services by medical professionals, expressed dissatisfaction with the state of the healthcare system in the Netherlands, and commented favourably on how much better such provision was both abroad ... and in their home countries. ... [T]he primary focus of the negative assessment of the provision of care was the system itself, its bureaucracy, its systemic flaws (reinforced by recent reforms), and the many obstacles/mechanisms that hinder responsiveness to patients' needs.'¹⁵⁰ It transpired that 43% of respondents to this survey had a negative opinion of the system as a whole.

The survey of non-Dutch staff of all IOs conducted in the framework of the present policy review paints a much more negative picture. A significant majority (63%) of respondents¹⁵¹ are dissatisfied or very dissatisfied with the quality of the Dutch healthcare system.¹⁵²

¹⁵⁰ IOSA-NL report 2008, p. 2.

¹⁵¹ Ninety-five per cent of respondents had an opinion on this issue. Almost three-quarters of those who did not have an opinion had resided in the Netherlands for less than two years.

¹⁵² The difference in scores may be explained by the fact that the IOB review only targeted non-Dutch IO staff and that it covered a larger number of organisations than the IOSA-NL survey. The results of the IOSA-NL survey do not reveal whether non-Dutch IO staff had a different – perhaps more critical – opinion than their Dutch colleagues.

IO staff feel that the way in which the system operates is unclear, as they have insufficient knowledge of rules and procedures. Forty-one per cent of respondents regard the information they receive on the Dutch healthcare system as adequate, while one-third (31%) regard it as inadequate and the rest are neutral. IO staff have a more negative opinion of the information that is available directly from the Dutch government. Only a very small proportion (12%) of respondents feel that there has been an improvement in this area since 2005.¹⁵³

Frequently-cited complaints include:

- the ‘gatekeeper’ role of family doctors;
- the trade-off between saving costs and the contents of health care;
- long waiting periods for specialist medical treatment;
- the less than courteous conduct of family doctors, first-aid staff and medical specialists;
- the failure of healthcare professionals to share information with clients/patients;
- limited access to healthcare facilities and pharmacies at weekends;
- the DBC-based invoicing method;¹⁵⁴
- the restraint in prescribing drugs;
- the need to turn to healthcare facilities in other countries, particularly for preventive but also for palliative care, which is due not only to long waiting periods but also to the feeling that health complaints are not taken sufficiently seriously by family doctors at the initial consultation, leading to a lack of trust in the standard of treatment; and
- the need to take out double health insurance for family members due to the introduction of the Healthcare Insurance Act 2006.¹⁵⁵

Various respondents acknowledge that the problems of the Dutch healthcare system affect the Dutch population as a whole. However, many of them are accustomed to receiving rapid treatment in private clinics. The option of receiving

¹⁵³ Almost half (48%) of all respondents feel that there has been no improvement and 40% are neutral.

¹⁵⁴ Under the diagnosis treatment combination (DBC), healthcare insurers pay one price for all the treatment provided to a patient on the basis of a single diagnosis.

¹⁵⁵ Following the introduction of the 2006 Healthcare Insurance Act, it emerged that staff members of four IOs who already had healthcare insurance via their organisations were also obliged to take out a separate (i.e. second) healthcare insurance policy for their family members. Alternatively, their family members could choose the highly unattractive alternative of opting out of the Dutch social care system. However, the four organisations affected by the new legislation account for almost half of all staff members employed by Dutch-based IOs. Many staff members were forced to take out two healthcare insurance policies (both via their IO and with a Dutch healthcare insurer), which obviously increased their expenses. For more information on how this situation came about, see box 5.8 in section 5.5.

swifter or better care in exchange for more money does not exist in the Netherlands.

Staff living in the Hague area were asked whether the provision of medical care had been improved and modified to suit their needs (English-speaking family doctors, the possibility to book hospital appointments and the establishment of international medical centres) since 2005. It is impossible to work out from their answers whether this was indeed the case: one-third of respondents see an improvement, one-third are neutral and one-third do not see any improvement. Both inside and outside the Hague area, the vast majority (80%) of respondents note that the government should play a role in improving the availability of medical facilities focusing on the needs of foreign nationals.

It should be noted that the Ministry of Health, Welfare and Sport is adopting a cautious approach with regard to the possibility of taking steps to improve access to hospitals and specialist medical treatment specifically for the international community in the Netherlands. Measures targeting particular groups within Dutch society, such as non-Dutch staff members of IOs or companies, might set a precedent. In addition, certain categories of Dutch residents should not be given priority over others. The improvement and expansion of English-language health care in The Hague was carried out by the healthcare institutions themselves, partly at the suggestion of the municipality and the Ministry of Foreign Affairs. The Ministry of Health, Welfare and Sport does plan to publish an English-language information leaflet on the Dutch healthcare system.

Conclusion

The Dutch healthcare system appears to be a source of dissatisfaction for many non-Dutch IO staff. This applies to its structure (such as the 'gatekeeper' role of family doctors) as well as to its cultural aspects (such as the system's egalitarian nature and the restraint in prescribing drugs). It speaks for itself that the government cannot tackle these issues only on behalf of such a small target group, and non-Dutch IO staff acknowledge this. Measures adopted to improve the provision of information about the Dutch system and facilitate the access of IO staff to medical care are improvements, but have so far not eliminated the dissatisfaction. It should be stated explicitly that this is not about granting priority health care to IO staff (or any other population group in the Netherlands). However, the above-mentioned dissatisfaction undermines the attractiveness of the Netherlands as a host country.

5.4.4 International education

Problems

The government's position paper briefly addresses international education in and around The Hague and notes that the demand for this type of education has risen significantly as a result of the establishment of new international organisations and companies. Referring to a study carried out by the Netherlands Economic Institute (NEI),¹⁵⁶ it states that IOs account for approximately 50% of the total number of students at international schools in the Hague area.

In 2006, IOSA-NL conducted a survey in which it asked staff members of ten IOs for their opinions on the educational situation in the Netherlands.¹⁵⁷ Nine of the ten organisations are based in and around The Hague, and the findings of the survey accordingly provide an accurate reflection of the state of international education in the Hague area.¹⁵⁸

The IOSA-NL survey concludes that facilities in the field of international education do not adequately meet the needs of IO staff. It specifically identifies eight issues that require attention:

- the lack of educational capacity and the anticipated growth (29.5%) in student numbers;
- the relatively large number of children (296) who reside outside the Netherlands for educational purposes;
- the serious interest in the establishment of a European school in the Hague area (families with a potential of 1,296 children);
- the lack of information on subsidies and the length of waiting lists for childcare facilities (crèches/nurseries and after-school childcare);
- the lack of information on and the length of waiting lists for the Dutch school system (primary and secondary education);
- the need to reform the governance structure of schools with an international stream;

¹⁵⁶ International Education in the Hague area, NEI Regional and Urban Development, November 2001.

¹⁵⁷ IOSA-NL, *Current and Future Needs for the Education of Dependents of Employees of International Organisations – Report on Survey Results* (2006). The survey related to staff with family members aged between 0 and 18 who lived in the Netherlands or whose children attended schools in other countries and staff members without children who were interested in the educational situation in the Netherlands for any children they might have in the future. The survey covered 1,029 households including 2,135 dependent children up to the age of 19.

¹⁵⁸ One organisation is based in the province of Limburg. Strictly speaking, the European Space Agency/European Space Research Technology Centre (ESA/ESTEC) is also located outside the Hague area, although its seat (Noordwijk) is relatively close to The Hague.

- the lack of facilities for mother-tongue education¹⁵⁹ and children with special needs (special education); and
- the lack of affordable international education for IO staff who do not receive an education subsidy from their organisation.

Measures

The government's position paper describes a number of initiatives in the field of international education in the Hague area, including the initiative of the International School of The Hague to provide a continuous curriculum for children aged between 4 and 18 in order to keep up with increasing demand. It also notes that there are plans to establish a European school with different language streams in the Hague area. In short, the government's position paper implicitly acknowledges the shortage of certain types of facilities. However, it does not formulate any specific policies in this regard.

The majority of international primary and secondary schools are located in the Hague area.¹⁶⁰ The education policy of the municipality of The Hague also focuses on international education, including higher education. The range of international education available in and around The Hague includes foreign national schools, such as the American, British, French and German schools,¹⁶¹ Dutch schools with an international stream, such as the Haagsche Schoolvereeniging (HSV Foundation), and the International School of The Hague, which offers primary and secondary education.¹⁶² Finally, an increasing number of Dutch secondary schools are offering bilingual (Dutch-English) education. The International School of The Hague's recent move to a new building in Kijkduin enables it to provide primary and secondary education at one location.

According to the municipality of The Hague, the range of international education available in and around The Hague is currently sufficient. This does not mean that there are no problems. For example, the capacity of the International School of The Hague is limited, which is one of the reasons for the need to establish a European school in the Hague area. The debate on the possibility of establishing a European school or European streams within existing schools has gone on for a

¹⁵⁹ This is relevant for persons who return to their own countries after a relatively short stay in the Netherlands.

¹⁶⁰ One exception is the European School in Bergen (North Holland), which was set up in response to the demand for international education resulting from the establishment of the Institute for Energy in Petten.

¹⁶¹ These schools operate on the basis of the rules that apply in the relevant country, are governed independently and are not funded by the Dutch government.

¹⁶² These schools fall under Dutch law and receive additional subsidies from the Ministry of Education, Culture and Science. Their fees are lower than those of foreign national schools but higher than in mainstream Dutch education.

long time. In addition, various studies indicate that there is ample demand for international primary education. However, there are also signs that demand for international secondary education is slowly stabilising.

The Ministry of Education, Culture and Science participated in the working group on international education of the interministerial Steering Committee on the Netherlands as Host Country. Based on a survey of the availability of international education, the ministry is willing to support the initiative to establish a European school. The International School of The Hague plans to establish a European baccalaureate diploma stream in September 2010. The municipality of The Hague, the ministry and the school still need to conclude an agreement in this regard.

Opinion of IOs

Ten of the 16 IOs based in and around The Hague that responded to the management survey are satisfied with the range of international education on offer. The other organisations are critical in this regard and comment on the excessive cost of such education and the peripheral location of the schools in relation to the centre of The Hague. Other complaints include long waiting lists and the fact that it is very difficult or even impossible for children enrolled in mainstream Dutch primary schools to gain places in international secondary schools. The high cost of international education obliges some parents to send their children to schools where Dutch is the sole language of instruction. A drawback of the American, British, French and German schools is that they do not teach Dutch. A few IOs welcome the initiative to establish a European school in the Hague area, as this would increase the availability of education in European languages other than Dutch, English, French and German. They also draw attention to the lack of educational facilities for children aged 12 and over with special educational needs.

Children of IO staff based elsewhere in the Netherlands have less easy access to international education. Those who live relatively close to The Hague often make use of organised school transport.

Opinion of non-Dutch IO staff

IO staff raise the same issues as IOs in connection with the availability of international education. They are interested in establishing a European school in the Hague area, in part because they hope that greater availability of international education will push down costs.

One-quarter of staff members who expressed an opinion¹⁶³ feel that the availability of international primary education in the Netherlands is insufficient, while one-fifth (21%)¹⁶⁴ feel that the availability of international secondary education is insufficient. Moreover, one-fifth (21%) of respondents are dissatisfied with the availability of international higher education.¹⁶⁵ These percentages are similar to the 28% of respondents who expressed negative views in the IOSA-NL survey, which did not distinguish between primary and secondary education.

Parents of young children also report problems in finding suitable and affordable childcare (see box 5.4).

Box 5.4 Childcare

Both the staff survey and the IOSA-NL survey indicate that parents of babies and pre-schoolers experience problems in connection with childcare in day nurseries. Parents also feel that the availability of after-school childcare is too limited. Key complaints in this area relate to high costs, long waiting lists, the limited availability of English-language childcare and inflexible opening hours. In addition, the surveys note that expatriates are highly dependent on good childcare outside the family framework, because they simply do not have family members close at hand who can take on this task.

In the 2006 IOSA-NL survey, respondents also noted that privileged persons did not fall under the Childcare Act. However, this situation was changed in January 2007, as apparent from a note verbale from the Ministry of Foreign Affairs on the eligibility of privileged persons for childcare benefit. In addition, CB/IFB briefed IOs on how staff members who are not registered in the municipal personal records database (GBA) and therefore do not have a digital identity (DigiD) can nevertheless claim childcare benefit. Finally, the CB/IFB explained how domestic servants can serve as host parents and how parents can calculate their assessable income for childcare benefit applications.

Although a few staff members noted in the survey that they are currently receiving this benefit, it appears that the possibility to apply for it is still largely unknown.

¹⁶³ Fifty-nine per cent of respondents had an opinion on this issue.

¹⁶⁴ Fifty-five per cent of respondents had an opinion on this issue.

¹⁶⁵ Fifty per cent of respondents had an opinion on this issue.

According to IO staff, the provision of information on international education needs to be improved.¹⁶⁶ A large group is also of the opinion that the Dutch government can and should do more to achieve a better balance between the availability of and demand for international education. This applies to IO staff both within and outside the Hague area.

Conclusion

The government has explored possibilities for improving the availability of international education in and around The Hague, for example by commissioning studies of supply and demand. A few measures have resulted in improvements. The plan to establish a European stream at an existing international school is a good initiative. There is a shortage of international educational facilities for children with special needs.

As regards multilingual childcare, it appears that IO staff are confronted by long waiting lists and high costs. The problem is especially pressing for this group, as they are generally less able to rely on family members for childcare. It should be noted that IOs have thus far not used their combined market power to increase the availability of multilingual childcare.

5.4.5 Conference facilities

Problems and measures

The government's position paper states that there is 'substantial demand in The Hague for high-class professional conference facilities for large international conferences' (p. 11). The Netherlands is striving to ensure that the standard of these facilities is such that The Hague is able to host large conferences with greater frequency. The government's position paper further states that, for the most part, the facilities available in The Hague are able to satisfy the demand. It therefore does not refer to a need to expand such facilities, but does refer to the refurbishment of the Netherlands Congress Centre, which was to be carried out in cooperation with the municipality of The Hague. According to the government's position paper, the Ministry of Foreign Affairs regularly provides conference facilities, complete with technical equipment and booths for simultaneous interpretation available. A few hotels also have conference facilities.

¹⁶⁶ Fifty-seven per cent of respondents had an opinion on this issue. One-third (36%) felt that the information provided was inadequate.

The Netherlands Congress Centre, which is now known as the World Forum, has been completely redesigned.¹⁶⁷ The World Forum currently presents itself as an organisation that supports gatherings on the subject of peace and security, an issue that The Hague also seeks to advance in its role as the legal capital of the world. The World Forum is a commercial enterprise and is centrally located in The Hague's International Zone.

Opinion of IOs

According to IOs based in and around The Hague, the supply of conference facilities is sufficient. No organisations cited shortcomings in this area. The necessary capacity was only reduced temporarily during the renovation of the Peace Palace's Academy Building in 2006. Some IOs have adequate conference facilities within their own buildings. This enables them to apply stringent security measures that other conference facilities cannot necessarily provide.

Conclusion

The supply of conference facilities may be characterised as sufficient.

5.4.6 Accessibility

Problems and measures

The government's 2005 position paper stated that The Hague was sufficiently accessible from other international centres, due to its good rail links with large international airports like Schiphol Airport and Brussels Airport and the planned entry into operation of the High Speed Rail Link South (HSL-Zuid).¹⁶⁸ However, the government did acknowledge the existence of a growing congestion problem on the access roads to and from the centre of The Hague in the morning and evening rush hours. It stated that measures aimed at improving access to The Hague by car should devote particular attention to the accessibility of IOs.

The HSL-Zuid rail line will probably enter into operation at the end of 2009. Once the high-speed train service is fully operational, a fast train from The Hague to Rotterdam that connects to the HSL-Zuid service to Brussels and Paris will run eight times a day.¹⁶⁹ The Hague still has congestion problems in the morning and

¹⁶⁷ In April 2008, *Het Erkende Congresbedrijf* (the Official Conference Company) awarded the World Forum its highest classification – five 'gavels' – based on the quality of its facilities, services and amenities.

¹⁶⁸ The government's position paper did not comment on the accessibility of IOs based elsewhere in the Netherlands. South Limburg is home to four IOs, including three of considerable size.

¹⁶⁹ See: <http://www.hslzuid.nl/hsl/vervoer/haltes/denhaagcs/index.jsp>.

evening rush hours that reduce access to the city centre. So far, the access routes to IOs have not been changed, but the municipality plans to construct a tunnel under the Johan de Wittlaan to improve traffic flows to and from the International Zone.

Opinion of IOs

IOs consider the Netherlands to be accessible due to its good infrastructure, Schiphol Airport and the relatively short travel time to several important European cities, such as Brussels and Paris. They also regard the accessibility of their own organisation via public and private transport as sufficient, although some organisations feel that their accessibility by public transport could be improved. A problem raised by five IOs that are based in The Hague and one that is not is the shortage of parking spaces for staff and visitors. Other suggestions relate to increasing the number of flights from Rotterdam Airport, the possibility of establishing taxi ranks close to organisations and the need for better signposting of IOs within The Hague. The last suggestion has the added benefit that residents of and visitors to The Hague will become more accustomed to the presence of IOs in the city.

Opinion of non-Dutch IO staff

Almost all staff (93%) are satisfied with the access to their organisation by private transport. A substantial proportion (84%) are also satisfied with the access to their organisation by public transport. Staff of organisations based elsewhere in the Netherlands are less satisfied with the access to their organisation by public transport than their colleagues who work in the Hague area.

Conclusion

The Dutch government has not taken any specific steps to improve the accessibility of IOs, as there was no reason to do so. However, it is essential to maintain the current level of accessibility.

5.5 Information and communication

Communication and the supply of information form an intrinsic part of the services that the Dutch government provides to IOs and their staff. Timely, complete and clear information and communication are essential to them in order to operate effectively within Dutch society. It is also important that the various government departments and agencies involved in the implementation of IO policy inform each other in a timely and adequate manner about changes in policy and implementation. This section examines the provision of information by the Dutch government and

communication by government organisations with IOs and their staff. Where relevant, it also discusses the provision of information by other actors.

Problems

The IBO report noted that IOs wanted information and communication about Dutch legislation and relevant policy developments to be improved. They had informed the Ministry of Foreign Affairs on several occasions of their concern about the fact that they were not consulted in a timely manner about policy developments that had significant implications for them. Examples of this included the introduction of the Benefit Entitlement (Residence Status) Act in 1998 and the Income Tax Act in 2001. The failure to inform IOs of these important developments in a timely manner generated a lot of frustration.

Another issue related to information and communication is that non-Dutch IO staff have considerable difficulty functioning in Dutch society because a lot of information is available only in Dutch.¹⁷⁰ This applies to documentation issued by municipal authorities, central government implementing organisations and commercial companies, as well as to information on websites and telephone menus.¹⁷¹

This problem is most acute and pronounced for staff members immediately after their arrival in the Netherlands. During this period, they must take care of several matters in order to sort out their own residence and, where relevant, that of their family. This problem continues to exist afterwards, albeit to a lesser extent. The staff survey indicates that a majority of staff members speak little or no Dutch. Fourteen per cent of staff members claim that they do not speak Dutch, while 44% indicate that they speak enough Dutch to get by. Twenty-two per cent of non-Dutch IO staff claim to speak Dutch reasonably well and 20% indicate that they are fluent.

Measures

The government's position paper notes that 'there will be systematic communication with IOs and foreign missions in the Netherlands about relevant policy

170 Neither IBO report nor IOSA-NL mention this particular problem, but it is very apparent from the current review and is considered to have existed before 2005 as well.

171 Many websites contain general information in English (on the homepage). However, when a user clicks a link to obtain more specific information, it often turns out that the information concerned is available only in Dutch. Call centres and automatic telephone menus are poorly adapted to users who prefer to receive their information in English. See also V. Kuiper, *My first month in the Netherlands*, BA thesis, Utrecht University, 2008. At the request of DKP, Kuiper carried out a study of the problems generally experienced by expatriates, as part of his bachelor's degree at Utrecht University. The results of his study match the responses of non-Dutch staff members in IOB's staff survey.

developments and planned legislative changes'. This was one of the purposes of the measures designed to strengthen the interministerial framework, which included the establishment of an interministerial steering committee (see chapter 4). In addition, the existing practice of inviting all IOs to annual or biannual meetings with the Secretary-General of the Ministry of Foreign Affairs to discuss relevant policy developments and issues would be maintained. 'In this way, the government offers IOs a forum in which to raise issues that are giving rise to problems on the ground. Other ministries and the municipality of The Hague are also represented at these meetings.'¹⁷² Another initiative related to communication was the plan to have the Steering Committee on the Netherlands as Host Country send an annual policy report to the House of Representatives.

The Ministry of Foreign Affairs took the following steps to improve communication and the provision of information:

- As noted in chapter 4, the Protocol Department (DKP) was allocated additional staff. In addition, an Ambassador for International Organisations (AMIO) was appointed in 2006 to maintain high-level contacts with IOs (and other ministries).
- In 2006, the outdated Protocol Guide for International Organisations was thoroughly revised and reissued. To increase its accessibility, the 2006 guide and the 2008 revised edition were also made available on the Ministry of Foreign Affairs' website (see below).
- As in the past, DKP regularly issues *notes verbales*¹⁷³ to IOs with information on new legislation.
- As described in chapter 4, the interministerial Steering Committee on the Netherlands as Host Country was established in the autumn of 2005. This committee, which is headed by the Ministry of Foreign Affairs, enables other ministries to notify each other of planned legislation and policy changes in a timely manner.¹⁷⁴
- From 2006 onwards, in its capacity as the chair of the Steering Committee, the Ministry of Foreign Affairs has sent annual reports to Parliament on the implementation of the measures outlined in the government's position paper.

172 See Government Position Paper 2005, pp. 7 and 12.

173 As a rule, *notes verbales* are drafted in English. Where necessary, they are also drafted in French.

174 The Steering Committee does not function optimally in this regard. As a result, the Ministry of Foreign Affairs (DKP/DIO) is often obliged to obtain essential information via bilateral contacts with other ministries.

- As of the beginning of 2005, the Desk for International Organisations (DKP/DIO) has intensified its contacts with IOs. It visits every organisation once a year and holds frequent consultations with the ‘larger’ IOs. Where relevant, it conducts visits together with other government agencies, such as the Central Bureau for International Tax Treatment (CB/IFB).
- The practice of inviting all IOs to annual or biannual meetings with the Secretary-General of the Ministry of Foreign Affairs to discuss relevant policy issues, which existed before 2005, has not been applied for some time.
- DKP/DIO regularly organises information meetings and briefings for IOs and their staff, if necessary in cooperation with other government departments. These gatherings usually take place at the request of one or more IOs and focus on issues such as privileges and immunities, social security, taxes, and immigration and naturalisation.
- In 2008, the Ministry of Foreign Affairs and the Ministry of Economic Affairs launched a joint project to develop a web portal where staff of IOs, embassies, consulates, companies and NGOs, as well as self-employed persons, can obtain information about and gain access to various services in the Netherlands. This applies, in particular, to matters that need to be dealt with directly after arrival in the Netherlands. It appears that this project, entitled ‘My first month in the Netherlands’, can be linked to an existing web portal (www.newtoholland.nl) that was established in part by organisations belonging to the Manifest group.¹⁷⁵ These two initiatives are currently being integrated.

Protocol Guide for International Organisations

Following the adoption of its 2005 position paper on attracting and hosting IOs, the government decided to publish a revised edition of the Protocol Guide for International Organisations. The purpose of this guide, which is subtitled ‘Your stay in the Netherlands’, is to inform the personnel departments and staff of IOs about a large number of issues that they have to deal with in the context of their arrival and residence in the Netherlands. The Protocol Guide for International Organisations is based on a similar document – the Protocol Guide for Embassy and Consular Staff – that has been published periodically for the staff of foreign missions in the Netherlands for many years.

The guide was first published in 2000. In 2006, the government published an updated version that reflected the state of affairs on 1 October 2006 in terms of

¹⁷⁵ The Manifest group, whose members include the Tax and Customs Administration, the Centre for Work and Income (CWI), IND, the Social Insurance Bank (SVB) and the Employee Insurance Agency (UWV), aims to improve the provision of public services.

legislation relevant to IO staff. Due to constant legislative changes, the government decided to amend the guide on a regular basis. An updated and more detailed edition was published in March 2008. As of 2007, the guide can also be consulted on the Ministry of Foreign Affairs' English-language website. A French version is also available.¹⁷⁶

The guide provides essential information on the following topics:

- admission to the Netherlands and the procedure for obtaining visas;
- obtaining identity cards by registering with the Ministry of Foreign Affairs (this section provides information on several issues, including types of status, criteria for issuing identity cards to staff members and their families, the initial registration procedure and the need to notify the ministry of any changes in family composition, residence, employer¹⁷⁷ or position with an existing employer);
- criteria for granting permanent residence status;
- rules relating to private and domestic servants;
- immunities and the interaction of law enforcement officers with privileged persons;
- fiscal privileges, the interaction of privileged persons (and IOs) with the Dutch tax system and the provision of information by CB/IFB in this regard. Specific issues covered include exemption from income tax, the taxability of sources of income other than salaries, municipal taxes and the procedure for obtaining VAT refunds, the citizen service number and any benefits (e.g. childcare benefit) to which privileged persons might be entitled;
- importing and obtaining registration certificates for vehicles, selling tax-free vehicles, notifying the Road Transport Agency (RDW) of changes of address, information on the annual vehicle inspection (APK), the use of foreign driving licences, the procedure for obtaining parking permits and so forth;
- special arrangements for privileged persons at Schiphol Airport;¹⁷⁸
- matters relating to the protection of persons and buildings of IOs (including firearm permits);
- the Dutch social security system; and

¹⁷⁶ See: http://www.minbuza.nl/en/welcome/comingtoNL_staff_of_foreign_missions/Protocol-Guide-for-International-Organisations.html and http://www.minbuza.nl/binaries/en-pdf/protocol_guide-io-french-2008.pdf.

¹⁷⁷ For example, acquiring a position with a different Dutch-based IO.

¹⁷⁸ Since April 2008, the VIP service is no longer available.

- other issues, including the procedure for obtaining a ‘certificate of good conduct’.

In addition to this information, the guide contains detailed instructions on obtaining visas for IO staff, their family members or relatives and private or domestic servants; a detailed overview of the fiscal privileges of various staff categories; and a list of addresses of key public and semi-public institutions and all Dutch-based IOs.

In short, the guide is meant to serve as a practical manual for the personnel departments and individual staff members of IOs. However, rights can only be derived from the provisions of the headquarters agreements of IOs.

Municipal Xpat Desk

It emerged from the Ministry of Foreign Affairs’ contacts with IOs that international officials had many questions regarding issues that fall under the responsibility of central government and the municipal authorities. In many cases, the personnel department of the organisation concerned would direct the question to DKP, which would subsequently pass it on to the relevant government department.¹⁷⁹ This approach was time-consuming for DKP as well as laborious. In 2006, the interministerial Steering Committee on the Netherlands as Host Country therefore instructed a special working group to draw up plans for the establishment of a helpdesk within the municipality of The Hague to which individual expatriates would be able to address questions for the municipal authorities and central government. The reason for establishing this desk within the municipality of The Hague is that approximately 9,000 international officials work in and around The Hague. Together with their families, they account for approximately 25,000 persons.¹⁸⁰ International companies based in and around The Hague were also in need of such a service. The desk has now been established (see box 5.5).

179 The Tax and Customs Administration forms an exception to this rule. IO and their staff can approach CB/IFB directly.

180 Draft report of the Helpdesk Working Group, 7 April 2006.

Box 5.5 The Xpat Desk of the Hague Hospitality Centre

The Xpat Desk is a joint initiative of the municipality of The Hague and central government. The municipality has made room for a counter in the lobby of city hall and provides the staff. The Ministry of Foreign Affairs has seconded a staff member for a certain period. The helpdesk is part of the Hague Hospitality Centre, which was initially set up to serve members of the international media. The Xpat Desk's website states:

'The Xpat Desk of the Hague Hospitality Centre is the first point of contact for (new) residents of The Hague. It has been created especially for expatriates who are working and living in The Hague. The desk offers a welcome package to new arrivals and forms a point of contact between the individual expat and the municipal administration. It provides information on the services of various municipal departments (parking permits, marriages, registration of birth, converting driving licences, rubbish collection, etc.). The Xpat Desk also supplies basic information on health care and education, for example.'

The Xpat Desk, which has six staff members, provides services at its information counter as well as online services and referrals. It has a detailed website that is available in English and French. Furthermore, it has set up a network of City Consuls and organises various activities, such as the 'Welcome to The Hague' programme, which focuses on foreign nationals and their families who have recently arrived in the city.

More information on the Xpat Desk can be found in section 5.6.2.

The municipality of The Hague has thus taken the lead in improving communication with and the supply of information to non-Dutch IO staff and other foreign nationals living in and around The Hague. It appears from a survey carried out by the Ministry of Economic Affairs' Netherlands Foreign Investment Agency that several municipalities have copied this initiative.¹⁸¹ These new

¹⁸¹ This survey, which dates from October 2007 and was presented at a meeting of the Steering Committee on the Netherlands as Host Country on 8 November 2007, revealed the following. Various municipalities, including Amsterdam, Eindhoven, Nijmegen and Rotterdam, have detailed plans to establish a helpdesk or have placed the issue on their agenda. IND is establishing front offices throughout the Netherlands. Together with the Netherlands Foreign Investment Agency, IND, the Chamber of Commerce and the Centre for Work and Income (CWI), Schiphol Airport is developing plans for a national desk that focuses on providing information and administrative procedures.

initiatives focus on foreign companies that are based or plan to base themselves in the Netherlands, as well as their staff, but are also relevant to IOs.

In addition to the role of the Xpat Desk as a provider of English-language services, the municipality is working hard to provide more English-language documentation. In this context, however, it acknowledges that it must respect current Dutch integration policy, which places a strong emphasis on integration through knowledge of Dutch and discourages the provision of information in other languages. Making documentation available in English but not – or no longer – in other languages that are spoken by large groups of Dutch residents is therefore a sensitive issue.¹⁸² Nevertheless, in August 2008, a member of the municipal council of Amsterdam advocated making English the city's second working language (see box 5.6).

Box 5.6 Plea to make English the second language of Amsterdam

ANP report of 8 August 2008

AMSTERDAM – ‘In addition to Dutch, English should become an official working language in Amsterdam. Thus argues Jan Paternotte, council member on behalf of the Amsterdam branch of Democrats ‘66, as he confirmed on Friday in response to a report in the newspaper *Het Parool*. According to Mr Paternotte, one in ten residents of Amsterdam speak English but not Dutch. They have no problems being served in shops or cafes, but the same does not apply to the municipality. Taxes: “If you want to find out about municipal taxes or when rubbish is collected, you can only do so in Dutch. And if you stand on the steps of the tram, which is forbidden, the conductor barks at you in Dutch.” Global city: According to the council member, police officers also only speak Dutch. “It is impossible to make a statement in English. This can only be done at one specially designated police station in the city.” According to Mr Paternotte, Amsterdam will only truly emerge as a global city if English becomes the capital’s second language.’

Other initiatives for providing English-language information

The government has taken various initiatives to promote the provision of information in English. As a rule, the Ministry of Foreign Affairs (DKP/DIO and

¹⁸² One example of the tension between multilingualism and integration concerns the Kids Walk for pupils of the international school in Kijkduin. In order to promote integration, a class from a Dutch primary school was also invited to this event, which was organised by the municipality in 2008 along similar lines to the ‘Welcome to The Hague’ programme for recently arrived foreign nationals. Nevertheless, the press managed to cast this event in a negative light because it was felt that other groups had been excluded from the event.

DKP/BV) communicates with IOs in English and, where necessary, French. Documentation like the Protocol Guide for International Organisations is available in both English and French.

The policy review has not surveyed all initiatives to provide English-language information. Such a survey is being carried out in the framework of the aforementioned ‘My first month in the Netherlands’ project. Box 5.7 provides a few examples of other organisations that are trying to accommodate the desire of foreign nationals living in the Netherlands to communicate in English.

Box 5.7 Examples of English-language communication

Various organisations are trying to accommodate the desire of foreign nationals living in the Netherlands to communicate in English. For example:

- Organisations place English-language dummy forms on their websites to enable foreign nationals to fill out the corresponding official Dutch forms without too much difficulty.
- Foreign nationals visiting the Xpat Desk of the municipality of The Hague receive practical assistance. For instance, one of the desk’s staff members may guide a foreign national through the Dutch telephone menu of a public utility or telecommunications company or resolve issues involving such companies by telephone in the presence of the customer.
- Based on the Ministry of Finance’s policy in this regard, the Tax and Customs Administration only uses Dutch forms and officially discourages tax offices from communicating with taxpayers in any language other than Dutch. CB/IFB in Rijswijk (see section 5.2) offers advice and assists non-Dutch IO staff to file their tax returns. If requested, it provides these services in English.
- The Manifest group, whose members include the Tax and Customs Administration, the Centre for Work and Income (CWI), IND, the Social Insurance Bank (SVB) and the Employee Insurance Agency (UWV), aims to improve the provision of public services. It has launched several initiatives to achieve this, including an interactive English-language website (www.newtoholland.nl).
- For several years, Dutch Railways (NS) have posted information on their ‘house rules’ in both Dutch and English in almost all their trains.¹⁸³

¹⁸³ Given the large number of foreign nationals that use public transport in The Hague on a daily basis, it is surprising that The Hague Tram Company (HTM) has not followed Dutch Railways’ example.

Opinion of IOs

IOs note that there has been an improvement in communication and the supply of information. There is closer cooperation between the government and IOs in order to prevent incidents and solve problems in a timely manner. IOs further note that information is provided in a more professional manner and that the government devotes more attention to their needs and problems.

According to IOs, the strengthening of DKP/DIO and the appointment of the Ambassador for International Organisations (AMIO, see chapter 4) have contributed significantly to the improvement in communication between the organisations and the Ministry of Foreign Affairs.

IOs also value the periodic meetings with the Secretary-General of the Ministry of Foreign Affairs, which provide a forum for the exchange of views and information. A number of organisations wonder whether the frequency of these meetings has been changed, as they have not taken place for some time.

The Protocol Guide for International Organisations is regarded as a very useful tool for issues concerning the organisation as a whole as well as matters that personnel departments must deal with on behalf of non-Dutch staff. IOs believe it is important to update the guide on a continuous basis. Due to the recent publication of an electronic version of the guide, this should be simple and inexpensive to do. However, some IOs have suggested that the government should provide personnel departments with a few practical guidelines for applying the rules contained in the guide. The same applies to *notes verbales*.

IOs have great appreciation for the way in which CB/IFB communicates with them.

Finally, IOs based in the Hague area note that the establishment of the Xpat Desk of the municipality of The Hague is a very good initiative that has improved communication with individual IO staff members on a wide range of issues.

In spite of all this, IOs believe that the government should address the following issues:

- Legislative changes are prepared without systematically devoting attention to or taking account of the specific situation of IO staff. The most frequently cited example in this regard concerns the preparation and adoption of the 2006 Healthcare Insurance Act (see box 5.8).

- Information on planned or adopted legislative changes is not always provided in a timely manner.
- The Ministry of Foreign Affairs does not always inform the personnel departments of IOs in a timely or adequate manner about new developments or problems that may arise in connection with the implementation of established policy.
- Legislative announcements are not systematically accompanied by practical guidelines that would make it easier for IOs to implement the legislation concerned. In addition, the Ministry of Foreign Affairs should make its *notes verbales* available electronically to facilitate their distribution to IO staff.
- Coordination within central government and between central government and other government departments is not optimal, leading to crossed signals.¹⁸⁴ In this connection, IOs wonder whether the Steering Committee on the Netherlands as Host Country is coordinating or guiding government policy in an adequate manner.
- A number of ministries appear reluctant to enter into substantive discussions with IOs about the problems they encounter in areas that fall under the responsibility of those ministries. In contrast, IOs value CB/IFB's open style of communication.
- IOs are in favour of continuing the periodic meetings with the Secretary-General of the Ministry of Foreign Affairs. In addition, almost all organisations feel that thought should be devoted to the possibility of establishing a forum for periodic consultations of a more general nature between IOs and the government.

Opinion of non-Dutch IO staff

Not all staff members were familiar with the Protocol Guide for International Organisations.¹⁸⁵ This is partly due to the fact that the guide is given as a tool to IO personnel departments, which are expected to publicise its contents within their organisations. In addition, the Ministry of Foreign Affairs only distributed a limited number of printed copies of the guide. Individual staff members often apply the guide indirectly, as they rely on information from the personnel department of their organisation on how to act in certain situations or because such departments take care of certain issues on their behalf.¹⁸⁶

¹⁸⁴ Here, too, IOs refer to the Healthcare Insurance Act and its implications for IO staff.

¹⁸⁵ The staff survey indicates that 56% of respondents were not familiar with the Protocol Guide for International Organisations. Almost all respondents (97%) answered this question.

¹⁸⁶ Lack of awareness of the guide's existence may also be due to the fact that few staff members consult the online version.

Box 5.8 Communication during the preparation and introduction of the Healthcare Insurance Act

IOs are unhappy about the lack of communication by the Dutch government during the introduction of the Healthcare Insurance Act (ZVW), which entered into force on 1 January 2006 (see also section 5.4.3). During the second half of 2004, a few IOs asked DKP/DIO for information on the potential implications of the proposed Act. Between the autumn of 2004 and the end of 2005, the Ministry of Foreign Affairs and the Ministry of Health, Welfare and Sport held infrequent consultations with IOs, which repeatedly asked whether the Act would take account of their special position. During one of these consultations, the Ministry of Health, Welfare and Sport stated prematurely that the ZVW would not be linked to the Exceptional Medical Expenses Act (AWBZ) and that the ZVW would therefore have to include an exception for family members who already had health insurance via an IO. In the end, the ZVW did not contain such an exception, and certain IOs therefore had to make their own provisions. This means that, in certain cases, staff members are obliged to take out two health insurance policies for their family members (both via their IO and with a Dutch healthcare insurer) or opt out of the social care system. The final solution to this problem was only communicated to IOs after the ZVW had entered into force, which meant that the organisations affected by this problem were unable to take measures on time. Of the 32 IOs based in the Netherlands, the above-mentioned problem affected four organisations that had not mentioned family members in their headquarters agreements and were consequently worse off as a result of the introduction of the ZVW. However, these four organisations account for over half of all privileged staff employed by Dutch-based IOs. The IOs and staff members concerned are not pleased with the final outcome. Other organisations have also strongly criticised the way in which the communication and provision of information on this key issue was handled.

As noted earlier, DKP/DIO is the contact point for IOs for information on changes in policy and legislation. Staff members should accordingly receive such information through their employers. It appears from the staff survey that this is indeed the case. Almost all staff members (81%) state that they receive such information in this manner, 3% say they receive it from IOSA-NL, 2% cite the Dutch government as their source and the rest have no opinion.

However, a significant proportion (41%) of staff members do not feel well informed about policy developments that are relevant to them, while 30% note that they are

well informed. Of those who are familiar with the Protocol Guide for International Organisations (27% of all respondents), half state that they feel well informed in this regard.

Opinions are divided as to whether the information is provided on time and whether it is clear and comprehensive. One-third of staff members are satisfied in this regard, while slightly less than a third feel that information is not provided on time and that it is unclear and incomplete. The rest are neutral. Staff members were also asked if the provision of information has improved since 2005. Of those who answered this question (73% of staff members), 30% feel that it has, while 45% are neutral. One explanation for this may be that, for the most part, staff members receive their information from their own organisations and know little about the provision of information by the government.

Staff members feel that communication with the Ministry of Foreign Affairs (DKP/DIO) leaves much to be desired.¹⁸⁷ They would like to see the advent of one central website, possibly including a Frequently Asked Questions section, that allows IOs and their staff to access all information.

The opinion of IO staff on the performance of the Xpat Desk of the municipality of The Hague is presented in section 5.6.

Conclusion

In recent years, the government has invested a lot of energy in improving communication with IOs. DKP/DIO, in particular, has strengthened its bilateral contacts with IOs. The same applies to the Tax and Customs Administration, and IND participates in information meetings with IOs when requested to do so. Communication has improved in general, and IOs appreciate this. However, in terms of substance and timing, the provision of information on legislative changes has not been optimal. An improvement in this area requires all ministries to systematically consider whether any planned legislation has implications for IOs and their staff. The interministerial Steering Committee on the Netherlands as Host Country has thus far devoted too little attention to this issue.

IOB concludes that DKP/DIO has not been sufficiently proactive in organising briefings on issues that may be considered relevant for IOs as a group. In addition,

¹⁸⁷ Individual staff members are expected not to communicate directly with the Ministry of Foreign Affairs but to present issues to the ministry via their employer.

the periodic meetings between the Secretary-General of the Ministry of Foreign Affairs and IOs have been discontinued, which is not conducive to the ministry's interaction with these institutions.

The Protocol Guide for International Organisations is a useful tool for personnel departments and individual staff members of IOs. The online version has not only ensured that the guide is more widely known and used but also makes it easier to adjust the contents if legislative changes so require. However, it should be noted that the guide does not contain sufficient practical guidelines in all areas.

This section concludes with a general comment on the provision of information. Since 2005, central government and the municipality of The Hague have increased the supply of English-language information and services, but the current review indicates that IOs and their staff consider it to be suboptimal. Central government and semi-public institutions have nonetheless recognised this, as shown by the launch of a joint project, entitled 'My first month in the Netherlands', by the Ministry of Foreign Affairs and the Ministry of Economic Affairs.

5.6 Other aspects of conditions in the Netherlands

This section deals with the support that IOs receive from local authorities. Given the high concentration of IOs in and around The Hague, the analysis focuses on the support provided by this municipality. Next, this section considers the opinions of IOs and their staff regarding the cost of living in the Netherlands. Finally, it presents the overall view of IOs and their non-Dutch staff on conditions in the Netherlands.

5.6.1 Local authorities

Problems

IOs maintain a certain level of contact with various departments of the municipality in which they are based regarding a wide range of issues. The survey conducted by IOSA-NL in 2005, entitled 'At Home in the Netherlands?', indicated that the poor quality of the services provided by local authorities was one of the reasons why respondents stated that they wished to leave the Netherlands.

Measures

Local authorities set their own policy towards IOs based in or near their municipality. As already noted, the municipality of The Hague provides very active

support to IOs and their staff members based in and around The Hague. It has formulated a policy on IOs and has taken various initiatives on the basis of this policy (see section 5.6.2). The policy of other municipalities is beyond the scope of the present policy review, although the staff and management questionnaires did include questions on the provision of services by local authorities. That information is presented in this section.

The government's position paper states that, in consultation with the municipality of The Hague and the relevant ministries and institutions, the Ministry of Foreign Affairs will coordinate and promote efforts to guarantee that the infrastructure for IOs is of sufficient capacity and quality. However, it does not lay down how central government can cooperate most effectively in municipal initiatives relating to IOs.

Opinion of IOs

According to the management of IOs, contacts between local authorities (municipalities) and IOs are generally good. Such contacts usually take place through official channels, but informal contacts also take place during receptions and welcoming programmes. The main issues raised by IOs with municipalities or municipal departments are:

- traffic and transport: parking problems on and/or around IO premises, roadblocks, dangerous traffic spots, location of bicycle stands;
- municipal taxes such as property tax (OZB) and the fact that the calculation of municipal taxes (which is based on the number of residents in a property) can be complicated by the fact non-Dutch IO staff are not registered in the municipal personal records database (GBA);
- IO premises: security measures, various types of permits (fire safety, renovation and environmental requirements);
- availability of medical and other forms of care including day nurseries;
- educational facilities;
- contacts and cooperation with the police and fire services; and
- other issues: recognition of the institution as an IO by the municipality, subsidy schemes, granting of authorisations for temporary stay to IO staff, distribution of citizen service numbers and so forth.

In general, IOs are fairly satisfied with their contacts with municipal departments and the handling of requests and complaints.

Opinion of non-Dutch IO staff

Staff members believe that the supply of information and the provision of services are both in need of improvement. IOB did not examine these issues in depth, but the results of the staff survey provide some insight in this regard. More than half of all respondents feel that the municipality does not provide them with sufficient information about municipal regulations and services. A minority (19%) is satisfied. Whether or not a staff member has a good command of Dutch is a key factor in his or her opinion on the provision of information. A frequently heard complaint is that municipal departments only provide a very small amount of information in English.

The inadequate provision of information may be responsible for the fact that half (51%) of all staff members claim not to know which local government departments deal with certain matters. Only a quarter of respondents know their way around the municipal institutions. It is not surprising that those staff members who state that they have a reasonable or good command of Dutch are also more likely to note that they experience little or no difficulty in their contacts with the municipality.

In the comments section of the staff survey, a few staff members note that coordination between the Ministry of Foreign Affairs and the municipalities is far from optimal. An often-cited example concerns the obligation of privileged persons to register with the Ministry of Foreign Affairs and the option of registering in the municipal personal records database (GBA). Staff members would like to see the creation of a single desk where they can register and obtain all relevant documents (such as certificates of registration and copies of birth certificates) or the establishment of an electronic link between the Ministry of Foreign Affairs' PROBAS personal records database and the GBA, which would make it easier to issue such documents.

Conclusion

IOs generally consider the cooperation with local authorities to be satisfactory. However, staff members, especially newcomers, have difficulty finding their way around the institutions of the municipality in which they are based. The Dutch language forms a key obstacle in this regard. There is a need for English-language information on municipal services and assistance with the completion of Dutch forms. It is a shortcoming that registration in PROBAS and registration in the GBA are not linked. The same applies to the integration of other services provided by central and local government institutions and private utility companies.

5.6.2 The municipality of The Hague

The municipality of The Hague pursues an active policy in support of expatriates and privileged persons on the grounds that many foreign missions and IOs are based in and around The Hague. In addition, it has formulated a policy aimed at strengthening its image as the legal capital of the world. However, this policy and its various elements are beyond the scope of the present policy review, which only deals with issues that are directly connected to the provision of services to IOs and their staff. This section discusses the Xpat Desk and the International Zone.

Xpat Desk

In the period before the adoption of the government's 2005 position paper, the municipality of The Hague already operated an International Desk that served as the central point for managing its relations with IOs and foreign missions as well as for attracting IOs. The International Desk was also the contact point for central government. In addition, the municipality had established an International Corner where expatriates who lived and/or worked in The Hague could obtain information on municipal services and products.

The Xpat Desk provides information on municipal services and products and on other matters that are relevant to foreign nationals who settle in the municipality.¹⁸⁸ With the establishment of the Xpat Desk, the municipality of The Hague feels that it has progressed to a higher level in the provision of professional services to foreign residents. The Xpat Desk is the fixed point within the municipality to which all questions are directed. It either answers these questions itself or passes them on to the relevant municipal department.¹⁸⁹

According to the municipality, the Xpat Desk serves an important function for IO staff and their family members, notwithstanding its relatively low number of visitors. Despite the fact that information is increasingly available on the municipality's website, the need for an actual physical counter remains. The Xpat Desk does not keep records of its visitors and their background, but it appears that the desk is visited mostly by immigrants from the new EU member states, non-Dutch staff of international companies and, to a lesser extent, non-Dutch staff of IOs and foreign missions. This is connected to the fact that the staff of the Xpat

¹⁸⁸ The municipality will also cooperate with the Ministry of Foreign Affairs on the 'My first month in the Netherlands' project, which was launched at the beginning of 2008.

¹⁸⁹ Before the establishment of the desk, telephone and written requests (including emails) from foreign residents ended up in various municipal departments, which was not conducive to the processing of such requests or the provision of services to customers.

Desk are increasingly providing information by email and telephone. The desk was unable to provide an overview of issues that it has dealt with.¹⁹⁰ The frequently asked questions section on its website provides some insight into the kind of information provided by the municipality (see box 5.9).¹⁹¹

Box 5.9 Frequently asked questions at the Xpat Desk of the municipality of The Hague

- How do I apply for a residence permit?
- How do I register with the municipality of The Hague (GBA)?
- Where is the closest borough office (stadsdeelkantoor)?
- How do I acquire a citizen service number (Burger Service Nummer)?
- How can I exchange my driver's licence?
- How should I deregister when I leave the Netherlands?
- Where can I find international schools and childcare facilities in The Hague?
- How do I get married in The Hague?
- Where can I find a Dutch language course?
- How does the healthcare system work?
- How can I import my vehicle?
- How do I dispose of oversized household waste?
- How can I join a sports club?
- How can I subscribe to the *denhaag.com* newsletter?
- Does The Hague offer English-language tours?

Source: <http://www.denhaag.com>

Besides providing services directly through the Xpat Desk, the municipality also tries to encourage the international community's integration in The Hague in other ways. Every two months, the Hague Hospitality Centre organises a briefing for recently arrived expatriates called 'Welcome to The Hague'. It notifies several IOs of these briefings in order to enable them to inform their newly arrived staff about them.¹⁹² In addition, the municipality actively seeks to bring the presence and importance of IOs to the attention of the citizens of The Hague, for example by organising an exhibition on IOs.

190 IOB was not granted access to the annual reports that provide more information on this topic.

191 The website www.denhaag.com provides detailed English-language information on The Hague.

192 For reasons that are not known to the IOB review team, the Hague Hospitality Centre does not notify all IOs of these briefings.

The Ministry of Foreign Affairs does not actively publicise this particular activity or other initiatives of the Xpat Desk. When they register with the ministry, however, IO staff receive an information package from their organisation along with their identity card. This package contains an information leaflet about the Xpat Desk.

As the first municipality to establish an Xpat Desk, the municipality of The Hague is sharing the experience it has gained in this area with other municipalities that plan to establish a similar service for the international companies and organisations located within their boundaries.¹⁹³ The municipality of The Hague also wishes to share its knowledge and experience with neighbouring municipalities, which are also home to a number of IOs, and is likewise willing to assist them in providing services to these organisations and their staff.¹⁹⁴

The municipality believes that, by establishing the Xpat Desk, it has created an easily accessible service that has also helped to improve the coordination and efficiency of the activities of its various departments on behalf of foreign residents in the city. The municipality assumes that, by taking this group of residents seriously and assisting them, it has generated a substantial amount of goodwill.

Opinion of IOs

It appears from the management survey that Hague-based IOs have a positive opinion of the Xpat Desk. They appreciate the fact that staff members of the Xpat Desk are willing to visit IOs in order to provide information to new IO staff members and answer their questions at their place of work.

Opinion of non-Dutch IO staff

Not all staff living in and around The Hague (who represent 72% of all respondents) are equally aware of the existence of the Xpat Desk. A third of those questioned are well aware, an equal proportion is vaguely aware and the rest are unaware. Of those who are familiar with the Xpat Desk, over half are satisfied or very satisfied with the assistance it provides, approximately 40% have no strong opinion and a small number (7%) are dissatisfied with what it has to offer.

¹⁹³ As noted in section 5.5, this includes the municipalities of Amsterdam, Eindhoven, Nijmegen and Rotterdam. The municipality of Amsterdam is currently experimenting with a service that combines the functions of the Xpat Desk with the provision of civic services. The municipality of The Hague is waiting to see the results of this experiment and may also introduce such a service.

¹⁹⁴ The Xpat Desk of the municipality of The Hague also provides advice to visitors who reside in other municipalities.

International Zone

The municipality of The Hague aspires to be the legal capital of the world and has increasingly presented itself as such in recent years. One way in which it is seeking to strengthen this image is by creating the International Zone. The Urban Development Department has drafted the Structural Plan for The Hague in 2020 – Global City by the Sea (*Structuurvisie Den Haag 2020 – Wêreldstad aan Zee*). Detailed plans will be developed for the nine areas identified in this document. One of these areas is the International Zone, which runs from Kijkduin to the Alexanderkazerne near Scheveningen. This area is already home to a significant number of IOs, and several others that are currently located in other parts of The Hague have plans to move there in the future. A planning policy document is currently being prepared, laying down criteria for the establishment of the International Zone, which will subsequently lead to a master plan. A large number of municipal departments and various ministries, including the Ministry of Foreign Affairs and the Ministry of Housing, Spatial Planning and the Environment (specifically the Government Buildings Agency), participated in the drafting of this document.

An evaluation of the merits of the planning policy document is beyond the scope of the present policy review. Based on the interviews conducted in the framework of the review, however, the following observations can be made with regard to housing IOs in the context of the establishment of the International Zone. It is obvious that good coordination is required in the following areas: accessibility, security and the functional relationship between IOs and the other activities in the zone, including the residential function (high-quality housing), commercial (retail opportunities) and recreational facilities and, more generally, the design of public spaces. All the relevant actors (the various government departments, IOs and citizens) should be involved in the further development of the plans. In addition to addressing key planning issues, the plan should be affordable,¹⁹⁵ not least in the light of the uncertainty concerning the arrival of new IOs and the anticipated contraction or closure of the tribunals.

Opinion of IOs

IOs based in and around The Hague have a positive opinion of the city and note that there has been an improvement in its image as the legal capital of the world. They mention the following positive aspects of The Hague as a host city:

¹⁹⁵ One of the problems relates to setting aside multi-year budgets within the overall budgets of the government departments that are most closely involved.

- the city's international character, with a growing number of high-quality shops and restaurants and a wide range of cultural offerings;
- the proximity of other IOs and foreign missions and the fact that The Hague is the Netherlands' centre of government;
- the multicultural urban environment;
- good transport connections within the Netherlands as well as with important urban centres in Europe and beyond;
- the municipality's proactive policy, with increasing attention for the needs of IOs; and
- the fact that The Hague generally provides a safe living and working environment.

IOs also highlight a number of less positive aspects, including the sluggishness of bureaucratic decision-making, for example with regard to finding premises for IOs¹⁹⁶ and the provision of other services; the city's unattractiveness to young professionals; the shortcomings of the municipal infrastructure; high housing costs due to overheating at the upper end of the housing market; and the operation of the Dutch healthcare system.

Conclusion

The Hague currently enjoys a good reputation among IOs as a host city, although there is still room for improvement. IOs and their staff appreciate the establishment of the Xpat Desk, but awareness of its existence could be increased. A central access point to the various services provided by the municipal authorities also needs to be established, if necessary by expanding the functions of the Xpat Desk.

There has thus far not been a sufficiently integrated approach to the development of the International Zone, including a clear overview of the future needs of IOs, despite the participation of the municipality of The Hague in the interministerial Steering Committee on the Netherlands as Host Country.

¹⁹⁶ The sluggishness of government departments (central government and the municipality) and the lack of coordination between them are also acknowledged by several respondents who work for these departments. In the case of The Hague, for example, they refer to the current status of the development of the International Zone and, in particular, the area around the World Forum.

5.6.3 Cost of living

Problems

The survey conducted by IOSA-NL in 2005 also indicated that IO staff were concerned about the high cost of living in the Netherlands. Reasons for this included inflation resulting from the introduction of the euro on 1 January 2002 and the unfavourable impact of the Income Tax Act 2001. Staff members specifically mentioned the high costs of housing and childcare. The government's position paper did not address this issue.

Opinion of IOs

IOs do not have a strong opinion on this issue, since it relates to personal expenses. However, they note that their staff complain about the high cost of living in the Netherlands.

Opinion of non-Dutch IO staff

Almost three-quarters of respondents consider the cost of living in the Netherlands to be high or very high. The verdict concerning the cost of housing is very negative (90% of respondents). A few respondents note that rental agencies overcharge international officials, especially in The Hague, because it is known that they need housing at short notice and often want short-term rental contracts. Other research (Kuiper 2008) indicates that expatriates are dissatisfied about the price-quality ratio of the accommodation on offer. There is a shortage of suitable housing at the lower and upper ends of the housing market. Because they earn tax-free salaries and are unable to deduct mortgage interest, buying a home is a less attractive option for non-Dutch IO staff.

Over half of respondents consider the costs of transport and consumer goods to be high or very high. The same applies to the costs of international education and childcare. It is noteworthy that dissatisfaction about the general cost of living is significantly higher among staff members who have lived in the Netherlands for several years than among those who have lived here for less than two years.

Conclusion

The perceived high cost of living in the Netherlands falls outside the scope of the policy framework for hosting IOs in the Netherlands but is a key source of dissatisfaction among IO staff. The government's policy on purchasing power focuses on the Dutch population as a whole. In the opinion of the IOB review team, this particular – and already privileged – group does not merit special

attention in this context. However, this does not alter the fact that the cost of living has a certain impact on the image and attractiveness of the Netherlands as a host country for IOs.

5.6.4 Overall view on conditions in the Netherlands

Problems

This chapter has so far considered specific issues relating to the establishment and hosting of IOs in the Netherlands. This section focuses on the overall view of the organisations and their staff regarding conditions in the Netherlands.

The key finding of the survey of the staff members of five IOs¹⁹⁷ conducted by IOSA-NL during the first half of 2005 was that approximately three-quarters of them would prefer to leave the Netherlands.¹⁹⁸ According to the IOSA-NL report, this implied that the Netherlands was not doing a good job of hosting IOs. Staff members indicated that cultural factors formed the main reason for wanting to leave the Netherlands.¹⁹⁹ In addition, it was noted that Dutch society was not known for being service-oriented. Other key factors included the Dutch healthcare system, tax regulations, problems relating to naturalisation and long-term residence, and the cost of living (including housing costs). Reasons for staying were chiefly family-related.

Measures

Central government is unable to influence – at least in the short term – the key factors identified in IOSA-NL's 2005 survey, such as the general service-orientation of Dutch society, Dutch attitudes towards foreigners, the sector of the housing market occupied by foreign nationals and the Dutch healthcare system. In this context, moreover, government policy must also take account of other interests in Dutch society. However, the government has taken steps to improve the services

¹⁹⁷ The survey covered staff members from a number of staff associations affiliated to IOSA-NL. 'The survey consists of answers received from the following IOs: EPO, ESA/ESTEC, NATO NC3A, ICTY and OPCW' (IOSA-NL report 2005, p. 3). See also the comment in chapter 3 regarding the leading nature of the key question in this survey.

¹⁹⁸ The survey was carried out before the adoption of the government's position paper, which was therefore not known to IO staff. The survey covered both Dutch and non-Dutch IO staff. Eighty per cent of non-Dutch staff stated that they would prefer to leave the Netherlands. Surprisingly, slightly more than 50% of Dutch respondents expressed the same view.

¹⁹⁹ The IOSA-NL report (p. 9) indicated that respondents defined cultural reasons as elements pertaining to the political, social and day-to-day environment of the Netherlands. In this context, reasons for dissatisfaction were: the non-service-oriented nature of Dutch society, the growing distrust and dislike of the presence of foreign nationals in the country (both by the local population and by official bodies) and the apparently growing ambivalence of Dutch authorities and organisations towards IOs and their staff.

provided to IOs and their non-Dutch staff. The implementation of these measures is discussed in previous sections of this chapter.

Opinion of IOs

The management survey indicates that IOs are generally satisfied with conditions in the Netherlands, including:

- the high standard of living;
- the favourable geographical location of the Netherlands and its good international transport connections;
- the stable political climate;
- the good domestic physical infrastructure (roads, transport and telecommunications) and the high standard of other services; and
- the good working relations with central and local government, in particular the support of the Ministry of Foreign Affairs in many areas.

Less positive aspects include the high cost of living for IO staff and the sluggish bureaucracy, as a result of which various processes, including the housing or rehousing of IOs and procedures for obtaining permits, do not operate smoothly.

Opinion of non-Dutch IO staff

Three years after the adoption of the government's 2005 position paper, the staff survey clearly paints a more positive picture than the IOSA-NL survey. A large proportion of non-Dutch IO staff (68% of respondents) are satisfied or very satisfied with living and working in the Netherlands. A minority (14%) is dissatisfied or very dissatisfied, while 18% are neutral. Staff members who have lived in the Netherlands for two years or less are more positive in their opinions than those who have lived here longer. Surprisingly, an ability to speak Dutch is not a significant factor in this context. Staff who have previously worked for IOs in other countries are more negative in their opinions. This may be due to the fact that persons who have worked in several countries build up an idealised image by remembering the best aspects of various countries – the best of many worlds – and subsequently project this image onto their current situation.²⁰⁰ This may partially explain the negative answers provided by this group of staff members.

The staff survey indicates that – besides the granting of DV status, resulting in the loss of privileges, to a large number of staff – the main criticism focuses on the

²⁰⁰ See V. Kuiper, *My first month in the Netherlands*, BA thesis, Utrecht University, 2008.

operation of the Dutch healthcare system and the high cost of living (especially housing). Another criticism relates to the poor standard of service in government institutions, utility companies and the retail trade. Finally, IO staff are concerned about language problems and the fact that government institutions and commercial service providers devote too little attention to foreign residents.

Conclusion

IOs and their staff are generally satisfied with conditions in the Netherlands. However, they wish to see improvements in various key areas.

5.7 General conclusions regarding the implementation of government policy

Implementation

Almost all the policy measures outlined in the government's position paper have been implemented or are in an advanced stage of implementation. One of the key measures in this context, the harmonisation of privileges and immunities according to staff categories, was implemented in a dynamic manner and – in the case of the organisations that accepted it – completed. In addition, the government relaxed the rules for obtaining a permanent resident permit.

The government has intensified its communication with IOs. By increasing the staff of DKP/DIO and appointing an Ambassador for International Organisations, it has also strengthened its bilateral relations with the organisations. The government can now focus on improving the management of its relations with IOs (account management). Meetings between IO representatives and the Secretary-General of the Ministry of Foreign Affairs have not taken place for some time. When the need arises, however, the Ministry of Foreign Affairs organises briefings on practical matters. The Protocol Guide for International Organisations has been updated and is available online and in print in English and French, yet many staff members are still unaware of its existence. The municipality of The Hague has established an Xpat Desk. At national level, various ministries and government departments are developing a web portal to help non-Dutch residents find their way in Dutch society.

Central government has supported and stimulated improvements in the infrastructure available to IOs and their staff (premises, security, health care, international education and conference facilities). In the area of health care, efforts were made to increase the availability of English-speaking family doctors and

improve access to English-speaking specialists in and around The Hague. Various options for improving the availability of international education in the Hague region were examined, leading to a concrete plan to establish a European stream at the International School of The Hague.

Satisfaction

In 2008, a large majority of IOs and their staff were satisfied with their presence in the Netherlands, regardless of the extent to which this could be attributed to the efforts of the Dutch government. On the whole, the negative image of the Netherlands as a host country that applied in the period prior to the adoption of the government's position paper no longer exists. This does not change the fact that there is still room for improvement.

The implementation of the government's position paper has eliminated much of the dissatisfaction on the part of IOs and their staff. A key element in this regard is the improvement in the tax position of many staff members. However, there are reservations regarding the restriction of these privileges in the case of Dutch staff and staff with permanent residence (DV) status.

IOs perceive a general improvement in the provision of services by the Dutch government, but sluggish decision-making and a lack of cooperation between various government departments persist in certain areas (e.g. housing policy).

Key issues on which IOs and their non-Dutch staff have less positive or negative opinions include the Dutch healthcare system, the short supply of English-language information and the poor standard of service in government institutions, utility companies and commercial service providers.

These issues influence perceptions of the Netherlands as a host country but differ in terms of the extent to which central government can or should take measures in the framework of its policy on hosting IOs.

Relationship between measures and satisfaction

It is not easy to demonstrate an indisputable causal link between the measures adopted and the degree of satisfaction of IOs and their staff regarding the performance of the Netherlands as a host nation. Reasons for this include a lack of reliable baseline data and the fact that previous studies and surveys and the present policy review did not employ the same questions or approach. However, based on the findings of earlier studies and by triangulating the data obtained

through the research methods applied in the present policy review, it is plausible that the increased satisfaction of IOs and their non-Dutch staff is due in part to the improvement in the services provided by the Dutch government.

This does not alter the fact that, in relation to various issues, there is a discrepancy between the wishes of IOs and their non-Dutch staff and the extent to which the Dutch government is willing to meet their wishes. In addition, there will always be differences of perception between what is 'good enough' and what could be 'even better'. When formulating and implementing its policy on hosting IOs, the government makes independent choices in this regard. When making these choices, it is important that it take time to listen and give appropriate consideration to the arguments of IOs and their staff.

Finally, it is obvious that the government cannot influence or deal with all problems experienced by IO staff to the same extent. At one end of the spectrum, it provides services and information directly to IOs. Here, it can and should take responsibility. At the other end of the spectrum, IOs and their non-Dutch staff are confronted by social and cultural habits characteristic of Dutch society. The closer one moves to this end of the spectrum, the harder it is for the government to control matters. At the same time, IOs and their non-Dutch staff that decide to base themselves in the Netherlands may be expected to exhibit a certain degree of adaptability in this regard.

6 Answers to the research questions of the policy review

6.1 Introduction

The findings of the policy review, which are presented below, are arranged according to the five components that all policy reviews must include pursuant to the 2006 Periodic Evaluations and Policy Information Regulations, namely:

- description and analysis of the problem that led to the policy;
- description and underpinning of the role of central government;
- description of the policy objectives investigated by the review;
- description of the instruments used to solve the problems and analysis of the results; and
- description of the budgets used.

The Terms of Reference for the policy review formulated a number of research questions for each component (see chapter 2 and annexe 2). The following sections provide concise answers to these questions based on the findings presented in chapters 3 to 5. It should be noted that this chapter does not include an evaluation of the findings. For this, the reader is referred to chapter 1: Key findings and recommendations.

6.2 Description and analysis of the problem that led to the policy

The official reason for the policy laid down in the government's 2005 position paper was the Interministerial Policy Review (IBO) 'Policy Framework for Attracting and Hosting International Organisations', which was carried out in 2001-2002. This policy review examined the costs and benefits of attracting and hosting IOs. However, the problems experienced by IOs with regard to the conditions offered to them in the Netherlands formed an equally important aspect. The scale of these

problems led to a feeling among IOs that the Netherlands was barely fulfilling its role as host nation. This damaged its image as an internationally-minded country with The Hague as the legal capital of the world. According to the Ministry of Foreign Affairs, it could also have a negative impact on the Netherlands' influence at international level. Relations between the Netherlands and many organisations were difficult, with some of them even considering the possibility of leaving the Netherlands.

a) *What were the issues and problems facing Dutch-based IOs and their staff prior to 2005?*

The tax position of IO staff had gradually deteriorated as a result of various measures adopted by the Dutch government. The right to a tax-free car had been curtailed, the threshold for VAT refunds had been raised, and the introduction of the Income Tax Act 2001 had worked out unfavourably for IO staff. Moreover, the effects of these measures were distributed unevenly, as substantial differences existed between organisations in terms of the fiscal and other privileges accorded to their staff.

In addition, IOs felt that they were not informed in a timely manner about policy developments that could have significant implications for them. Many non-Dutch IO staff experienced problems because much information and many forms from government departments and private service providers were only available in Dutch.

Rules concerning residence in the Netherlands were also perceived as problematic. This included the fact that certain categories of family members were not entitled to identity cards. Furthermore, the impossibility of adding together periods of legal residence under the Aliens Act and as privileged persons was regarded as restrictive.

Problems of an 'infrastructural' nature included the shortage of suitable premises for IOs, the lack of affordable housing for non-Dutch IO staff, problems relating to childcare facilities, the limited availability of international education and long waiting lists for family doctors and dentists.

b) *How did central government obtain information about these issues and problems?*

From 2001 onwards, these issues and problems became increasingly apparent in the contacts between Dutch-based IOs and the Ministry of Foreign Affairs' Desk for International Organisations (DKP/DIO), which was established that year. They

were also raised during the ministry's periodic meetings with IO representatives. In addition, Dutch representatives on the governing bodies of IOs observed increasing dissatisfaction with the Netherlands' performance as host country.

A few IOs expressed their dissatisfaction in the Dutch media. In 2001, several IO staff associations established the International Organisations' Staff Associations in the Netherlands (IOSA-NL). One of its aims was to bring the dissatisfaction prevalent among IO staff members to the attention of the Dutch government. Although the Ministry of Foreign Affairs does not regard IOSA-NL as an official discussion partner, it has occasionally invited representatives of the organisation to explain their views on various issues.

The final source of information was the Interministerial Policy Review 'Policy Framework for Attracting and Hosting International Organisations' (IBO report), which was completed in 2002.

6.3 Description and underpinning of the role of central government

According to the government's position paper, the Netherlands wishes to be seen as an attractive host country for IOs. The government believes that the Netherlands should offer IOs hospitable and generous conditions while performing its role as host country in an efficient and effective manner. The motive for doing so is that the presence of IOs is considered to be in the political, practical and economic interests of the Netherlands. In addition, the Netherlands' image as an internationally-minded country would help to attract tourists, foreign companies, NGOs and academics. In its efforts to attract IOs, the Netherlands is competing with other potential host countries.

a) *Which aspects of hosting IOs are the legal responsibility (treaty obligations) of central government?*

In general, the Netherlands is obliged as host state to support IOs in the performance of their activities and, accordingly, to resolve any problems that arise. In order to enable these organisations to function, it is also obliged to respect their immunities, such as the inviolability and immunity from inspection of their premises. Furthermore, the Netherlands is responsible for external security (public order) and, in the case of several international tribunals, for the transport and protection of defendants, their family members and witnesses. In addition, it has become standard practice internationally that certain IO staff enjoy privileges and

immunities to enable them to carry out their duties without interference. These diplomatic privileges are similar to the ones laid down in the 1961 *Vienna Convention on Diplomatic Relations*, which strictly speaking only applies to national missions (embassies and consulates).

The privileges and immunities of different categories of IO staff are determined at three levels. The first is in the treaty establishing the organisation concerned. As a states party or member state, the Netherlands is involved in the negotiation of this treaty. Secondly, supranational organisations like the United Nations and the European Union have protocols or treaties on privileges and immunities. The rights laid down in these agreements apply to all UN and EU organisations regardless of their host state. Thirdly, the host state and the IO may agree on reciprocal rights and duties in the framework of bilateral headquarters agreements. These agreements can establish additional privileges and immunities or flesh out the details of international agreements. A key feature is that privileged staff are exempt from tax on income derived from their employment by an IO.

A few organisations do not have an official headquarters agreement but have one in practice, based on an exchange of *notes verbales* between the organisation and the Dutch government.

b) *For which aspects does central government take responsibility? Which aspects does it not consider its responsibility?*

The Netherlands considers itself responsible for providing the best possible facilities for Dutch-based IOs. However, it recognises that not all problems experienced by IOs and their staff can be attributed to or solved by the government to the same extent. In a number of cases, such as the provision of information in other languages by non-government agencies or ensuring more courteous or customer-friendly conduct towards expatriates by shopkeepers and private service providers, the government bears no direct responsibility. However, it can try to make service providers aware of the needs of expatriates and draw attention to the benefits of the presence of expatriates for the Netherlands.

Opinions differ within central government regarding the extent to which the Netherlands should try to meet the wishes of IOs and their staff. This applies in particular to fiscal matters (i.e. deciding which staff categories should receive which tax exemptions). In contrast to the Ministry of Foreign Affairs, many other ministries do not regard hosting IOs as a priority and are generally less willing to grant this target group preferential treatment by definition.

c) *Which aspects do IOs and their staff consider to be the responsibility of central government?*

It speaks for itself that IOs and their staff expect the Netherlands to comply with the obligations laid down in headquarters agreements. Opinions may differ as to the substance of these obligations, especially regarding the scope of fiscal privileges. Some IO staff would like the Netherlands to adopt a more generous stance on fiscal matters.

In addition, IOs wish to be informed in a timely manner about relevant policy developments. Some would even like to be consulted about planned legislation that affects them, while others simply want to be notified early enough to take appropriate measures. As a rule, IOs expect the government to take sufficient account of their interests when preparing new legislation.

IOs believe that the Dutch government should aim to provide the best possible services to these organisations and their staff. In addition, they point out that the government should also encourage private service providers to improve their services.

IOs and their staff feel that there is a discrepancy between the way in which the Dutch government welcomes IOs and the attitude of Dutch society towards non-Dutch IO staff. They point out that the government should pursue an active policy, for example by providing relevant information, to encourage citizens, shopkeepers and private service providers to be courteous and friendly to expatriates. IOs and their staff also believe that the government should pursue an active policy to ensure appropriate treatment on the part of government servants.

Non-Dutch IO staff place high demands on the provision of services in the Netherlands. One explanation for this is that expatriates have an idealised image in their minds. Instead of their countries of origin, they draw on the sum total of their experiences in other host countries as a frame of reference. In other words, they often combine all the positive experiences to create an idealised image – the best of many worlds. At the same time, the expectations of expatriates are partly determined by the fact that the government presents the Netherlands as an internationally-minded country and The Hague as the legal capital of the world.

6.4 Description of the policy objectives investigated by the review

Policy was aimed at solving various problems in order to normalise relations with IOs and create an image of the Netherlands as an attractive, hospitable and generous host state.

a) *What problems did the Dutch government set out to solve?*

The problems that the Dutch government set out to solve are described in its 2005 position paper, which distinguished between:

- differential treatment of IO staff with regard to privileges and immunities;
- restrictive legislation on admission and residence;
- insufficient attention for several infrastructural issues; and
- insufficient alignment of communication and the supply of information with the needs of IOs and their staff.

6.5 Description of the instruments used and analysis of the results

a) *What measures did central government take to solve the problems?*

Central government adopted measures to solve key problems identified in the government's position paper. It also brought these problems to the attention of other actors and occasionally assisted them in solving these problems. Where necessary, it developed 'instruments' for this purpose.

The government vigorously implemented the harmonisation of privileges and immunities. As a result, staff members of the same category in different organisations began to enjoy the same privileges and immunities. The harmonisation was enshrined in supplementary agreements with IOs.

The government relaxed the rules on adding together residence periods and issuing identity cards to family members of IO staff.

On the subject of infrastructural issues (premises, security, medical facilities, international education and childcare, and conference facilities), it was often not the government's responsibility to take measures. However, the Government Buildings Agency (RGD) established a special unit for IOs, and the government continued to bear some of the costs of housing and providing security for IOs. Apart from this, the government's role was limited to supporting and stimulating

the efforts of local authorities and private institutions. This included improving access to medical care in The Hague, examining the availability of international education in the Hague area, considering whether security needed to be improved and devoting attention to the availability of conference facilities in The Hague.

The government strove to improve communication with and the supply of information to IOs. Measures in this area include the regular publication, from 2006 onwards, of an up-to-date protocol guide for IOs in English and French. The staff increase in the Ministry of Foreign Affairs' Protocol Department (DKP), in particular the expansion of the Desk for International Organisations (DKP/DIO) and the appointment of an Ambassador for International Organisations (AMIO), was designed to improve the management of relations with IOs. In addition, the Ministry of Foreign Affairs worked closely with the municipality of The Hague on the establishment of a municipal Xpat Desk, which aims to provide information and advice to expatriates residing in The Hague.

In order to promote interministerial cooperation in the implementation of the above-mentioned measures, the government established an interministerial Steering Committee on the Netherlands as Host Country in September 2005. This committee is chaired by the Ministry of Foreign Affairs and includes representatives from all ministries involved in hosting IOs as well as the municipality of The Hague (see also research question d in this section).

b) How relevant were the measures taken?

Do IOs and their non-Dutch staff regard the measures taken as appropriate?

IOs and their staff believe that the measures taken in response to key problems contributed to the reduction or elimination of those problems.

The measures granting more privileges and immunities to staff and relaxing the rules on residence periods for staff members and their families are generally regarded as improvements. In contrast, staff members regard the exclusion of Dutch staff and staff with permanent residence status from certain privileges as a setback. The government did not expand privileges relating to income tax or adjust the procedure for VAT refunds. However, staff members appreciate improvements in the information and services provided by the Tax and Customs Administration.

Due in particular to the strengthening of DKP/DIO and the appointment of the Ambassador for International Organisations, IOs feel that the Dutch government

is more responsive and that they are treated as a more serious discussion partner when problems need to be tackled.

The relaxation of the rules on the admission and residence of IO staff and their family members has been positively received. As regards the improvement of a number of infrastructural issues, IOs and their staff want the Dutch government to take more action.

c) *How effective were the measures taken?*

The government has concluded supplementary agreements harmonising privileges and immunities with almost all IOs and is still involved in consultations with four organisations. IOs are generally satisfied with the result but are less pleased about the inferior position of Dutch staff and non-Dutch staff with permanent residence (DV) status.

The government has adopted several statutory provisions to relax the rules on adding together residence periods and issuing identity cards to family members.

Do IOs and their non-Dutch staff think the measures have been effective?

The harmonisation of privileges and immunities has created a clear situation for IOs and their staff and has calmed relations between the Dutch government and Dutch-based IOs.

Staff with permanent residence (DV) status are not always satisfied about having been granted this status. As in the case of Dutch staff, having this status implies that they are not entitled to certain fiscal privileges. The inflexible application of the strict rules on granting permanent residence status and inequalities between staff members based solely on their residence status are regarded as unfair.

In complex cases, the process to determine the status of staff members as regards their privileges and immunities does not always proceed smoothly. This also has implications for the timely issuing of identity cards. The issuing of identity cards may also be delayed during peak periods at DKP.

The measure adopted in respect of the right to a permanent resident permit has solved the main problem in this area. However, it should be noted that the Ministry of Foreign Affairs and IND do not always interpret the relevant rules in the same way.

According to IOs, the measures adopted in the area of communication, including the strengthening of DKP and the publication of the Protocol Guide for International Organisations, have helped to improve the provision of information. The periodic meetings of the Secretary-General of the Ministry of Foreign Affairs with IO representatives, which the organisations value very much, have not taken place for some time. In contrast, the government has strengthened its bilateral relations with IOs by means of improved ‘account management’ by DKP, including annual – or where desired more frequent – visits to IOs.

However, DKP/DIO’s willingness to find solutions for problems raised by IOs does not always produce results when a solution requires action on the part of another ministry or a legislative change.

Despite the amendment of the Premises for International Organisations (Procedures) Order and the establishment of the RGD’s Premises for International Organisations Unit, IOs feel that the government’s provision of services in connection with the housing or rehousing of organisations continues to be bureaucratic and sluggish. This is due to the involvement of many actors in this process (including the ministry responsible for the IO concerned and various municipal departments).

Have the measures led to an improvement in the services provided to IOs? Has the number of complaints decreased?

According to IOs and their non-Dutch staff, there has been a gradual improvement in the provision of services and a decline in the number of complaints. However, there is no statistical information to confirm this. Central government and municipal departments do not have service level agreements for the services they provide to IOs and their staff (for example on turnaround times for registering privileged persons and issuing identity cards or procedures for housing or rehousing IOs). In addition, there was no information on the prior condition of various services. The present policy review has therefore only surveyed the opinions of the organisations and their staff and verified them against the opinions of the main service-providing institutions.

There has been an improvement in the services provided by the Ministry of Foreign Affairs, the Tax and Customs Administration (CB/IFB), the municipality of The Hague and IND.

None of this alters the fact that, in the opinion of IOs and their staff, significant improvements can still be made to the services provided by government and non-government agencies. In this context, they refer to the perceived sluggishness of Dutch bureaucracy and regulations and the lack of English-language information (insufficient English-language interaction, documentation and forms).

Another key issue is the lack of familiarity with the identity card. As a result, border officials do not always recognise or accept the identity card as a Schengen visa, which causes problems for certain non-EU passport holders. The Ministry of Foreign Affairs acknowledged these problems and introduced a new identity card with a clearer statement on its function as a Schengen visa on 1 July 2008. As long as the old identity cards are still in circulation, however, problems can still occur. Moreover, the new identity card does not solve the problem that many service-providing institutions do not accept the card as a valid identity document.

Finally, IO staff strongly criticise the functioning of the Dutch healthcare system and the high cost of living (especially housing). They also comment on the poor service orientation of government institutions, utility companies and the retail trade.

d) *Has the policy been implemented efficiently?*

How well has the interministerial Steering Committee been performing, and what is the role of DKP/DIO?

The government's position paper emphasises that all ministries share responsibility for hosting IOs in the Netherlands. As the first point of contact for IOs, the Ministry of Foreign Affairs attaches great importance to the cooperation of other ministries in implementing a policy that is hospitable, generous, effective and solution-oriented. This also applies to ministries that may regard hosting IOs as less of a priority.

The interministerial Steering Committee on the Netherlands as Host Country was established as a high-level forum charged with putting the joint responsibility for policy implementation into practice. It is chaired by the Secretary-General of the Ministry of Foreign Affairs. DKP/DIO runs the committee's secretariat and prepares its meetings. The committee has met six times since its establishment and sent the House of Representatives reports on its activities in 2006 and 2007.

In practice, the committee serves primarily as an information exchange platform for the ministries involved in hosting IOs and the municipality of The Hague.

Issues covered by the committee include current activities and problems, as well as ideas to improve conditions for IOs in the Netherlands. The committee's main value is accordingly that, from time to time, it draws ministries' attention to the issue of hosting IOs, which also facilitates bilateral working relations.

The level of participation varies widely between ministries, which means that the committee can no longer be regarded as a high-level decision-making body. It keeps little or no record of policy developments that may be relevant to IOs. DKP/DIO prepares the meetings but in practice has difficulty fulfilling its coordinating role within the committee. For example, it is not easy to induce ministries to find solutions to problems raised by IOs. This is particularly true in relation to issues that are not mentioned specifically in the government's position paper. In addition, the committee has still not formulated an integrated long-term vision, which means that problems are usually dealt with on an *ad hoc* basis.

How well have the three interministerial working groups been performing?

In order to deal with a number of acute problems, the Steering Committee established *ad hoc* policy working groups consisting of representatives of the relevant government departments. These working groups have performed well.

The now defunct Helpdesk Working Group facilitated the establishment of the Xpat Desk by the municipality of The Hague. The Education Working Group focused on the availability of international education in the Hague area and elsewhere in the Netherlands. It examined the demand for education in other languages and prepared a report on the possibility of establishing a European school in The Hague.

The IO Premises Working Group focuses on problems relating to the housing of new and established IOs. Its activities have not yet produced a comprehensive housing policy or plan (including various scenarios concerning the number and size of IOs expected to base themselves in Netherlands in the future) for housing or rehousing IOs in the Netherlands and, in particular, The Hague.

Has the interministerial Steering Committee facilitated taking decisive action to solve the problems?

As noted, the Steering Committee has a positive impact on the exchange of information between its members, has strengthened interministerial cooperation and facilitates the tackling of *ad hoc* problems. Through its annual reports, the

committee renders account to the House of Representatives on the implementation of the policy adopted by the government in 2005.

However, the committee has acted less decisively with regard to developing a long-term vision and future scenarios. In addition, its potential as a platform for keeping track of policy and legislative developments that are relevant to IOs is not systematically exploited. In order to inform IOs of such developments in a timely manner, DKP/DIO relies on bilateral contacts with the ministries.

In the light of the above, it appears that the potential of the Steering Committee, which was originally intended to be a high-level decision-making body, is not being fully exploited.

Do IOs and their non-Dutch staff think the problems have been energetically and effectively tackled?

The internal functioning of the Steering Committee is largely hidden from IOs, which therefore have no opinion on this issue. The committee's value can be inferred from the quality of the services provided by the Dutch government, which, according to IOs and their non-Dutch staff, are gradually improving.

6.6 Description of the budgets used

a) *How much did central government budget for this policy in 2006 and 2007?*

IOB asked the ministries responsible for one or more IOs to provide insight into the costs that they, or the implementing organisations operating under their jurisdiction, had incurred in 2006 and 2007 in the framework of the policy on hosting IOs in the Netherlands. This policy entails various costs, such as financial contributions towards the housing or rehousing of organisations (including the provision of premises or sites for a symbolic fee or free of charge), incidental financial contributions supplementing the Netherlands' regular contributions as a member state or states party and the costs of transporting and providing security for defendants (and visiting family members), lawyers and witnesses involved in the work of the international tribunals. The Netherlands' regular contributions to IOs and the ministries' operating costs are not included in the budget for hosting IOs. Similarly, the loss of income by the Dutch state resulting from the harmonisation of fiscal privileges is not counted as part of the costs of hosting IOs.

The Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Transport, Public Works and Water Management, as well as the National Coordinator for

Counterterrorism (NCTb), provided insight into the costs they had incurred. The Ministry of Defence and the Ministry of Economic Affairs were unable to do so. The remaining ministries stated that they had incurred no expenditure or no noteworthy expenditure during this period.

The budget assembled on the basis of the data provided amounts to EUR 38.7 million. This amount does not include the value of premises or sites made available to IOs. IOB points out that the budgetary overview presented on the basis of the data provided cannot be considered complete. Perhaps such an overview can be produced in the future under the auspices of the interministerial Steering Committee.

b) *What did these budgets consist of?*

The costs presented in the overview in section 4.5 can be broken down as follows:

- Premises: EUR 27,235,000
- Security: EUR 5,000,000
- Other costs: EUR 6,455,000

Annexe 1 About IOB

Objectives

The objective of the Policy and Operations Evaluation Department (IOB) is to increase insight into the implementation and effects of Dutch foreign policy. IOB meets the need for independent evaluation of policy and operations in all policy fields falling under the Homogenous Budget for International Cooperation (HGIS). IOB also advises on the planning and implementation of the evaluations for which policy departments and embassies are responsible. Its evaluations enable the Minister of Foreign Affairs and the Minister for Development Cooperation to account to parliament for policy and the allocation of resources. In addition, the evaluations aim to derive lessons for the future.

Efforts are accordingly made to incorporate the findings of evaluations into the Ministry of Foreign Affairs' policy cycle. Evaluation reports are used to provide targeted feedback, with a view to improving both policy intentions and implementation. Insight into the outcome of implemented policy allows policymakers to devise measures that are more effective and focused.

Approach and methodology

IOB has a staff of experienced evaluators and its own budget. When carrying out evaluations, it calls on the assistance of external experts with specialised knowledge of the topic under investigation. To monitor its own quality, it sets up a reference group for each evaluation, which includes not only external experts but also interested parties from within the Ministry.

Programme

The evaluation programme of IOB is part of the programmed evaluations annexe of the explanatory memorandum to the budget of the Ministry of Foreign Affairs.

An organisation in development

Since IOB's establishment in 1977, major shifts have taken place in its approach, areas of focus and responsibilities. In its early years, its activities took the form of separate project evaluations for the Minister for Development Cooperation. Around 1985, evaluations became more comprehensive, taking in sectors, themes and countries. Moreover, IOB's reports were submitted to parliament, thus entering the public domain.

1996 saw a review of foreign policy and a reorganisation of the Ministry of Foreign Affairs. As a result, IOB's mandate was extended to the Dutch government's entire foreign policy. In recent years, it has extended its partnerships with similar departments in other countries, for instance through joint evaluations.

Finally, IOB also aims to expand its methodological repertoire. This includes greater emphasis on statistical methods of impact evaluation. As of 2007 IOB undertakes policy reviews as a type of evaluation.

Annexe 2 Terms of Reference

28 March 2008

1 Introduction

On 27 June 2005, the Minister of Foreign Affairs sent to the House of Representatives the government's position paper on the 2002 Interministerial Policy Review (IBO) 'Policy Framework for Attracting and Hosting International Organisations'.²⁰¹ This position paper was not only a response to the IBO report, but also an attempt to address a number of problems raised by international organisations (IOs). The position paper marked an important shift in Dutch policy, from its initial emphasis on attracting IOs to the Netherlands towards doing better at hosting the organisations already located here.

In November 2007, the Ministry of Foreign Affairs' Desk for International Organisations (DKP/DIO) asked the Policy and Operations Evaluation Department (IOB) to review Dutch policy on the Netherlands' role as an IO host country.²⁰² The IOB will carry out this policy review in the first half of 2008.

The policy review is aimed at establishing the extent to which the measures taken have helped improve conditions for Netherlands-based IOs to date,²⁰³ enabling account to be rendered to Parliament and the IOs themselves and lessons to be learned with a view to further improvements.

²⁰¹ House of Representatives, 2004-2005, 30 178, no. 1.

²⁰² The review will focus on operational objectives 1.3 (properly functioning international legal institutions in The Hague) and 8.4 (an attractive climate for international organisations to locate to the Netherlands) from the Ministry of Foreign Affairs budget.

²⁰³ This review is taking place at a relatively early stage, some two and a half years after the introduction of the new policy. Therefore, not all the measures taken can be expected to have resulted in noticeable improvements; some measures could not yet have done so. The study will take stock of the current situation, but it cannot be considered a final evaluation.

2 Background

In the 1990s, the government invested considerable energy in attracting IOs to the Netherlands, following a 1988 policy document in which it affirmed the importance of doing so. Thanks partly to an active policy of seeking to attract such organisations, there are now 32 IOs based in the Netherlands (see ToR annexe 1). The Netherlands is competing with other countries that host international organisations.

In its 2005 position paper, the government gave political, practical and economic arguments for valuing IOs' presence in the Netherlands:

- *Politically*, because the Netherlands is internationally recognised and acknowledged as the seat of major international organisations. This status helps the country to achieve its policy objectives in the international arena. The position paper foresaw that the Netherlands would gain considerable prestige from its role as host country to so many international legal organisations. Making The Hague known worldwide as 'legal capital of the world' would also endow the whole country with a certain moral and political standing. Not only would this enhance the Netherlands' ability to implement article 90 of the Constitution (on promoting the development of the international legal order); the legal organisations' presence would also produce a unique infrastructure that would help to promote the development and dissemination of international law around the world.
- *Practically*, because the presence of this large number of international institutions in the Netherlands helps the country's businesses and knowledge institutions to achieve their objectives and ambitions.
- *Economically*, because of the consumer spending and extra employment associated with the presence of international organisations and their personnel (plus families). At the same time, the image of the Netherlands as an internationally minded country helps to attract tourists, foreign companies, non-governmental organisations and researchers.

2.1 Ensuring attractive conditions for international organisations

The government concluded in 2005 that the main emphasis should now shift to providing the right conditions for the IOs already based in the Netherlands. The government aimed not only to fulfil its legal obligations towards the IOs but also to create an image of the Netherlands as an attractive host country. In principle,

the Netherlands should offer IOs conditions that are competitive with those on offer elsewhere and that will be seen as hospitable, favourable, effective and solution-oriented – the main objective of the policy.

This was not the case in 2005. A survey that year by the International Organisations' Staff Associations in the Netherlands (IOSA-NL) had revealed that no less than three quarters of them would rather have been based in some other country, largely due to conditions in the Netherlands. Their specific complaints concerned the headquarters agreement or Dutch compliance with it, the tax situation, medical facilities, the cost of living, and issues related to naturalisation and the environment.²⁰⁴

These problems led the government to take measures to improve the situation in the following four areas:

- a) admission to and residence in the Netherlands for foreigners;
- b) information and communication;
- c) privileges and immunities; and
- d) infrastructure.

Many of the measures taken, though not all of them, were based on the IBO report's recommendations.

a) *Admission to and residence in the Netherlands for foreigners*

A decision was made to relax the policy on identity cards issued by the Ministry of Foreign Affairs.²⁰⁵ In addition, the government endorsed the IBO report's recommendation to grant employees and former employees of IOs and their accompanying family members an independent right to residence in the Netherlands on the basis of the Aliens Act after ten years' stay in the country.²⁰⁶

It was also decided that IO staff and their accompanying family members would be allowed to total up periods of legal residence under the Aliens Act 2000 and

²⁰⁴ IOSA-NL, *At Home in Holland? How Staff Members of International Organisations View Life in The Netherlands*, 12 October 2005.

²⁰⁵ This concerned dependent children aged between 18 and 23, provided that they are part of the household of the staff member concerned and are resident with him/her, and children under 27 if they are both studying in a non-Schengen country and nationals of a non-Schengen country.

²⁰⁶ IO staff were also to have a right of permanent residence under the Aliens Act after ten years, even if they voluntarily left the organisation's employ. Family members aged 18 or over were to be able to apply for a permanent residence permit after ten years' stay in the Netherlands, even if the staff member they were originally accompanying continued to work for an IO or left the Netherlands.

those as an employee of an IO and apply for a permanent residence permit after a total of ten years' residence in the Netherlands. The accumulated period of residence is also an important issue in relation to naturalisation. The guidelines for the application of the Netherlands Nationality Act were to be applied in such a way that the accumulated period of residence under international law would count towards the required period of stay for naturalisation, provided that the applicant had been resident in the Netherlands with privileged status for an uninterrupted period of at least five years immediately preceding admission under the Aliens Act. The relevant legislation relating to the Aliens Act and naturalisation was to be amended as quickly as possible to implement these changes, but in any event no later than 1 January 2006.

b) Information and communication

Information and communication about legislation in the Netherlands and about relevant policy developments were to be improved. To this end, measures would also be taken to strengthen the interministerial framework (see section 2.2). The Secretary-General of the Ministry of Foreign Affairs would continue to invite all the IOs to annual or biannual meetings to discuss relevant policy developments and issues. In this way, the government would continue to offer the organisations a forum in which to raise issues that were giving rise to problems on the ground. Other ministries and the municipality of The Hague would also be represented at these meetings.

There are two central government help desks: the Ministry of Foreign Affairs' Desk for International Organisations (DKP/DIO), which deals with general matters, and the Central Bureau for International Tax Treatment (CB/IFB) in Rijswijk, which deals with matters relating to customs and fiscal affairs. The Ministry of Foreign Affairs also provides information about settling in the Netherlands to new IO staff members and their families.

The Hague municipality has an International Desk, which is the central contact point for expats residing in The Hague, and an International Corner, where they can obtain information on municipal services and products. The municipal Hospitality Centre caters for the foreign media.²⁰⁷

²⁰⁷ The International Desk and the Hospitality Centre were recently merged into the Xpat Desk of The Hague Hospitality Centre. The Xpat Desk serves as the first point of contact between individual expats and the municipality. It provides information about specific municipal services and general information about health, education and other matters of interest.

c) *Privileges and immunities*

With regard to the problem of disparate treatment of staff in the same category but employed by different Dutch-based IOs, the government decided – in view of the international competition between countries to attract IOs – to eliminate all remaining discrepancies in how staff of different IOs were treated. The categories of staff were to be streamlined to reflect international standards: the most senior IO personnel would be placed on an equal footing with diplomats of equivalent rank at embassies in the Netherlands and other personnel on an equal footing with the administrative, technical, and – where applicable – service staff of such embassies. The new system was based on the Vienna Convention on Diplomatic Relations (1961).²⁰⁸ Consequently, the privileges and immunities of all IO staff were to be standardised and made the same as those generally applying to embassy personnel.

The standardisation of privileges and immunities for the organisations' staff was also to apply to any IOs that might decide subsequently to base themselves in the Netherlands. In order to anchor this arrangement in international law, supplementary agreements were to be concluded with all Netherlands-based IOs, except for those organisations which already had agreements enshrining the standard system now adopted. This would not affect any existing arrangements in headquarters agreements or other bilateral agreements. The aim was to bring the new regime into operation on 1 January 2006. Obviously, cooperation by the various IOs was needed to meet this deadline.

d) *Infrastructure*

While many of the infrastructural problems facing IOs cannot be blamed on government, central or otherwise, the Netherlands sees it as its responsibility – as host state – to provide good facilities for the IOs permanently based within its borders.

Premises for international organisations: The job of finding suitable premises for IOs is undertaken in collaboration with the ministry with primary responsibility for the organisation concerned and with the relevant municipality. The Government Buildings Agency (RGD) is available to serve the IOs as landlord and buildings manager, but they are also free to engage such services directly from the private sector. If the RGD is used, the Premises for International Organisations

²⁰⁸ The new system relates to people of non-Dutch nationality who are working for IOs and people who are not permanent residents of the Netherlands.

(Procedures) Order (1999) applies. This Order has been amended in line with the IBO report's recommendations so that an IO can sign a contract directly with the RGD. As a result, the only remaining role for the ministry responsible for a particular IO is to bear the financial risk in relation to the RGD. This measure was taken in order to facilitate finding suitable premises for IOs.

Security: The host country bears full responsibility for the external security of IOs' premises. In some instances, the personal security of their staff may also be an issue. In the case of criminal tribunals, there is the additional question of the security of indictees, witnesses and visiting family members. The measures to be taken by the Netherlands depend on the nature of the organisation and the threat and risk assessments produced by the competent authorities with regard to the premises and/or individuals involved. This is systematically reviewed via an established administrative structure in which the National Surveillance and Protection Coordinator (under the responsibility of the Ministers of Justice and the Minister of the Interior and Kingdom Relations) plays a central role. The Minister of Foreign Affairs acts as an intermediary with the organisations and ensures that treaty obligations are met. When the position paper was published, work was being done to give security measures a higher profile and ensure swift and clear communication with IOs on security matters. The competent services were also to give briefings on a regular basis.

Medical facilities: The survey conducted in mid-2005 by IOSA-NL found many complaints about Dutch health care. As the government's position paper noted, expats experienced problems due particularly to a shortage of family doctors, language barriers and unfamiliarity with the Dutch healthcare system. Agreements were therefore reached with relevant institutions in and around The Hague to ensure that IO staff had guaranteed access to primary health care through a family doctor. Consultations were to take place with relevant institutions and insurance companies on ways to improve access to specialists and to tackle the shortage of dentists in the Hague area. These measures would later be rolled out nationwide so that all IOs based in the Netherlands could benefit from them.

International schools: Demand for international education in and around The Hague has increased substantially in recent years. The range of international education includes both privately run international schools (like the American, British French and German schools) and schools which are part of the mainstream Dutch education system but have an international stream (known as Internationally Oriented Education or by the Dutch abbreviation IGO). The initiative by the

International School of The Hague to offer a continuous curriculum for children aged between 4 and 18 with all the associated facilities was a response to the increasing demand. The school planned to achieve this by 2006. There were also thoughts of establishing a European School with different language streams somewhere in The Hague area. The relevant organisations and the International School of The Hague were to jointly examine the situation and see whether this plan could be linked to the initiative by the International School.

Conference facilities: There is a substantial demand for high-class professional conference facilities in The Hague, in particular for major international conferences like the annual meeting of the Assembly of States Parties to the Rome Statute of the International Criminal Court. The World Forum is radically overhauling its facilities in cooperation with the municipal authorities in The Hague. In addition, the Ministry of Foreign Affairs regularly makes its large conference hall – complete with technical equipment and booths for simultaneous interpretation – available. Several hotels also have conference facilities. The question remains whether the supply of high-class professional conference facilities is sufficient to meet the demand.

Access: The Hague is considered to be sufficiently accessible for travellers from other cities in Europe, thanks to good train connections with Schiphol Airport and Brussels. Long tailbacks occurring on access roads to the city centre in the morning and evening rush hours are a problem, however. Policies for improving road access to The Hague were to place particular emphasis on IOs' needs.

2.2 Organising the work of hosting international organisations

DKP/DIO

The Protocol Department (DKP) of the Ministry of Foreign Affairs is the primary contact point for foreign missions and IOs in the Netherlands. Among other tasks, DKP is responsible for registering privileged persons and for matters concerning the immunities and privileges of the Diplomatic Corps and IO staff.²⁰⁹ In 2000, in response to numerous complaints by IOs about how the Netherlands organised the work of hosting them,²¹⁰ the then Secretary-General of the Ministry of Foreign Affairs decided to establish a Desk for International Organisations (DIO) within

²⁰⁹ Registration is done using the PROBAS personal records database. A project was launched in 2005 to make the PROBAS system future-proof, meaning in particular to include biometric features.

²¹⁰ Organisational and Development Advice Division (HDPO/OO), *Doorlichting Directie Kabinet en Protocol* (Assessment of the Protocol Department), The Hague, 15 February 2007, p. 7.

DKP. DKP/DIO is the IOs' central contact point within the Dutch central government and provides various services for them. To stress the importance of hosting IOs properly, an Ambassador for International Organisations (AMIO) was appointed in 2006.

Interministerial coordination

There are many bodies that are responsible and take responsibility for IOs' working environment. The Ministry of Foreign Affairs, in consultation with the municipal authorities in The Hague and the ministries and institutions concerned, is charged with playing a coordinating and stimulating role to ensure adequate capacity and high quality.

In 2005 an interministerial Steering Committee on the Netherlands as Host Country was established to coordinate organisation, information provision and accountability for this policy area. Chaired by the Secretary-General of the Ministry of Foreign Affairs, the Steering Committee includes representatives of all the relevant ministries and the Hague municipality. The Steering Committee members need to have the authority to solve any policy and financial problems that may arise. Each ministry's involvement with IOs must be transparent and centrally coordinated. Besides a representative in the Steering Committee, each ministry identifies a liaison for the IOs' day-to-day business.

As part of its coordinating role, the Ministry of Foreign Affairs runs the Steering Committee's secretariat. While this ministry is the central contact point for the work of hosting IOs in general, the ministry responsible for each specific IO shares responsibility for solving problems that may arise. Policy proposals, policy assessments, policy reports and proposals for attracting a new IO are prepared by the Steering Committee for presentation to the government.

The Steering Committee has met five times so far. It discusses the overall implementation of the government's position paper, including the agreed annual report to the House of Representatives. Specific agenda points have included premises for IOs, health care, privileges and immunities, and current affairs. The Steering Committee has established several *ad hoc* interministerial working groups to find solutions to specific problems. In the past, the following working groups were established: Helpdesk, Health Care, Education and IO Premises. Each of these groups includes representatives of the ministries most concerned and, where appropriate, the Hague municipality.

2.3 The budget

Hosting international organisations costs the Dutch central government money, due for example to favourable rental terms, additional financial support to IOs by the Netherlands and the costs of providing external security. The 2002 IBO report included a cost-benefit analysis covering three IOs.²¹¹ In all three cases there was a positive net economic result for the Netherlands over the medium term (ten years).

The IBO report recommended that the Steering Committee send an annual financial report to Parliament on the costs of hosting IOs, to be drawn up by the Ministry of Foreign Affairs on the basis of figures provided by the other ministries. The government did not adopt this recommendation; it limited itself in its position paper to stating that the Steering Committee would send an annual policy report to the House of Representatives. To date two reports, which contained no financial information, have been sent to the House.²¹²

3 Research questions

Objective of the policy review

The policy review is aimed at answering the following questions:

- a) *description and analysis of the problem which led to the policy*
 - i) What were the issues and problems facing Netherlands-based IOs and their staff prior to 2005?
 - ii) How did the central government obtain information about these issues and problems?

- b) *description and underpinning of the central government's role*
 - i) Which aspects of hosting international organisations are the legal responsibility (treaty obligations) of the central government?
 - ii) For which aspects does the central government take responsibility?
Which aspects does it not consider its responsibility?

²¹¹ Michiel de Nooy en Jules Teeuwes, *Kosten-baten analyse van vestiging en verblijf van internationale organisaties* (Cost-benefit analysis of establishing and hosting international organisations), SEO report no. 617, Amsterdam, 2002.

²¹² Ministry of Foreign Affairs, *Werving en opvang internationale organisaties* (Attracting and Hosting International Organisations), DKP/DIO-2007/012, The Hague, 29 January 2007; Ministry of Foreign Affairs, *Rapportage in zake Beleidskader Werving en Opvang Internationale Organisaties* (Report on the Policy Framework for Attracting and Hosting International Organisations), DKP/DIO-2008/018, The Hague, 7 March 2008.

- iii) Which aspects do the IOs and their staff consider to be the central government's responsibility?
- c) *description of the policy objectives investigated by the review*
 - i) What problems did the central government set out to solve?
- d) *description of the instruments used to solve the problems and analysis of the results*
 - i) What measures were taken to solve the problems?
 - ii) How relevant were the measures taken?
 - Did the measures taken follow logically from the policy objectives?
 - Do the IOs and their international staff regard the measures taken as appropriate?
 - iii) How effective were the measures taken?
 - Have the measures been implemented?
 - Have the measures resulted in a better service provision to the international organisations?
 - Do the IOs and their international staff think the measures have been effective?
 - Has the number of complaints decreased?
 - iv) Has the policy been implemented efficiently?
 - How well has the interministerial Steering Committee been performing, and what is the role of DKP/DIO?
 - How well have the interministerial working groups been performing?
 - Has the interministerial Steering Committee facilitated taking decisive action to solve the problems?
 - Do the IOs and their international staff think the problems have been energetically and decisively tackled?
- e) *description of the budgets used to support IOs*
 - i) How much did the central government budget for this policy in 2006 and 2007?
 - ii) What did these budgets consist of?²¹³

²¹³ The scale of the overview of budgets and expenditures provided by the review will depend on the extent of the information supplied by the different ministries.

4 Scope of the review

Target group

The review will only examine the conditions for Netherlands-based international governmental organisations.²¹⁴ Foreign missions, international private business, private or non-governmental organisations will not be covered. This is because facilitating the work of IOs has its own rationale, due to (1) the presumed added value of their presence in the Netherlands, (2) the importance of the Netherlands' competitive position, which is not such an important factor with foreign missions, and (3) the fact that IO staff tend in general to stay in the Netherlands for longer periods. It should be noted that the Dutch government undertakes many other initiatives to improve the Netherlands' image and the conditions for hosting public and private organisations. The review will take note of these initiatives, but will not evaluate them. It will focus only on measures strictly related to international governmental organisations.

Conditions for Netherlands-based IOs

As indicated above, the review will examine the measures that have been taken to improve conditions for IOs in the Netherlands. Due to considerations of time and methodological complexity, it will not review the position paper's conclusions about the purported advantages of IOs' presence in the Netherlands, such as a favourable impact on the country's image, the advancement of objectives of Dutch foreign policy and the construction of legal and other knowledge infrastructure. Nor will the policy review discuss efforts to attract new IOs.

Focus on government action

The perception of the Netherlands as a host country by IOs and their staff is influenced by many factors on which the government can have no effect: the weather and social and cultural habits characteristic of Dutch society are obvious examples. The policy review will therefore restrict itself to investigating those factors within reach of government action. The review will however consider the possibility that the government, in its attempts to attract IOs, painted a picture of the Netherlands that gave rise to certain expectations among IOs and their staff, which their experience may not have lived up to.

²¹⁴ The 2002 IBO report referred to the following definition by August Reinisch: 'International organisations are entities consisting predominantly of states, created by international agreements, having their own organs, and entrusted to fulfil some common (usually public) task.' (*International Organisations before National Courts*, Cambridge: Cambridge University Press, 2000, p. 5).

Government departments covered by the review

The policy review will focus primarily on the role of the Ministry of Foreign Affairs, with an emphasis on DKP/DIO, and on the performance of the interministerial Steering Committee. Where relevant, actions by other ministries responsible for particular IOs and by municipal authorities will also be described. However, their actions will not be evaluated separately.

Period under review

The period being assessed extends from June 2005 (when the government issued its position paper) to the end of 2007. Where appropriate, the current situation (in 2008) will also be taken into consideration. This review is taking place at a relatively early stage, some two and a half years after the introduction of the new policy. Therefore, not all the measures taken can be expected to have resulted in noticeable improvements; some measures could not yet have done so. The study will take stock of the current situation, but it cannot be considered a final evaluation.

5 Methodology and approach

The policy review will apply an evaluation matrix with indicators of policy inputs, outputs and outcomes (see ToR annexe 2).

Desk study

The most important written and electronic sources will be analysed by means of a desk study. These sources include: letters to Parliament; policy documents; internal memoranda of the Ministry of Foreign Affairs; DKP/DIO's correspondence with other ministries, the Hague municipality and IOs; records of interministerial Steering Committee and working group meetings; informational material, etc. The desk study will serve mainly to trace how policy was developed, what measures were planned, what measures were taken, what their effects were, how communication policy was developed and implemented, and how the Steering Committee and working groups have been performing.

Interviews

The views of those involved are an important source of information on policy development and implementation and on the effectiveness of the measures taken. Interviews will be conducted with DKP/DIO staff, members of the interministerial Steering Committee and working groups, liaisons at the line ministries, staff of implementing organisations (the Government Buildings Agency, Central Bureau for International Tax Treatment and International Desk and International Corner

of the Hague municipality), IO management and international staff, and the IOSA-NL secretariat.

Questionnaire surveys

Two separate questionnaire surveys are planned in order to obtain an overview of the important issues and problems in 2005 and the views of the IOs and their international staff on the measures taken since then. One questionnaire with open-ended questions will be directed to IO senior management. A second questionnaire will be directed to all expatriate staff members of IOs located in the Netherlands. This second survey will be conducted by means of computer assisted web interviewing (CAWI).

Selection of organisations

All the IOs based in the Netherlands will be included in the widest sense in the investigation (through the analysis of written sources and the surveys). A number of IOs will be selected for a closer examination of their specific situation. To guarantee the most representative sample possible, the selection will take into account the different types of organisations (economic, technical, peace and security, legal), their size (number of staff members) and their location (in the city of The Hague, in the Hague area or elsewhere in the Netherlands).

6 Organisation of the assessment

The policy review will be conducted by and under the responsibility of IOB inspector Ted Kliet. IOB researcher Bas Limonard will be involved in the policy review throughout the process. IOB researcher Rianne Verbeek will be called in for three months during the implementation phase.

The work of conducting the survey among staff members of Netherlands-based IOs (see section 5) will be outsourced to TNS NIPO BV. The survey questions will be drawn up by the IOB review team in consultation with TNS NIPO. The latter will conduct the statistical analysis of the results.

Within the IOB, inspectors Rita Tesselaar and Gerard van der Zwan will act as internal readers.

A reference group will comment on the draft assessment report and possibly on interim documents such as the analysis of the survey results. This group will consist of Ms Pauline Genee and Mr Ron Muzert of the Ministry of Foreign Affairs,

Mr Serv Wiemers of the Ministry of Economic Affairs, Mr Paul Vlaanderen of the Ministry of Finance, Professor of Management and Organisational Sciences Mandy van der Velde of Utrecht University and Mr Christian Archambeau of the European Patent Office. Director IOB, Bram van Ojik, will chair the group.

7 Final product

The policy review will culminate in an IOB report, which the Minister of Foreign Affairs will present to the House of Representatives, possibly accompanied by his policy response. The analysis of the survey results will be made public together with the report, as an annexe to it. The report will also be made available in English.

8 Timetable

January 2008	Familiarisation with topic and drafting of Terms of Reference (ToR)
February 2008	Research of documentation Discussions with DKP/DIO Drafting and adoption of ToR Establishment of reference group
March 2008	Review of draft ToR by reference group Translation of ToR into English by Ministry of Foreign Affairs Translation Department (AVT) Adoption of ToR by Secretary-General of Ministry of Foreign Affairs Selection of research bureau Additional research in files Interviews
April 2008	Drafting of survey questionnaires Testing of survey questionnaires Surveys Additional research in files Interviews
May 2008	Analysis of survey results In-depth interviews Drafting of report
June 2008	Completion of draft report Assessment of report by focus group and internal readers

July 2008	Completion of final report Adoption of report by IOB Director Translation of report into English by AVT Report sent to Minister of Foreign Affairs
August 2008	Drafting of response by Minister of Foreign Affairs
September 2008	Presentation of report and response to House of Representatives

ToR Annexe 1 List of international organisations based or with an office in the Netherlands

- 1) African Management Services Company (AMSCO)
- 2) Allied Joint Force Command (JFC) Brunssum
- 3) Benelux Office for Intellectual Property (BOIP)
- 4) Common Fund for Commodities (CFC)
- 5) Eurojust
- 6) European Commission (EC)
- 7) European Organisation for the Safety of Air Navigation (EUROCONTROL)
- 8) European Parliament (EP) Information Office
- 9) European Patent Office (EPO)
- 10) European Police Office (Europol)
- 11) European Space Agency / European Space Research Technology Centre (ESA/ESTEC)
- 12) Hague Conference on International Private Law (HCCH)
- 13) High Commissioner on National Minorities / Organisation for Security and Cooperation in Europe (HCNM)
- 14) Institute for Energy (JRC-IE)
- 15) International Court of Justice (ICJ)
- 16) International Criminal Court (ICC)
- 17) International Criminal Tribunal for Rwanda (ICTR)
- 18) International Criminal Tribunal for the former Yugoslavia (ICTY)
- 19) International Institute for Geo-Information Science and Earth Observation (ITC-UNESCO)
- 20) International Organisation for Migration (IOM)
- 21) Iran-United States Claims Tribunal (IUSCT)
- 22) NATO Airborne Early Warning and Control Programme Management Agency (NAPMA)
- 23) NATO Consultation, Command and Control Agency (NC3A)

- 24) Nederlandse Taalunie (Dutch Language Union)
- 25) Organisation for the Prohibition of Chemical Weapons (OPCW)
- 26) Permanent Court of Arbitration (PCA)
- 27) Special Court for Sierra Leone
- 28) Special Tribunal for Lebanon
- 29) Technical Centre for Agricultural and Rural Cooperation (CTA)
- 30) UNESCO-IHE Institute for Water Education
- 31) United Nations Environment Programme / Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (UNEP/GPA)
- 32) United Nations University / Maastricht Economic and Social Research and Training Centre on Innovation and Technology (UNU-MERIT)

ToR Annexe 2 Evaluation Matrix²¹⁵

Objective/means	Indicators/variables	Source
Input Measures	<ul style="list-style-type: none"> • Adaptation of legislation and rules • Measures taken to improve processing of visa applications and work permits • Relaxation of policy on residence in the Netherlands • Relaxation of policy regarding identity cards • Meetings to brief IOs • Information leaflets for expats • Establishment of central desks to provide services to IOs and their international staff • Elimination of discrepancies in privileges and immunities • Adaptation of the Premises for International Organisations (Procedures) Order • Consultations and agreements with healthcare institutions • Establishment of interministerial Steering Committee 	<ul style="list-style-type: none"> • Policy documents • DKP annual plans and annual reports • DKP/DIO files, including correspondence with relevant parties • Briefing materials • Agendas and records of briefing meetings • Interviews with policy staff of relevant ministries, Steering Committee and working groups

²¹⁵ The matrix is not exhaustive and may be extended to include other issues that come to light during the course of the policy review.

<p>Output</p> <p>Improved service provision to IOs and their international staff</p>	<ul style="list-style-type: none"> • Adaptation of legislation and rules • Effective and efficient processing of visa and work permit applications • Relaxed policy on provision of identity cards and residence permits • Adequate provision of information to IOs and their international staff • Adequate briefing material • Customer-friendly service provision to individual international staff • Standardised privileges and immunities for IO international staff • Rapid and efficient location of premises for IOs • Adequate access by IO international staff to medical facilities • Transparent, effective and efficient interministerial structure to facilitate communication with IOs 	<ul style="list-style-type: none"> • Legislation • DKP/DIO files, including correspondence with relevant parties • Minutes interministerial Steering Committee • Interviews with members of interministerial Steering Committee and working groups, national implementing organisations and The Hague municipality • Interviews with IO representatives • Interviews with IOSA-NL secretariat • Questionnaire survey of IOs • Questionnaire survey of IO international staff
<p>Outcome</p> <p>Improved conditions for Netherlands-based IOs</p>	<ul style="list-style-type: none"> • Satisfaction of IOs and their international staff • Complaints 	<ul style="list-style-type: none"> • DKP/DIO files, including correspondence with relevant parties • Complaint records • Interviews with IO representatives • Interviews with IOSA-NL secretariat • Questionnaire survey of IOs • Questionnaire survey of IO international staff

ToR Annexe 3 List of abbreviations

AMIO	Ambassador for International Organisations
AVT	Translation Department, Ministry of Foreign Affairs
CB/IFB	Central Bureau for International Tax Treatment
DKP	Protocol Department, Ministry of Foreign Affairs
DKP/DIO	Desk for International Organisations, Ministry of Foreign Affairs
HDPO/OO	Organisational and Development Advice Division, Ministry of Foreign Affairs
EU	European Union
IBO	Interministerial Policy Review
IGO	Internationally Oriented Education
IO	international organisation
IOB	Policy and Operations Evaluation Department
IOSA-NL	International Organisations' Staff Associations in the Netherlands
NCTb	National Coordinator for Counterterrorism
NGO	non-governmental organisation
PROBAS	protocol personal records database
RGD	Government Buildings Agency
ToR	Terms of Reference

Annexe 3 Research instruments and response per international organisation

The following table shows how international organisations and their non-Dutch staff participated in the questionnaire survey.

International Organisation	Response to staff survey	Response to management survey	Interview with organisation's management
African Management Services Company (AMSCO)	*		
Allied Joint Force Command Brunssum (JFC)	✓		**
Benelux Office for Intellectual Property (BOIP)	✓	✓	
Centre Technique de Coopération Agricole et Rurale (CTA)	✓		
Common Fund for Commodities (CFC)	✓	✓	
Eurojust	✓		✓
European Commission Representation (EC)	✓	✓	✓
European Organisation for the Safety of Air Navigation (EUROCONTROL)	✓	✓	✓
European Parliament (EP) Information Office	*	***	
European Patent Office (EPO)	✓	✓	✓
European Police Office (Europol)	✓	✓	✓

European Space Agency / European Space Research Technology Centre (ESA/ESTEC)	✓	✓	✓
Hague Conference on International Private Law (HCCH)	✓	✓	✓
High Commissioner on National Minorities / Organisation for Security and Cooperation in Europe (HCNM-OSCE)	✓	✓	✓
Joint Research Centre - Institute for Energy (JRC-IE)	✓		
International Court of Justice (ICJ)	✓		✓
International Criminal Court (ICC)	✓	✓	✓
International Criminal Tribunal for Rwanda (ICTR)	✓	✓	
International Criminal Tribunal for the former Yugoslavia (ICTY)	✓	✓	✓
International Institute for Geo-Information Science and Earth Observation (ITC-UNESCO)	*	✓	✓
International Organisation for Migration (IOM)	*	✓	✓
Iran-United States Claims Tribunal (IUSCT)	✓		✓
NATO Airborne Early Warning and Control Programme Management Agency (NAPMA)	✓	✓	✓
NATO Consultation, Command and Control Agency (NC3A)	✓	✓	✓
Nederlandse Taalunie (Dutch Language Union)	✓	✓	
Organisation for the Prohibition of Chemical Weapons (OPCW)	✓	✓	✓
Permanent Court of Arbitration (PCA)	✓	✓	✓
Special Court for Sierra Leone (SCSL)	✓	✓	✓
Special Tribunal for Lebanon	****	****	****
UNESCO-IHE Institute for Water Education	*		
United Nations Environment Programme / Global Programme of Action for the Protection of the Marine Environment from Land-based activities (UNEP/GPA)	✓	✓	*****
United Nations University / Maastricht Economic and Social Research and Training Centre on Innovation and Technology (UNU-MERIT)	✓	✓	

* This international organisation has no foreign employees that fall under the headquarters agreement, and was therefore not required to complete the survey.

**A representative of the Royal Military and Border Police (Koninklijke Marechaussee) at JFC Brunssum spoke to researchers.

*** This organisation did not receive a management questionnaire.

**** The Special Tribunal for Lebanon was not yet operational at the time of the policy review.

***** The UNEP/GPA office in the Netherlands closed in summer 2008. The planned management interview could therefore not take place.

Annexe 4 Results of the survey of non-Dutch IO staff

At the request of and in close cooperation with the Policy and Operations Evaluation Department (IOB), research bureau TNS NIPO carried out a survey among the non-Dutch staff of Dutch-based IOs.

Method

The survey was carried out by means of computer assisted web interviewing (CAWI). This method allows respondents to participate in the survey via their own computer, after receiving an email message with a link to the questionnaire. IOB provided TNS NIPO with a list of email addresses of potential respondents. The respondents were able to fill out the questionnaire at a time that was convenient to them, without intervention from pollsters or interviewers.

For privacy reasons, not all organisations were able to release the email addresses of their staff. TNS NIPO created an open link for these organisations, which they distributed to their own staff. The questionnaire could be filled out an unlimited number of times via the open link. The advantage of this solution was that a large number of respondents were thus able to participate in the survey after all. The disadvantage is that the findings are less reliable, as there is no longer any control over respondents' conduct. In theory, the same respondent would have been able to fill out the questionnaire several times.

Finally, two organisations received printed versions of the questionnaire, which they distributed to their own staff. Respondents were able to return the questionnaire by stamped addressed envelope.

Sample

Because the survey also made use of an open link, it is not known exactly how many people received the questionnaire. There are two sources that can serve as a

basis for estimating the total number of potential respondents, namely the Ministry of Foreign Affairs' PROBAS system and the staff numbers reported to the IOB review team by the IOs themselves. The PROBAS system estimates the number of potential respondents at 6,850. The total number of staff members reported by the IOs was 7,076. The following table indicates the total number of responses for each method.

Response

	n
Open link	2,620
Email message with link	249
Printed version	28
Total	2,897

In total, 362 staff members were sent an email message with a personalised link to the questionnaire. Seven organisation were sent an open link, which they distributed to their own staff. Finally, 178 members were sent a printed version of the questionnaire.

The total number of respondents was 2,897. A screening question appeared at the beginning of the questionnaire.²¹⁶ Based on this question, 221 staff members were not required to complete the questionnaire. The total number of staff members who filled out the entire questionnaire was 2,676. This represents a response rate of approximately 39%.

Due to the routing of the questionnaire, the number of respondents to a particular question may differ from the total number of respondents. The tables list the total number of respondents for each question.

Fieldwork

The survey was carried out partly during the May holiday. In order to minimise the effect of the holiday as much as possible, it was decided to extend the fieldwork by a week. The fieldwork started on 21 April and lasted until 17 May. Two email

²¹⁶ Screening criterion: non-Dutch nationality/Dutch nationality. The first category was able to complete the questionnaire.

reminders were sent to individuals as well as organisations in order to stimulate responses.

The questionnaire was drafted by IOB and subsequently revised by TNS NIPO. It comprises 82 multiple-choice questions and one open question for additional comments. As noted, the first question was a screening question that determined whether the respondent belonged to the target group. Respondents could only continue filling out the questionnaire if they were of non-Dutch nationality.²¹⁷

Given that the survey focused on non-Dutch staff, the questionnaire was drafted, encoded and posted online in English. At the request of several organisations, the questionnaire was also translated into French. The French version of the questionnaire was made available online a few days after the English version.

Processing

TNS NIPO processed the results of the survey electronically. A computer calculated the percentage value of each figure independently, according to a fixed rounding command. As a result, the sum of the percentages does not always add up to 100%. Wherever such small discrepancies occur, this is due to rounding.

Explanation of traffic light charts

In the following pages, the main results of the survey are presented by means of traffic light charts. A traffic light chart indicates in percentages how often a particular response category has been selected. This provides direct insight into the extent of the respondents' satisfaction in relation to a particular issue. For each issue, the results in every response category are presented as part of the total response. Dark green means 'very satisfied' or 'strongly agree' and red means 'very unsatisfied' or 'strongly disagree'. If a particular response category scores less than 5%, the percentage does not appear on the chart to prevent overlapping with other percentages. The number of persons that answered each question (n) appears to the right of the bar. This number can vary, because the response category 'no opinion/not relevant' has been excluded from the charts.

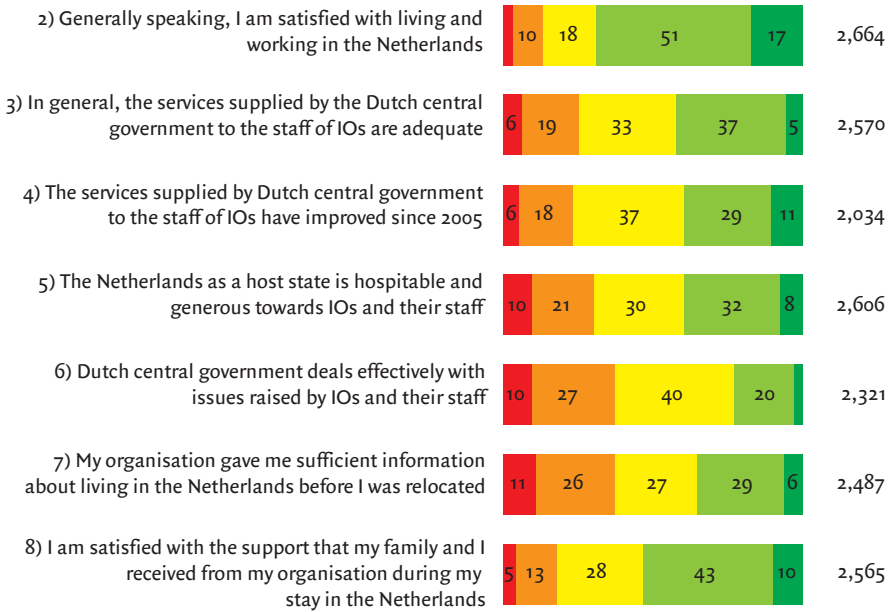
Traffic light charts can only be used for questions with response categories on a five-point scale. A number of questions do not satisfy this criterion, and the results are accordingly presented in a different type of chart.

²¹⁷ This screening criterion is obviously not watertight.

Question 1) Do you have Dutch nationality?

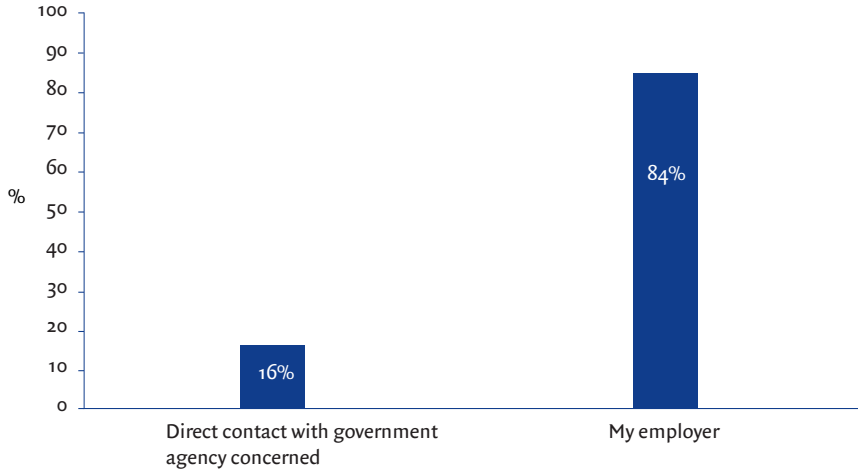
General

Please indicate whether you agree or disagree with the following statements:

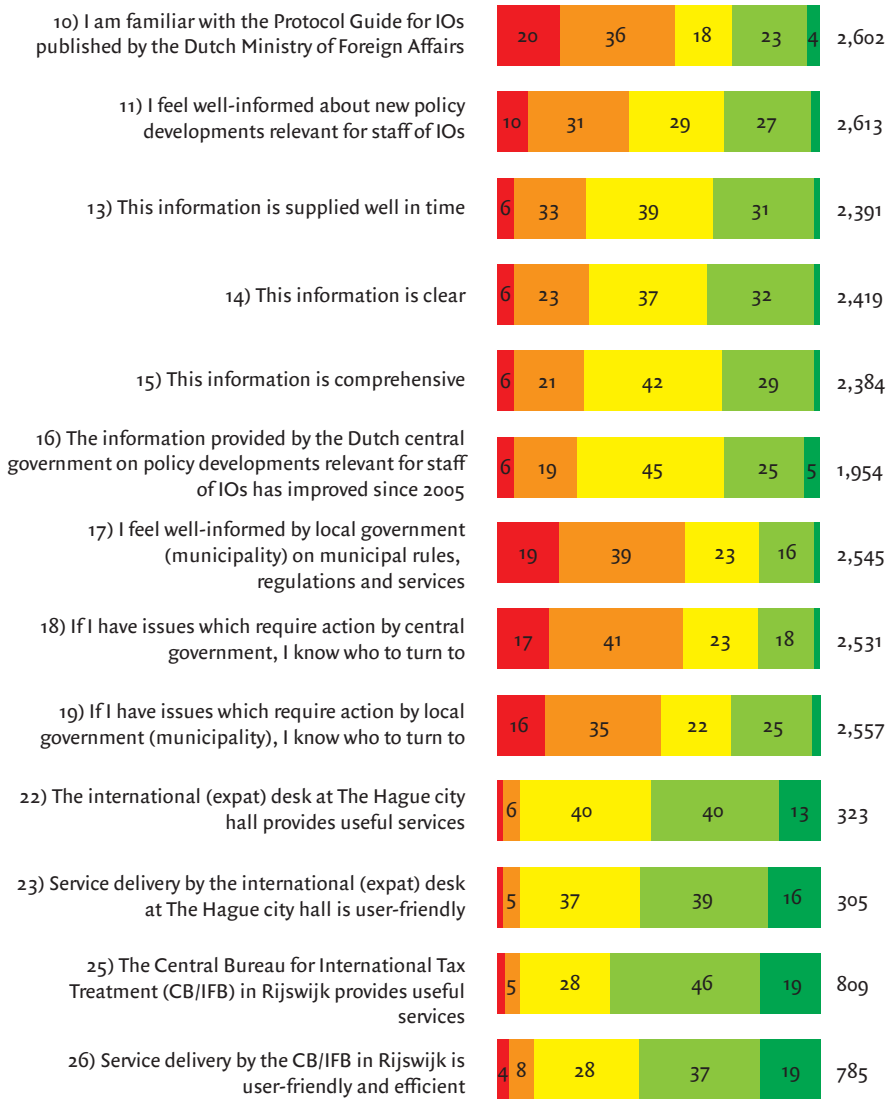


■ Strongly disagree
 ■ Disagree
 ■ Neutral
 ■ Agree
 ■ Strongly agree

Question g) The assistance I most rely on comes from:
n=2,676

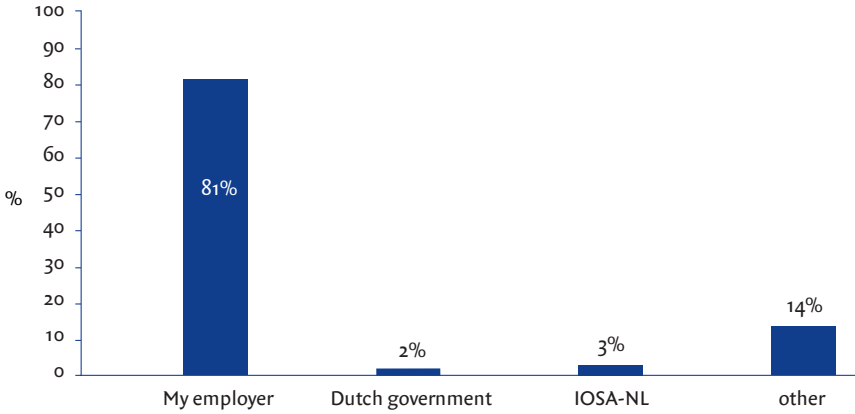


Information & Communication

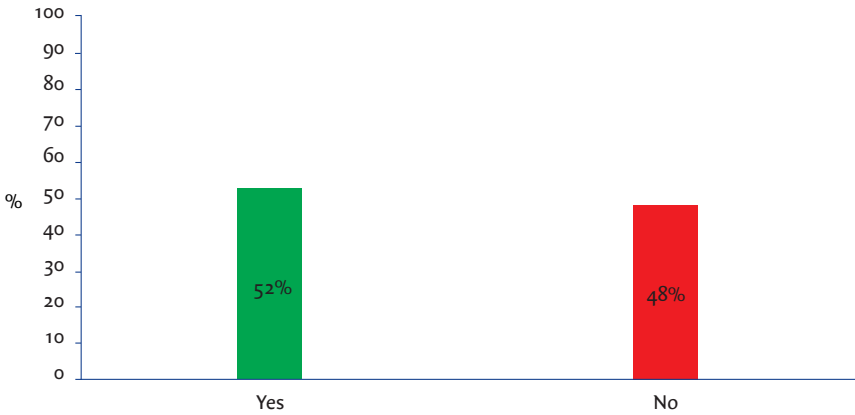


■ Strongly disagree
 ■ Disagree
 ■ Neutral
 ■ Agree
 ■ Strongly agree

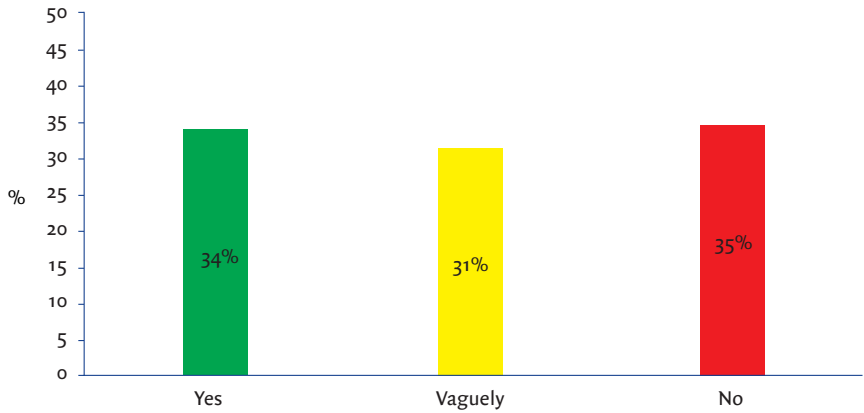
Question 12) Information on new policy developments relevant for staff of international organisations is primarily provided by
n= 2,283



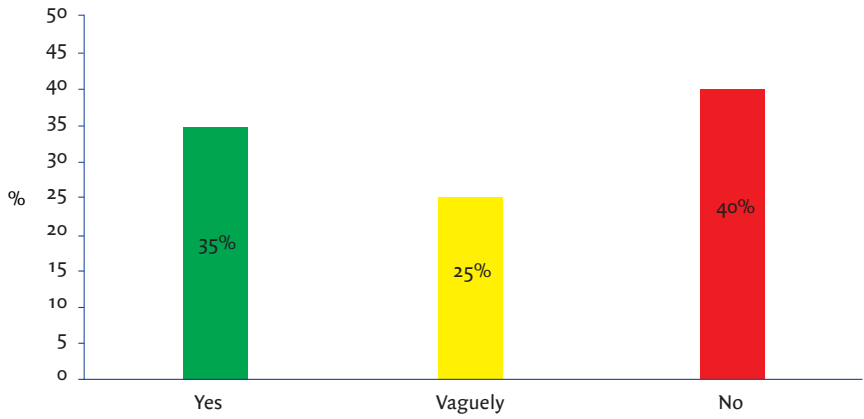
Question 20) Do you live in The Hague municipality?
n=2,676



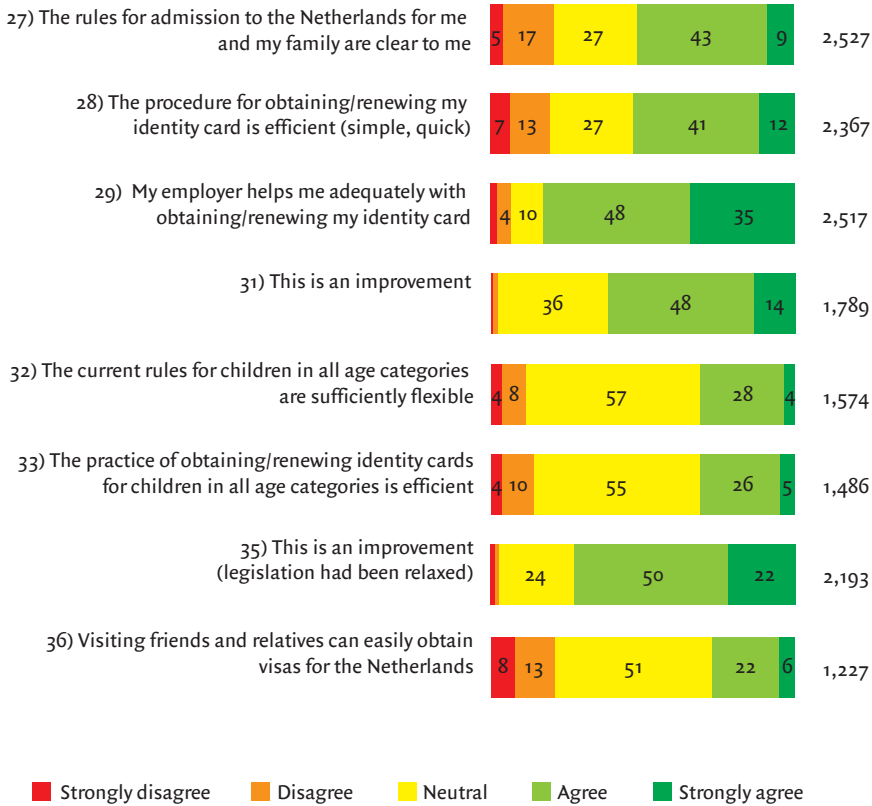
Question 21) I am aware of the existence of an international (expat) desk at The Hague city hall
n=1,396



Question 24) I am aware of the existence of the Central Bureau for International Tax Treatment (CB/IFB) in Rijswijk
n=2,676

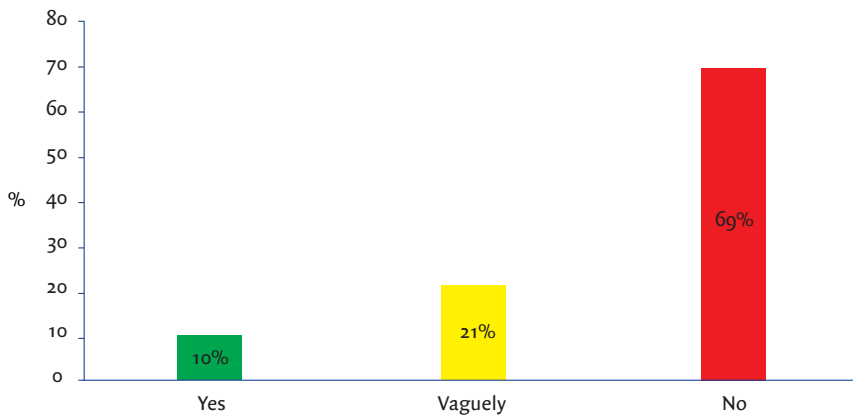


Access to and residence in the Netherlands



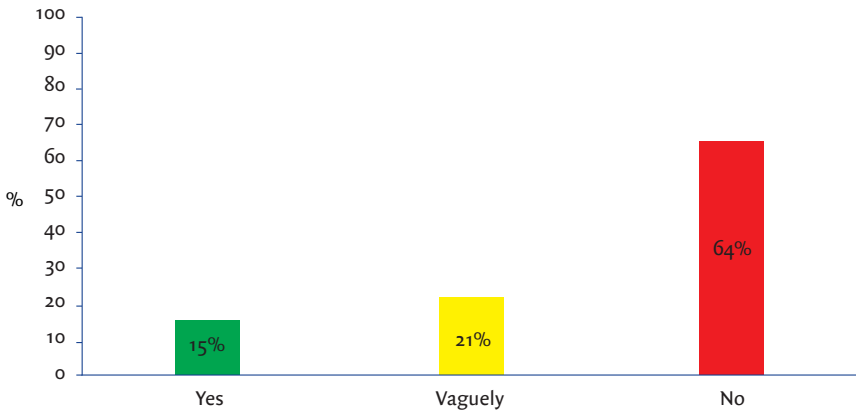
In 2005 the rules were relaxed so that dependent children aged between 18 and 23 who are not full-time students now also qualify for identity cards as accompanying family members provided they are part of the household of the staff member concerned and are resident with him/her. Children younger than 27 who are studying abroad are eligible for identity cards – valid for one year – if they are both studying in and nationals of a non-Schengen country. The rules for children under 18 to qualify for identity cards have remained the same.

Question 30) Were you aware that the rules had been relaxed?
n=2,676



In 2006, the Aliens Act was amended so that employees and former employees of IOs and their accompanying family members who have spent ten years in the Netherlands now have an independent right to remain in this country. Staff of international organisations now have rights of permanent residence after 10 years, even if they voluntarily leave the employ of the IO. Family members aged 18 or over may apply for a permanent residence permit after 10 years in the Netherlands, even if the member of staff they were originally accompanying continues to work for an international organisation or leaves the Netherlands.

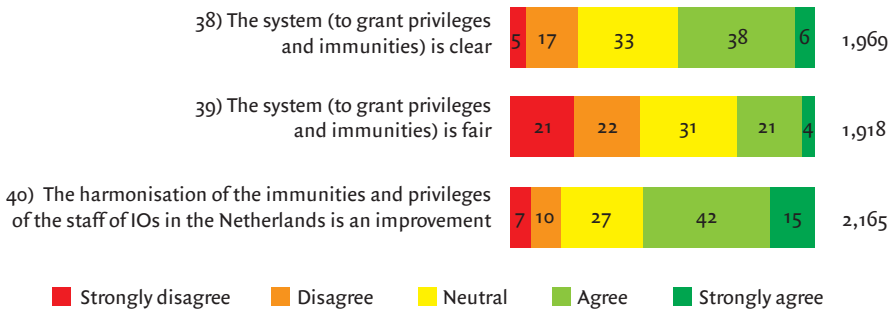
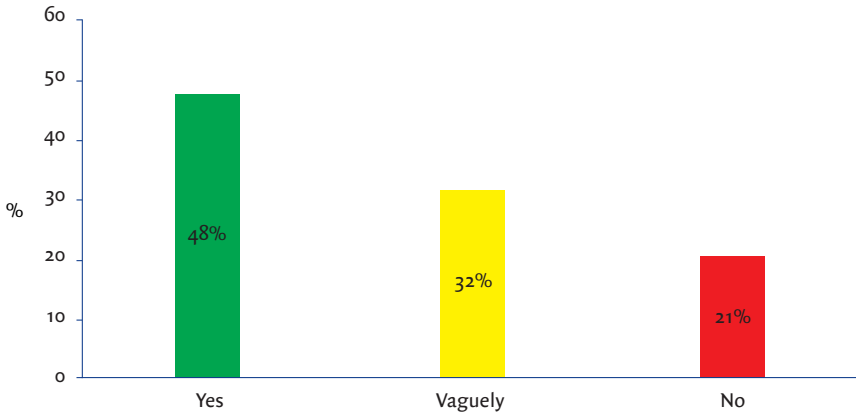
Question 34) Were you aware that the legislation had been relaxed?
n=2,676



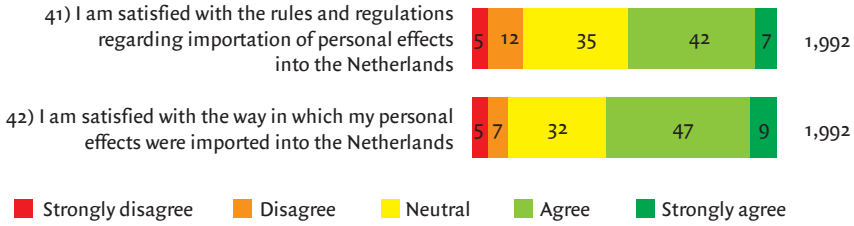
Privileges and Immunities

Privileges and immunities are granted according to differences in ranks and status of international staff. The system has been harmonised and laid down in headquarters agreements.

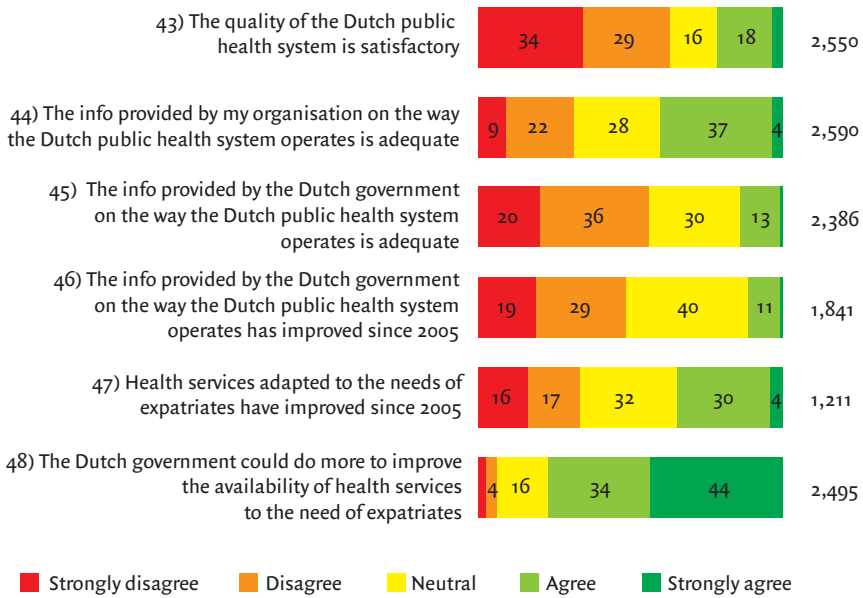
Question 37) I am aware of the system used by the Dutch government to grant privileges and immunities
n=2,676



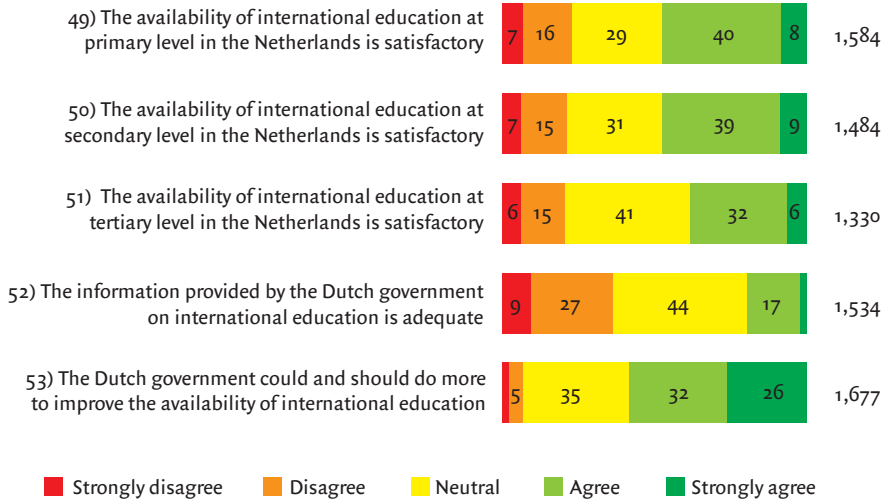
Importation of personal effects



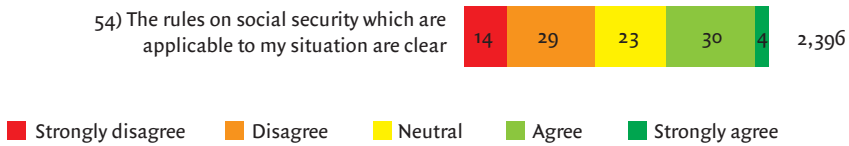
Public health system



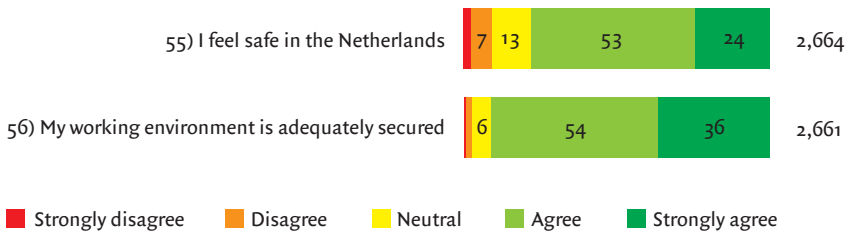
Education



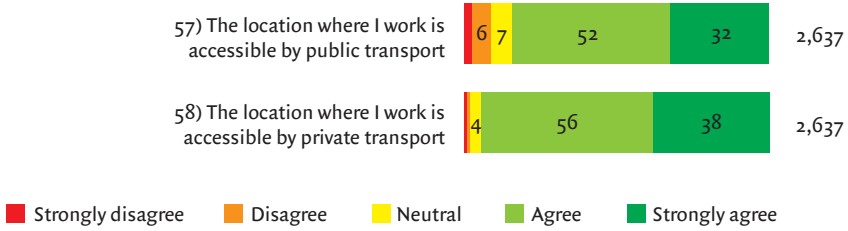
Social Security



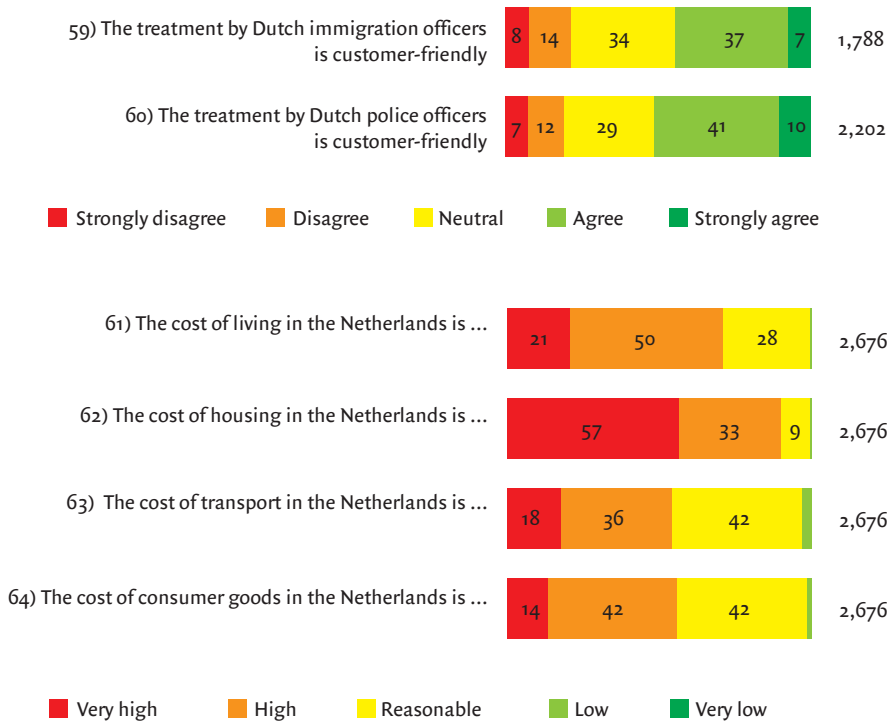
Security



Mobility

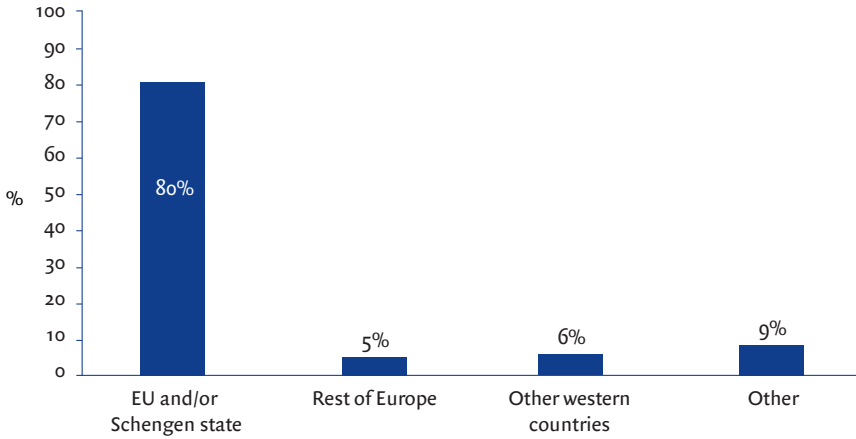


Other issues

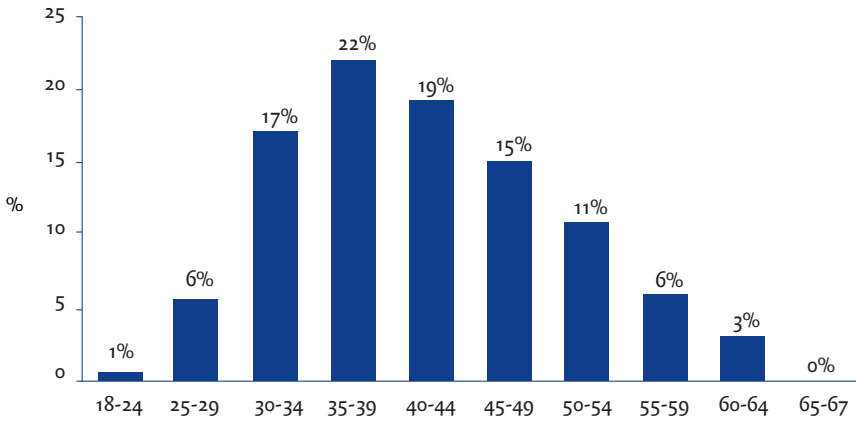


Personal profile

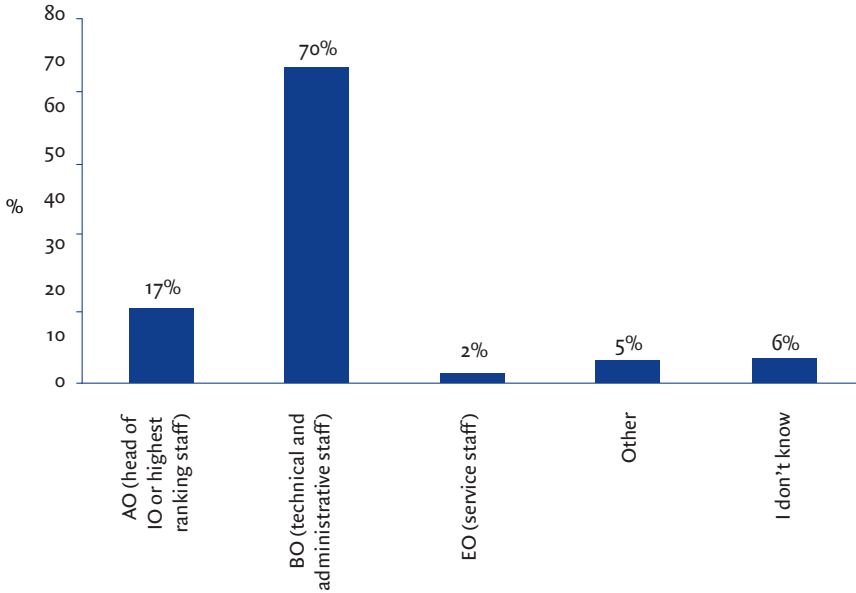
Question 65) Nationality
n=2,676



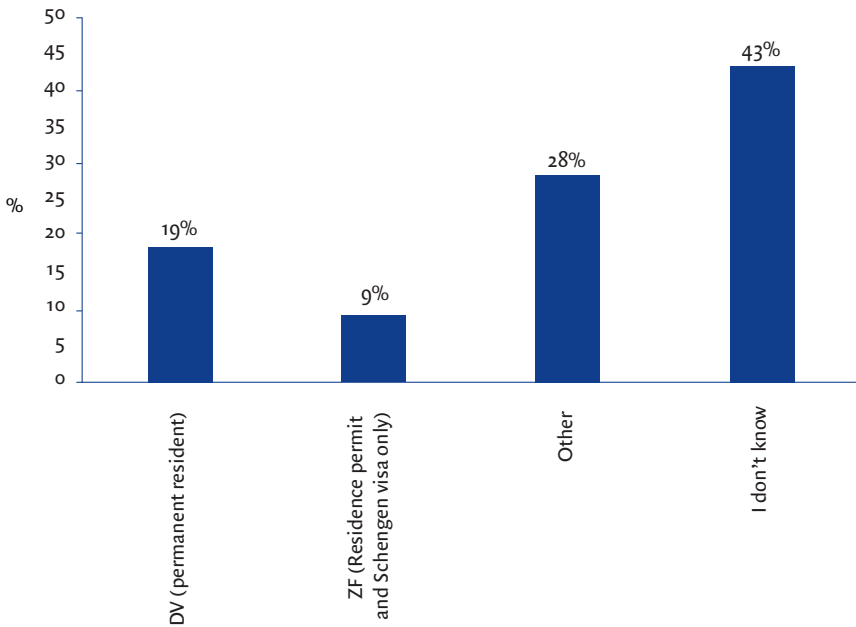
Question 66) What is your age?
n=2,676



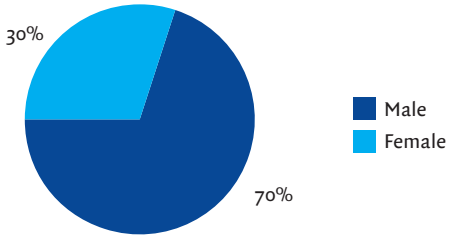
Question 67) What is your status? (see identity card)
n=2,676



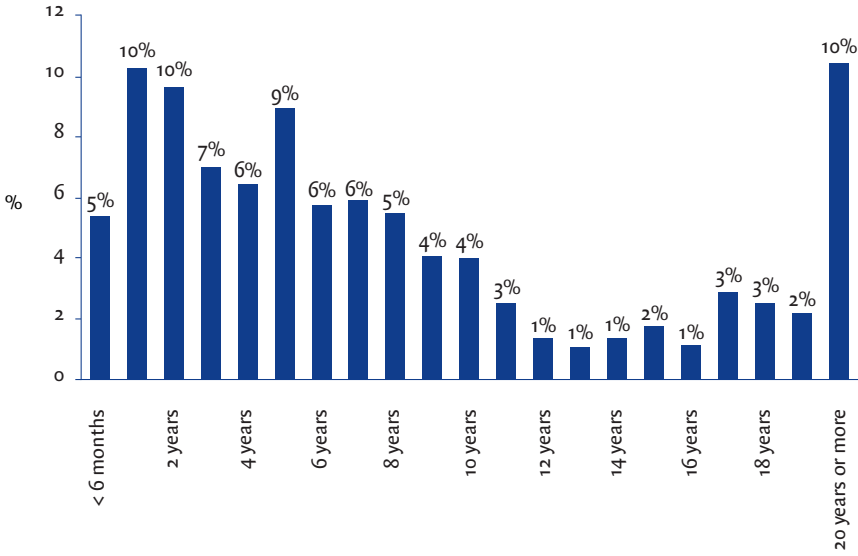
Question 68) What is your residence status? (see identity card)
n=2,676



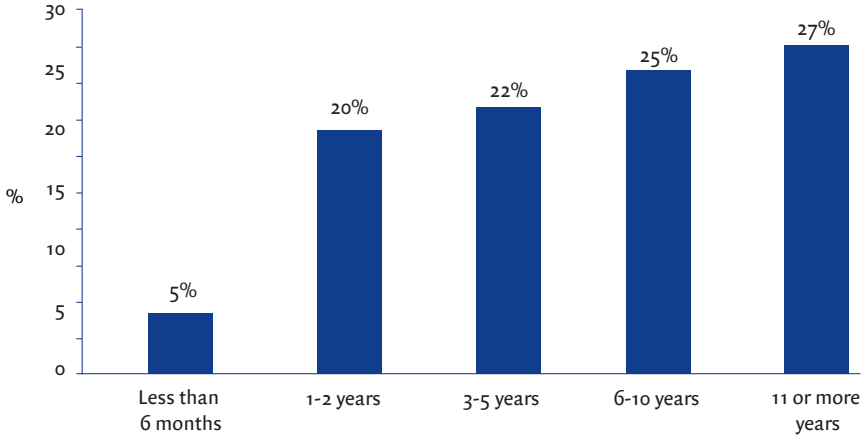
Question 69) Gender
n=2,676



Question 70) How long have you been living in the Netherlands?
n=2,676

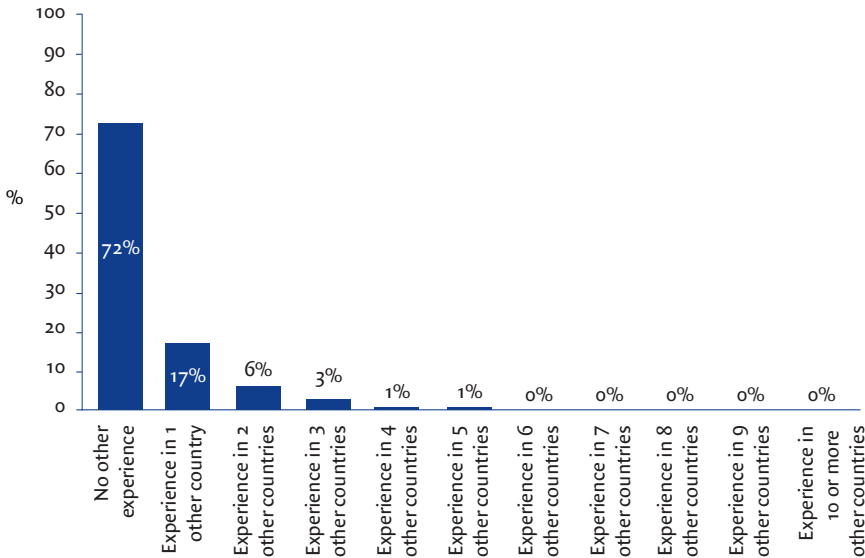


Question 71) How long have you been working for an international organisation in the Netherlands?
n=2,676



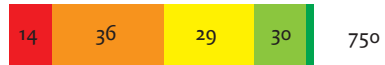
Question 72) I work for: (choose organisation)²¹⁸

Question 73) Do you have previous experience of assignments with international organisations located outside the Netherlands?
n=2,676



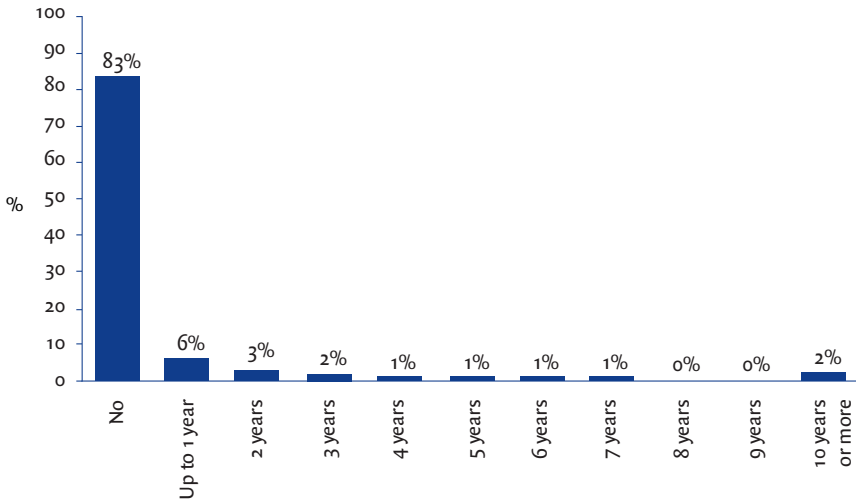
218 Since some organisations had only a very small number of respondents, the answers to this question are not presented for reasons of anonymity.

74) How would you rate this experience?

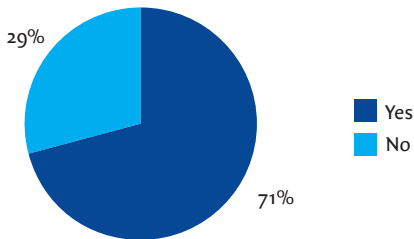


- Far better than in the Netherlands
- Better than in the Netherlands
- Equal to my experience in the Netherlands
- Worse than in the Netherlands
- Far worse than in the Netherlands

Question 75) Had you lived in the Netherlands before your assignment?
n=2,676



Question 76) Had you visited the Netherlands before your assignment?
n=2,226

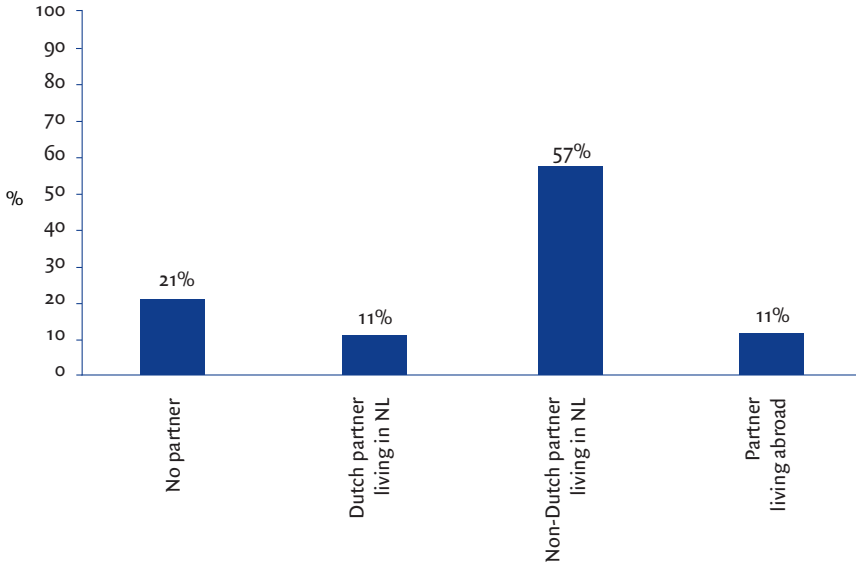


77) Do you speak Dutch?

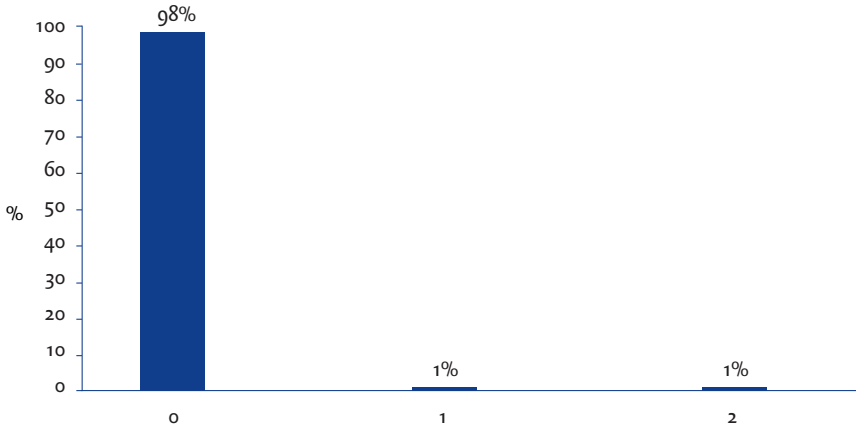


- Not at all
- Hardly
- Some
- Reasonably
- Fluently

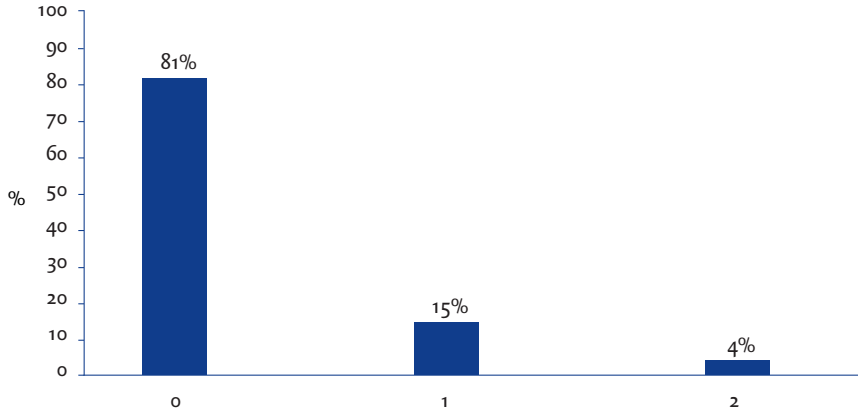
Question 78) Dependents (partner)
n=2,676



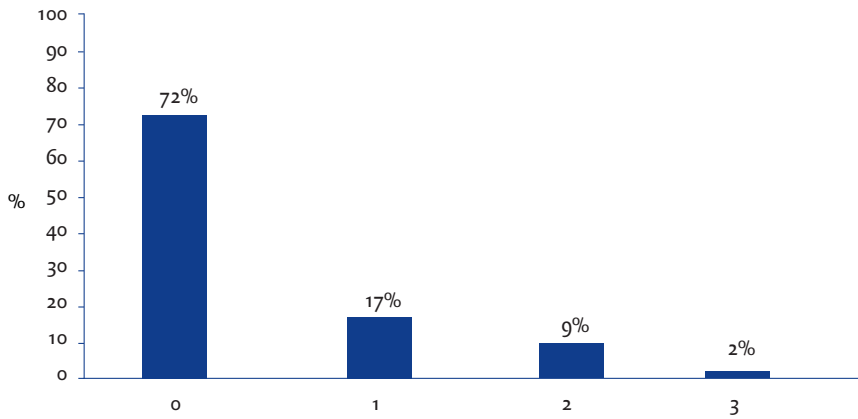
Question 79) Number of children with only Dutch nationality
n=2,676



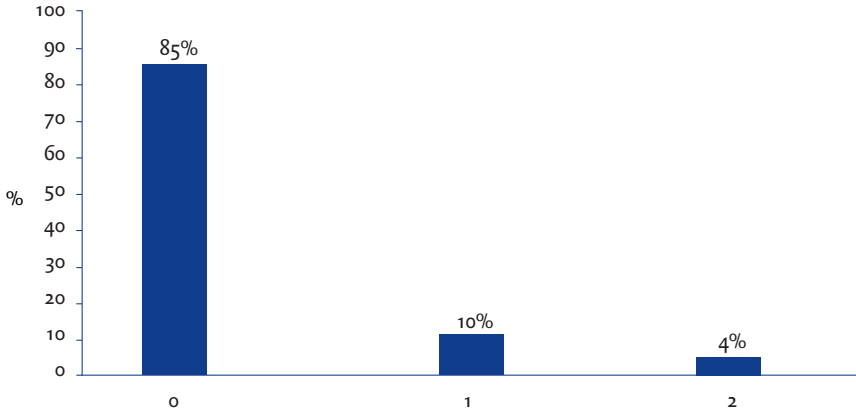
Question 79a) Children with other or double nationality aged 0-3: number
n=2,676



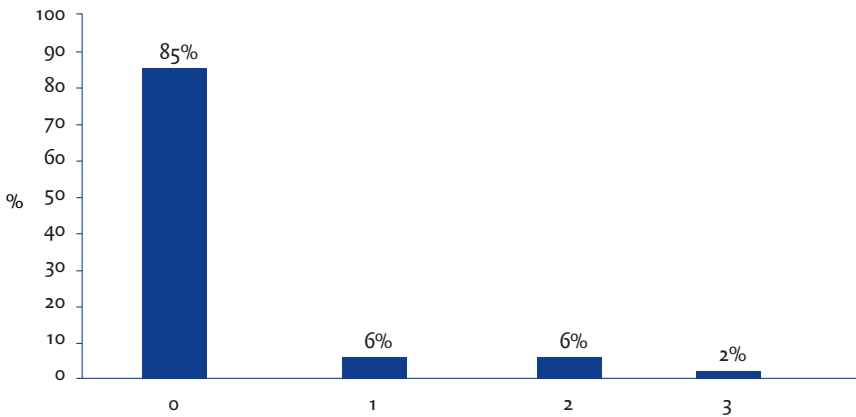
Question 79b) Children with other or double nationality aged 4-12: number
n=2,676



Question 79c) Children with other or double nationality aged 13-18: number
n=2,676

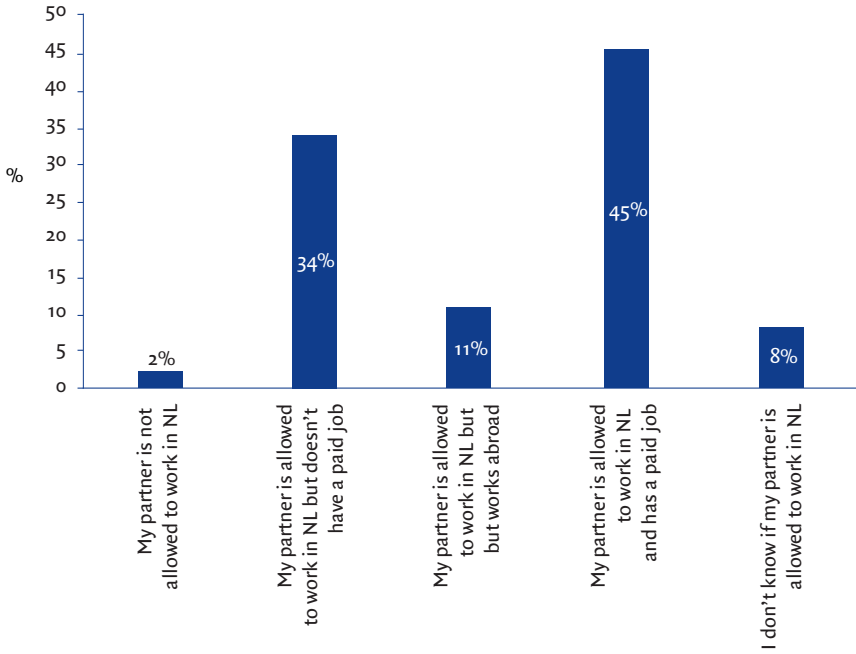


Question 79d) Children with other or double nationality aged over 18: number
n=2,676



Question 80) Working situation of the partner

n=2,120



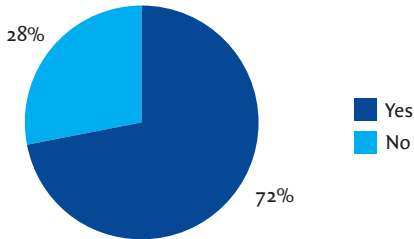
81) I am generally able to adapt to new situations



Strongly disagree Disagree Neutral Agree Strongly disagree

Question 82) Do you live in the Hague area?

n=2,676



Annexe 5 Information on staff survey respondents

Some information on the respondents to the staff survey (annexe 4) is presented below, to give an impression of non-Dutch staff working for international organisations.

Around 39% of non-Dutch staff completed the survey. It is known how many staff from each organisation replied, but in order to safeguard the anonymity of respondents this information will not be published. The following data can, however, be given, based on staff figures provided by international organisations. The personal email link received by international organisations resulted in the highest response, 57%. Organisations which requested an open link which could be distributed internally had a lower than average response, 37%. Organisations which requested a printed questionnaire had the lowest response.

Some data on respondents:

- The average age is 41.
58% are aged 30-44.
- 80% come from an EU or Schengen country;
5% from other European countries;
6% from the United States/Canada/Australia/New Zealand/Japan; and
9% from other countries.
- 32% speak little or no Dutch (by their own admission).
- 70% are male.
- 52% live in The Hague and 72% in the Hague area.

- On average, respondents have lived in the Netherlands for 8.2 years:
23% have lived in the Netherlands for 0-2 years
50% have lived in the Netherlands for 0-6 years
28% have lived in the Netherlands for 11 years or longer
22% have lived in the Netherlands for 15 years or longer
- 83% did not live in the Netherlands before they started working for the organisation.
- On average, respondents have worked 7.8 years (so far) for an IO in the Netherlands:
25% have worked 0-2 years for an IO in the Netherlands
53% have worked 0-6 years for an IO in the Netherlands
27% have worked 11 years or longer for an IO in the Netherlands
22% have worked 15 years or longer for an IO in the Netherlands
- 28% have previously worked abroad for one or more international organisations.
- 68% live with their partner in the Netherlands;
11% have a partner abroad, and the rest are single.

The following table shows the status of respondents.

Table Respondents by staff category

Staff category/status	No. of respondents	%
AO	449	17%
BO	1,860	70%
EO	65	2%
Other	147	5%
Not known to respondent	155	6%
Total	2,676	100%

Source: TNS-NIPO 2008, see annexe 4.

Respondents with AO status are proportionally represented in the staff survey. Those with BO status are somewhat underrepresented, while those with EO status are slightly overrepresented. It is striking that 6% of survey respondents do not

know to which category they belong. Many respondents were unable to answer the question about supplementary status. Despite this, 19% of the respondents said they have DV status, a higher percentage than that recorded by PROBAS (11%).²¹⁹

²¹⁹ Two-thirds of the total population with DV status completed the staff survey. Having DV status may have negatively influenced the response to various questions, as the harmonisation of privileges and immunities is less favourable for this group of non-Dutch staff. However, the fact that someone has DV status does not tell us whether this is because they have been working for an international organisation for ten years, or because they have been awarded DV status on other grounds.

Annexe 6 Questionnaire for management survey of international organisations

Organisation: []

Name and position of respondent: []

General

Is your organisation satisfied with its presence/situation in the Netherlands?
Please give a detailed answer.

Give no more than four main reasons why your organisation opted for the Netherlands as host country. Please give a detailed answer.

How does your organisation rate the level and quality of services provided to international organisations by Dutch central government?

Have the level and quality of the services provided by central government improved since mid-2005?

After publication of the Government's position paper on hosting international organisations (April 2005), an Interministerial Steering Group was established to work on policy on services for International Organisations and to coordinate its implementation.

Do you feel that this Interministerial Steering Group has contributed to the level and quality of services?

Headquarters agreements

If the headquarters agreement with your organisation was adapted in the past three years, how do you view the adaptation process? Please give a detailed answer.

Is your organisation satisfied with its current headquarters agreement? Please give a detailed answer.

Communication

How do you view the interaction between the Ministry of Foreign Affairs' Desk for International Organisations (DKP/DIO) and your organisation?

Has this interaction improved since mid-2005? Please give a detailed answer.

Do you have suggestions for improvements?

What is your organisation's perception of the function of Ambassador for International Organisations (AMIO), which was established in 2006? Please give a detailed answer.

If your organisation raises questions concerning issues of various kinds, does the government respond to them satisfactorily?

Issue	Response
Privileges and immunities	
Residence status	
ID cards	
Social security	
Health care	
Other	

Regarding which issues does your organisation interact with other Dutch ministries?

Issue:	Ministry:	Interaction satisfactory? yes / no
Remarks about the interaction:		
Issue:	Ministry:	Interaction satisfactory? yes / no
Remarks about the interaction:		
Issue:	Ministry:	Interaction satisfactory? yes / no
Remarks about the interaction:		
Issue:	Ministry:	Interaction satisfactory? yes / no
Remarks about the interaction:		

Is the Human Resources Department of your organisation informed timely, adequately and comprehensively of issues and/or policy developments that are relevant to the staff of your organisation (e.g. social security, health care, residence status, etc.)?

How does your organisation disseminate information provided by central government among its staff?

Location and premises

Are you satisfied with your organisation's current location and accommodation? If not, what could be improved? Please give a detailed answer.

Is access to your organisation by public and private transport satisfactory? If not, what could be improved? Please give a detailed answer.

Is the external protection of your organisation satisfactory? If not, what could be improved? Please give a detailed answer.

If your organisation has recently been re-located or if its premises have been renovated, did you receive satisfactory support from central government? Please give a detailed answer.

Employees

Is the position of Dutch staff members vis-à-vis expatriate staff members (status and privileges) considered an issue by your organisation? Please give a detailed answer.

Through which channels does your organisation raise issues with central government on behalf of its staff?

What are the main issues put forward by your staff members concerning their living and working conditions in the Netherlands?

Issue:
Issue:
Issue:
Issue:

How does central government engage with your organisation to discuss and possibly solve issues relating to your organisation's staff?

Local government

How does communication between the municipality in which your organisation is located and your organisation take place?

What have been the most important issues raised with local government over the past three years?

Issue:
Issue:
Issue:
Issue:

When issues have been raised, has the municipality dealt with them satisfactorily? Please give a detailed answer.

Issue:
Issue:
Issue:
Issue:

For international organisations located in The Hague area:

How does your organisation rate the special arrangements/services in The Hague area?

Arrangement/Type of service	Remarks
International schools	
Specific arrangements for expatriates provided by healthcare services	
Expat Desk at The Hague city hall	
Tax office, Rijswijk	
Other	

For international organisations located outside The Hague area:

How does your organisation rate special arrangements for expatriates, such as international schools, specific arrangements for expatriates provided by healthcare services, special tax office or special desk at local tax office, etc? Please say whether such arrangements have been made in or near the municipality where your organisation is located.

Arrangement/Type of service	Remarks

Other issues

How does your organisation rate the availability of conference facilities in or near the municipality where it is located?

To what extent do international organisations work together to raise issues of common concern with the Dutch central government?

Is a forum needed for bringing together international organisations and central government for periodic discussion of overarching issues?

For international organisations located in The Hague area:

How do you perceive the international image of The Hague as a host city for international organisations?

What makes The Hague attractive as a host city for international organisations?

Which factors could contribute to improving the attractiveness of The Hague as a host city for international organisations?

For all international organisations:

Other issues your organisation might wish to raise:

Annexe 7 Status of the supplementary agreement to the headquarters agreement or other agreement

International Organisation	Supplementary agreement to the headquarters agreement, based on the government's position paper
African Management Services Company (AMSCO)	✓
Allied Joint Force Command (JFC) Brunssum	*
Benelux Office for Intellectual Property (BOIP)	✓
Common Fund for Commodities (CFC)	✓
Eurojust	✓
European Commission Representation in the Netherlands	Discussions under way
European Organisation for the Safety of Air Navigation (EUROCONTROL)	✓
European Parliament (EP) Information Office	****
European Patent Office (EPO)	**
European Police Office (Europol)	Discussions under way
European Space Agency / European Space Research Technology Centre (ESA/ESTEC)	✓
Hague Conference on International Private Law (HCCH)	✓
High Commissioner on National Minorities / Organisation for Security and Cooperation in Europe (HCNM-OSCE)	✓
Joint Research Centre - Institute for Energy (JRC-IE)	Discussions under way
International Court of Justice (ICJ)	*

International Criminal Court (ICC)	**
International Criminal Tribunal for Rwanda (ICTR)	✓
International Criminal Tribunal for the former Yugoslavia (ICTY)	✓
International Institute for Geo-Information Science and Earth Observation (ITC-UNESCO)	✓
International Organisation for Migration (IOM)	Discussions under way
Iran-United States Claims Tribunal (IUSCT)	****
NATO Airborne Early Warning and Control Programme Management Agency (NAPMA)	✓
NATO Consultation, Command and Control Agency (NC3A)	✓
Nederlandse Taalunie	***
Organisation for the Prohibition of Chemical Weapons (OPCW)	*
Permanent Court of Arbitration (PCA)	*
Special Court for Sierra Leone (SCSL)	**
Special Tribunal for Lebanon	**
Technical Centre for Agricultural and Rural Cooperation (CTA)	✓
UNESCO-IHE Institute for Water Education	✓
United Nations Environment Programme / Global Programme of Action for the Protection of the Marine Environment from Land-based activities (UNEP/GPA)	✓
United Nations University / Maastricht Economic and Social Research and Training Centre on Innovation and Technology (UNU-MERIT)	✓

* Organisation has a headquarters agreement, already established before 2005, in which privileges and immunities are regulated in accordance with the government's decision.

** Organisation has a headquarters agreement, established after 2005, in which privileges and immunities are regulated in accordance with the government's decision.

*** Organisation employs exclusively Dutch staff or staff permanently resident in the Netherlands for whom the harmonisation measures are not (yet) applicable.

**** Organisation has indicated that it does not require an amended headquarters agreement.

Annexe 8 Ministries and the international organisations for which they are responsible

Ministry of Defence

- Allied Joint Force Command Brunssum (JFC)
- NATO Airborne Early Warning and Control Programme Management Agency (NAPMA)
- NATO Consultation, Command and Control Agency (NC3A)

Ministry of Economic Affairs

- Benelux Office for Intellectual Property (BOIP)
- European Patent Office (EPO)
- European Space Agency / European Space Research and Technology Centre (ESA/ESTEC)
- Joint Research Centre – Institute for Energy (JRC-IE)

Ministry of Education, Culture and Science

- International Institute for Geo-Information Science and Earth Observation (ITC)
- UNESCO-IHE Institute for Water Education
- Nederlandse Taalunie (Dutch Language Union)
- United Nations University / Maastricht Economic and Social Research and Training Centre on Innovation and Technology (UNU-MERIT)

Ministry of Foreign Affairs

- African Management Services Company (AMSCO)
- Common Fund for Commodities (CFC)
- European Commission Representation in the Netherlands
- European Parliament Information Office

- Hague Conference on Private International Law (HCCH)
- High Commissioner on National Minorities / Organisation for Security and Cooperation in Europe (HCNM/OSCE)
- International Court of Justice (ICJ)
- International Criminal Court (ICC)
- International Criminal Tribunal for Rwanda (ICTR)
- International Criminal Tribunal for the former Yugoslavia (ICTY)
- International Organisation for Migration (IOM)
- Iran-United States Claims Tribunal (IUSCT)
- Organisation for the Prohibition of Chemical Weapons (OPCW)
- Permanent Court of Arbitration (PCA)
- Special Court for Sierra Leone (SCSL)
- Special Tribunal for Lebanon
- Technical Centre for Agricultural and Rural Cooperation (CTA)

Ministry of Justice

- Eurojust
- European Police Office (Europol)

Ministry of Transport, Public Works and Water Management

- European Organisation for the Safety of Air Navigation (EUROCONTROL)
- United Nations Environment Programme / Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (UNEP/GPA)

Annexe 9 Interviewees

Ministry of Defence

R. Lieuwen Senior legal adviser, International and Legal Policy Affairs Department

Ministry of Economic Affairs

S. Wiemers Member of the Management Team, Foreign Investment in the Netherlands Department

Ministry of Education, Culture and Science

P. van der Werfe Head, International Policy Division
 J. Reiff Adviser/project leader/senior policy officer, International Policy Division

Ministry of Finance

P. Vlaanderen Director, International Tax Policy and Legislation Directorate

Ministry of Foreign Affairs

F. van Altena Policy officer, Foreign Missions, Privileges and Immunities Division (DKP/BV)
 J. Dirkzwager Senior policy officer, Desk for International Organisations (DKP/DIO)
 F. Doornik Senior policy officer, DKP/DIO
 Ms M. van Elten Government trainee, DKP/DIO
 Ms P. Genee Head, DKP/DIO (until 31 March 2008)
 Ms E. Gibbs Sector coordinator / applications manager, DKP/BV
 J. Giesen 'My first month in the Netherlands' project leader, DKP/DIO
 Ms L. Hartevelde Policy officer, DKP/DIO

P. de Heer	Former Secretary-General of the Ministry of Foreign Affairs
F. de Hoop Scheffer	Head, DKP/BV
A. Kraan	Former member of the ICC Task Force
M. Lak	Permanent Representative to the OPCW
G. Lucius	Deputy Head, DKP/DIO
R. Muzert	Ambassador for International Organisation (AMIO), until 31 July 2008
J. de Savornin Lohman	Former Director, Protocol Department (DKP)
Ms N. Stehouwer	Former Head, DKP/DIO
E. Wellenstein	Former Chair of the ICC Task Force (formerly known as DG ICC)
R. Zaagman	AMIO, from 1 August 2008

Ministry of Health, Welfare and Sport

F. Lafeber	Head, Global Division
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Ministry of Housing, Spatial Planning and the Environment

H. Heemrood	Project manager, Government Buildings Agency
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Ministry of Justice

M. Ruiter	Senior policy adviser / Deputy Head, International Relations and Projects Division
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Ministry of Social Affairs and Employment

R. Moree	Senior policy officer, International Affairs Department
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Other government agencies

Central Bureau for International Tax Treatment (CB/IFB)

F. Vinkestijn	Head, CB/IFB
G. de Boer	Senior officer, CB/IFB

Municipality of The Hague

B. Lagerwaard	Head, International Desk, municipality of The Hague
G. Dijkstra	Deputy Head, International Desk, municipality of The Hague
Ms A. van Wijck	Hospitality Xpat Desk, municipality of The Hague

Ms M. de Jonge Policy officer for international education, municipality of The Hague

Immigration and Naturalisation Service (IND)

J. Welfing Policy officer, Implementation Policy Division

International Organisations

International Institute for Geo-Information Science and Earth Observation (ITC-UNESCO)

S. Beerens Director External Affairs

European Patent Office (EPO)

A. Jacobs Human Resource Project Manager

K. Lorié Helpdesk Dutch Authorities

European Space Agency / European Space Research and Technology Centre (ESA/ESTEC)

M. Courtois Technical and Quality Management Director ESTEC

P. Donzelli Head of ESTEC Human Resources Division

European Commission Representation in the Netherlands

J. van Spelde Head of Administration

Ms M. Habieb Deputy Head of Administration

European Organisation for the Safety of Air Navigation (EUROCONTROL)

F. Könneman Head of Office of the Director

O. Reitsma Head of Human Resources Finance and General Services

R. Ritterbeeks Head of Claims Office & Central Office member

Eurojust

J. Vos Acting Administrative Director

Ms M. Gonzáles Pereira Assistant to the Administrative Director

European Police Office (Europol)

C. Jechoutek Assistant Director, Corporate Governance Department

Ms C. Coutureau Head of Human Resources Department

Hague Conference on Private International Law (HCCH)

Ms. C. Chateau Senior Administrator

High Commissioner on National Minorities / Organisation for Security and Cooperation in Europe (HCNM-OSCE)

S. Short Senior Administrative Officer

V. de Graaf Legal Officer

Ms Y. Kwakkestijn Senior Administrative Assistant

Ms K. Foley Administrative Assistant

International Court of Justice (ICJ)

Ms T. de Saint Phalle Deputy Registrar

L. Jordans Head of Administrative & Personnel Division

International Criminal Court (ICC)

P. Mochochoko Senior Legal Adviser

Ms L. Slárko Legal Adviser

International Criminal Tribunal for the former Yugoslavia (ICTY)

H. Holthuis Registrar

C. Rohde Senior Legal Officer, Registry

Ms C. Zandvliet Special Assistant to the Registrar

International Organisation for Migration (IOM)

J. van der Aalst Chief of Mission

Iran-United States Claims Tribunal (IUSCT)

M. Pinto Secretary-General

NATO Airborne Early Warning and Control Programme Management Agency (NAPMA)

J. Raats Legal Adviser

NATO Consultation, Command and Control Agency (NC3A)

P. Smith General Services Manager

Ms M. Obdam Chief Human Resources

Organisation for the Prohibition of Chemical Weapons (OPCW)

J. Freeman	Deputy Director-General
I. Richards	Special Adviser to the Deputy Director-General
S. Oñate	Legal Adviser

Permanent Court of Arbitration (PCA)

M. Brunetti	Special Counsel
T. Mercredi	Administrator International Bureau

Special Court for Sierra Leone (SCSL)

Ms L. van Deelen	Senior Administrative Officer
P. Suresh	Administrative Officer

Other

International Organisations' Staff Associations in the Netherlands (IOSA-NL)

B. Leone	Chairman
Ms J. Looman-Kearns	Vice-Chairman

Royal Military and Border Police - Allied Joint Force Command HQ Brunssum

J. Lem	Head, Royal Military and Border Police Representatives Office
B. Revet	Royal Military and Border Police Representative

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