

**REPORT BY THE CO-FACILITATORS ON THE TENURE POLICY
TO THE TWENTY-EIGHTH SESSION OF
THE CONFERENCE OF THE STATES PARTIES**

1. The Executive Council (the Council) at its 103rd Session established a facilitation on the tenure policy with the aim of preparing a recommendation to the Twenty-Eighth Session of the Conference of the States Parties to the Chemical Weapons Convention (the Conference).
2. It was subsequently agreed that Ambassador Susannah Gordon of New Zealand and Ambassador Elizabeth Ward Neiman of Panama would serve as co-facilitators on the tenure policy.
3. Following the co-facilitators' appointment, five meetings were held with all interested States Parties in order to deliver on the mandate agreed by the Council. The meetings took place on 25 September, 3 October, 1 November, 8 November, and 14 November 2023. The Technical Secretariat (the Secretariat) attended all meetings and provided invaluable support to the co-facilitators as well as information to delegations, as requested.
4. The tenure policy currently applies to nearly all Professional staff but not to General Service staff. One category of Professional staff is excluded, namely language services staff. There is also a separate decision by the Conference on the rehiring of inspectors (C-27/DEC.9, dated 28 November 2022), which is due to be reviewed by the Conference at its Twenty-Ninth Session in 2024.
5. At the first meeting on 25 September, the co-facilitators began by recalling that this was not the first facilitation on the issue. A number of facilitations have taken place in the past, with the most recent being established in 2020 and concluding in 2022 on several organisational governance topics, including the tenure policy and knowledge management. Similar to the facilitations hosted by New Zealand and Panama, previous discussions focused on potential modest changes to the tenure policy by providing the Director-General with the possibility to grant a very restricted number of limited duration fixed-term extensions on the basis of organisational needs, and the possibility for the Organisation to re-employ former staff, subject to a substantial break in service. The co-facilitators acknowledge the Ambassador of Uruguay and the Ambassador of Australia for their leadership in those earlier facilitations.

6. The meeting on 25 September included a useful and comprehensive presentation by the Secretariat and a question-and-answer session with States Parties. The presentation covered:
 - (a) the OPCW tenure policy to date;
 - (b) recent trends in turnover;
 - (c) comparison with other non-career organisations;
 - (d) the impact of the tenure policy;
 - (e) knowledge management; and
 - (f) past facilitations and discussions.
7. The Secretariat also provided an informal paper on the tenure policy to support States Parties' consideration of the issue.
8. The second meeting hosted on 3 October provided an opportunity for the Secretariat to provide further information in response to States Parties' questions, and for a rich exchange of views between States Parties.
9. At these meetings, the vast majority of delegations expressed support for amendments to the tenure policy, so long as the amendments are modest, clear, and implemented correctly. The co-facilitators also heard from States Parties the need to consider geographical representation and gender balance, and support for further actions to improve knowledge management, as well as the requirement to consider a review period to ensure that the intended objectives of the amendment continue to be met in years to come. Several delegations and the Secretariat also drew examples from other similar non-career organisations such as the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) and the International Atomic Energy Agency (IAEA).
10. Following the first two meetings with States Parties, the co-facilitators provided a first draft of a decision for consideration by all delegations. The meeting on 1 November focused discussions on the preambular paragraphs, while the meeting on 8 November focused discussions on the operative paragraphs.
11. There was emerging consensus on a number of preambular and operative paragraphs, particularly on the provision to allow the Director-General, in extraordinary circumstances, to extend employment beyond the current seven year maximum, for 12 months at a time, up to a maximum of three times.
12. There was no consensus on the proposal to allow limited rehiring of former staff after a substantial break in service. Delegations which did not agree with the proposal noted concerns that this might further disadvantage under-represented regions. These delegations also noted the existing provisions enabling the rehiring of inspectors. In that context, the Secretariat advised that in the absence of a general rehiring component in this decision, the modality for the rehiring of inspectors would be necessary to continue.

13. In an effort to produce a compromise draft decision text, taking into account the feedback provided in the facilitation meetings, bilateral outreach, and across regional groups, the co-facilitators issued a revised text for delegations to consider and provide views on at the meeting on 14 November. Noting the deadline of submitting a decision to the Conference, the co-facilitators called on States Parties to show the utmost flexibility at the meeting.
14. Following the meeting on 14 November, it was clear there was still no emerging consensus on the issue of rehiring former staff. Given that, the co-facilitators have tabled a draft decision (C-28/DEC/CRP.10, dated 23 November 2023) that provides the Director-General the required flexibility to extend a limited number of posts in extraordinary circumstances, but does not include provisions to rehire former staff. The co-facilitators assess that this revised draft decision appropriately reflects an achievable outcome of the facilitation discussions on this topic.
15. The co-facilitators have thus concluded their mandate and have produced the draft decision (C-28/DEC/CRP.10) for consideration and, hopefully, for adoption by the upcoming Conference.
16. The co-facilitators wish to express appreciation to all delegations for their active engagement and cooperation in the facilitations. They would also like to take the opportunity to thank the Director-General, the Deputy Director-General, and the Secretariat for their insights and support throughout the process.