



OPCW

Conference of the States Parties

Twenty-Ninth Session
25 – 29 November 2024

C-29/DEC.9
25 November 2024
Original: ENGLISH

DECISION

**PARTICIPATION OF THE OPCW
IN THE UNITED NATIONS JOINT STAFF PENSION FUND**

The Conference of the States Parties,

Having considered the Note by the Technical Secretariat (the Secretariat) entitled “Participation of the OPCW in the United Nations Joint Staff Pension Fund” (EC-107/S/6, dated 20 September 2024);

Recalling that the Conference of the States Parties (the Conference), in a decision at its Twenty-Eighth Session (C-28/DEC.8, dated 27 November 2023), authorised the Secretariat to conclude an agreement to join the United Nations Joint Staff Pension Fund (UNJSPF), from 1 January 2025, subject to terms that the Director-General deems satisfactory and to final approval by the Conference at its Twenty-Ninth Session, noting that such membership would not require any increase in the budget of the Organisation compared to the cost of maintaining the current Provident Fund arrangements, and tasked the Secretariat with taking all the necessary preparatory administrative actions to facilitate the OPCW’s potential membership in the UNJSPF, anticipated for 1 January 2025, including the submission of amendments to the Staff and Financial Regulations for approval by the Conference at its Twenty-Ninth Session, as well as necessary changes to the Charter and Administrative Rules of the Provident Fund of the OPCW;

Recalling also Staff Regulation 12.1, which states that “[t]he present Staff Regulations may be supplemented or amended by the Conference of the States Parties, without prejudice to the existing contracts of staff members”;

Noting that membership in the UNJSPF would be cost-neutral for the OPCW and would not require any increase in the budget of the Organisation;

Noting also that the Executive Council, in a decision at its 107th Session (EC-107/DEC.6, dated 8 October 2024), made recommendations on this matter to the Conference at its Twenty-Ninth Session, and approved amendments to the Staff Rules and to the Charter and Administrative Rules of the Provident Fund of the OPCW, which shall enter into force on 1 January 2025, subject to the Conference at its Twenty-Ninth Session adopting the proposed amendments to the Staff Regulations effective 1 January 2025 and to the United Nations General Assembly deciding to admit the OPCW to membership in the UNJSPF; and



Noting further that, pursuant to Article 1 of the draft proposed “Agreement between the United Nations Joint Staff Pension Board and the Organisation for the Prohibition of Chemical Weapons as to the Conditions Governing the Admission of the Organisation for the Prohibition of Chemical Weapons to Membership in the United Nations Joint Staff Pension Fund” (Annex 1 hereto), which would enter into effect on 1 January 2025 should the OPCW be admitted to membership in the UNJSPF, “the OPCW accepts the Regulations, Rules and Pension Adjustment System of the UNJSPF, as they are in force on that date and as they may be amended from time to time thereafter”, and that Article 6, paragraph (c), of the UNJSPF Regulations requires that “[e]ach member organization shall make rules for the election or appointment of the members and alternate members of its staff pension committee”;

Hereby:

1. **Approves** the draft proposed “Agreement between the United Nations Joint Staff Pension Board and the Organisation for the Prohibition of Chemical Weapons as to the Conditions Governing the Admission of the Organisation for the Prohibition of Chemical Weapons to Membership in the United Nations Joint Staff Pension Fund” (Annex 1 hereto) and **authorises** the Director-General to sign it on behalf of the OPCW, subject to the United Nations General Assembly deciding to admit the OPCW to membership in the UNJSPF;
2. **Adopts** the amendments to the Staff Regulations of the OPCW (Annex 2 hereto), which shall enter into force on 1 January 2025, subject to the United Nations General Assembly deciding to admit the OPCW to membership in the UNJSPF;
3. **Requests** the Director-General to take all the necessary administrative actions to implement the proposed “Agreement between the United Nations Joint Staff Pension Board and the Organisation for the Prohibition of Chemical Weapons as to the Conditions Governing the Admission of the Organisation for the Prohibition of Chemical Weapons to Membership in the United Nations Joint Staff Pension Fund”, and to establish the OPCW’s staff pension committee; and
4. **Authorises** the Chairperson of the Conference, in consultation with the General Committee, to select from among the members of delegations of States Parties, one delegate as member, and a second delegate as alternate member, to represent the Conference in the staff pension committee to be established by the Director-General.

Annexes (English only):

Annex 1: Draft Proposed “Agreement between the United Nations Joint Staff Pension Board and the Organisation for the Prohibition of Chemical Weapons as to the Conditions Governing the Admission of the Organisation for the Prohibition of Chemical Weapons to Membership in the United Nations Joint Staff Pension Fund”

Annex 2: Proposed Amendments to the Staff Regulations of the OPCW

Annex 1**DRAFT PROPOSED****“AGREEMENT BETWEEN THE UNITED NATIONS JOINT STAFF PENSION BOARD AND THE ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS AS TO THE CONDITIONS GOVERNING THE ADMISSION OF THE ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS TO MEMBERSHIP IN THE UNITED NATIONS JOINT STAFF PENSION FUND”**

WHEREAS the Organisation for the Prohibition of Chemical Weapons (hereinafter referred to as “OPCW”) is an international, intergovernmental organization which was established on 29 April 1997;

WHEREAS the Regulations of the United Nations Joint Staff Pension Fund (hereinafter referred to as the “UNJSPF”), as adopted by the United Nations General Assembly and presently in force, provide in Article 3, paragraph (b), that “*membership in the Fund shall be open to the specialized agencies referred to in Article 57, paragraph 2, of the Charter of the United Nations and to any other international, intergovernmental organization which participates in the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies*”, and in Article 3, paragraph (c), that “*admission to membership in the [UNJSPF] shall be by decision of the General Assembly, upon the affirmative recommendation of the [United Nations Joint Staff Pension] Board, after acceptance by the organization concerned of these Regulations and agreement reached with the Board as to the conditions which shall govern its admission*”;

WHEREAS on 12 December 2022 the Director-General of the OPCW formally requested the UNJSPF to examine the possible admission of the OPCW to the UNJSPF;

WHEREAS the Conference of States Parties (hereinafter referred to as the “Conference”), at its twenty-eighth session held from 27 November 2023 to 1 December 2023, authorized the OPCW Secretariat to conclude an agreement to join the UNJSPF from 1 January 2025, subject to terms that the OPCW Director-General deemed satisfactory and to final approval by the Conference at its twenty-ninth session;

WHEREAS on 28 May 2024 the Director of Administration of the OPCW submitted, to the UNJSPF: (i) information on how the OPCW implements the common system of salaries, allowances and benefits and other conditions of service of the United Nations and the specialized agencies; and (ii) confirmation, subject to the conclusion of a membership agreement, that the OPCW undertakes to meet all the conditions for membership, including acceptance of the UNJSPF Regulations and Rules and acceptance of the jurisdiction of the United Nations Appeals Tribunal in respect of pension matters;

WHEREAS the OPCW has provided, to the UNJSPF Pension Administration (hereinafter referred to as the “Pension Administration”), its proposed amendments to the OPCW Staff Regulations and Rules to accommodate membership in the UNJSPF and the Pension Administration has provided comments thereon;

WHEREAS it has been verified by the International Civil Service Commission that the OPCW generally follows the provisions of the common system of salaries, allowances and other conditions of service of the United Nations and the specialized agencies;

WHEREAS, at its seventy-eighth session held from 28 July 2024 to 2 August 2024 the United Nations Joint Staff Pension Board (hereinafter the “Board”) decided to recommend to the United Nations General Assembly that the OPCW be admitted to membership in the UNJSPF effective 1 January 2025, subject to (a) the Conference confirming its approval of the OPCW joining the UNJSPF effective 1 January 2025, (b) the draft amended OPCW Staff Regulations and Rules entering into force on or prior to 1 January 2025 in substantially the form received by the Pension Administration, incorporating any comments provided thereon by the Pension Administration, and (c) the conclusion of the terms of an agreement between the OPCW and the Board, to be signed by the Chief Executive of Pension Administration on behalf of the Board, substantially in the same terms as recent agreements concluded with new member organizations and specifically addressing the OPCW’s acceptance of the UNJSPF Regulations and Rules, including the jurisdiction of the United Nations Appeals Tribunal in respect of pension matters;

WHEREAS, at its Twenty-Ninth Session held from 25 to 29 November 2024, the Conference confirmed [its approval of the terms of membership in the UNJSPF and changes to the OPCW Regulations and Rules];

WHEREAS the United Nations General Assembly, by its resolution 79/xxx dated xxx approved this recommendation of the Board and decided to admit the OPCW to membership in the UNSPF effective 1 January 2025;

NOW THEREFORE the parties hereto agree as follows:

Article 1

Acceptance of UNJSPF Regulations, Rules and Pension Adjustment System

1.1 Effective 1 January 2025, the OPCW accepts the Regulations, Rules and Pension Adjustment System of the UNJSPF, as they are in force on that date and as they may be amended from time to time thereafter.

Article 2

Participation

2.1 Subject to the provisions of this Article, all staff members of the OPCW in service at the time when this Agreement enters into effect shall become participants in the UNJSPF from 1 January 2025 unless their participation is expressly excluded by the terms of their appointment in accordance with article 21(a) of the UNJSPF Regulations.

2.2 Any staff member of the OPCW who has reached the age of 60 on 1 January 2025 may exercise a one-time option not to participate in the UNJSPF. The OPCW shall provide the UNJSPF with a list of those staff members who are over the age of 60 on 1 January 2025 and who opt not to participate in the UNJSPF.

2.3 Any staff member of the OPCW who is irrevocably set to separate from the OPCW on or before 30 June 2025 may exercise a one-time option not to participate in the UNJSPF. The OPCW shall provide the UNJSPF with a list of those staff members who are irrevocably set to separate on or before 30 June 2025 and who opt not to participate in the UNJSPF.

2.4 Those staff members of the OPCW who are eligible to join the UNJSPF as of 1 January 2025 and who exercise the one-time option not to participate, as provided in Articles 2.2 and 2.3, shall not have the option to join the UNJSPF at a later date while still employed by the OPCW.

Article 3

Transfer of Provident Fund balances

3.1 Staff members of the OPCW who enter the UNJSPF as participants on 1 January 2025 may exercise a one-time election to transfer their full Provident Fund balance to the UNJSPF. In the event of such an election, contributory service in the UNJSPF shall be accorded to the individual participants in accordance with article 22(c) of the UNJSPF Regulations on the basis set out below.

3.2 Upon a written election by an OPCW participant made on or before 31 March 2025 on a form provided for that purpose by the UNJSPF, the OPCW shall pay to the UNJSPF, upon request from the UNJSPF and no later than 31 May 2025, an amount equal to the participant's full Provident Fund account balance, including any interest and investment gains attributable to the account, subject to Article 3.4. The OPCW shall also provide the UNJSPF with the breakdown of the Provident Fund account balances corresponding to the employee and employer contributions for each participant who provides a written election to transfer his or her balance, as well as information regarding the participant's prior UNJSPF participation(s), if known.

3.3 The amount paid to the UNJSPF by the OPCW shall be converted by the UNJSPF into United States dollars using the United Nations operational rate of exchange in effect on the date of the payment. On the basis of this amount, the participant shall be credited with contributory service in the UNJSPF equal to such period as may be determined, by the UNJSPF Consulting Actuary and in accordance with the actuarial assumptions applied by the UNJSPF and the relevant articles of the UNJSPF Regulations, to be equal in value to the amount paid to the UNJSPF by the OPCW. For the purpose of this calculation, the UNJSPF Consulting Actuary shall use the participant's nearest age and pensionable remuneration as of 31 March 2025. The pensionable remuneration will be converted into United States dollars using the United Nations operational rate of exchange in effect on 31 March 2025, when applicable. The participant's UNJSPF account shall also be credited with the amount of the employee's contributions to the Provident Fund, including any interest and investment gains attributable to the account, as converted into United States dollars using the United Nations operational rate of exchange in effect on the date of the payment.

3.4 Notwithstanding the above, the maximum contributory service credit granted in the UNJSPF by application of this Article shall not exceed the length of the actual past service that the participant had performed as a staff member of the OPCW prior to 1 January 2025. For the purpose of calculating the length of actual past service, any periods of leave without pay during which the staff member made concurrent contributions to the Provident Fund shall be included; periods of leave without pay during which the staff member did not make concurrent contributions to the Provident Fund shall be excluded. After calculating the actuarial value determining the amount required for the maximum available recognition of past service, only the amount required for the maximum available recognition will be transferred by the OPCW to the UNJSPF. Any excess amount transferred to the UNJSPF will be returned to the OPCW. Any excess amount will not be credited to the participant's UNJSPF account.

3.5 The OPCW shall be responsible for providing accurate and timely information with regard to the staff members and their Provident Fund balances, as well as for paying all fees of the UNJSPF Consulting Actuary as they relate to the calculations referred to in this Article.

Article 4

Jurisdiction of the United Nations Appeals Tribunal

4.1 The OPCW accepts, effective 1 January 2025, the jurisdiction of the United Nations Appeals Tribunal to hear and pass final judgement on applications from staff members or former staff members of the OPCW alleging non-observance of the UNJSPF Regulations, arising out of decisions of the Standing Committee on behalf of the Board.

Article 5

Entry fee

5.1 Upon entry into force of this Agreement, a flat fee of USD 25,000, as well as a fee of USD 20 per new participant, shall be paid by the OPCW to the UNJSPF. Once the OPCW has joined, it will cover its own administrative expenses, in accordance with article 15(c) of the UNJSPF Regulations.

Article 6

Termination of transfer agreement

6.1 Upon entry into force of this Agreement, the transfer agreement between the UNJSPF and the OPCW dated 1 January 2013 shall terminate, except that the UNJSPF shall continue to honour, on the same terms as stipulated in the transfer agreement, transfers of pension rights from the OPCW to the UNJSPF for former staff members of the OPCW who separated from the service of the OPCW on or before 31 December 2024 and who enter participation in the Fund within one year of their separation.

Article 7
Entry into force

7.1 The present Agreement shall enter into force on signature with effect from 1 January 2025. It has been duly signed in duplicate originals, in English, at the dates and places given below:

For the Organisation for the Prohibition of
Chemical Weapons

For the United Nations Joint Staff
Pension Board

Fernando Arias

Rosemarie McClean

Director-General
OPCW

Chief Executive of Pension
Administration, UNJSPF

Date:

Date:

The Hague, The Netherlands

New York, USA

Annex 2

PROPOSED AMENDMENTS TO STAFF REGULATIONS OF THE OPCW

| Current | Proposed |
|--|--|
| <i>Staff Regulations</i> | |
| <p>Regulation 6.1</p> <p>Provision shall be made for the participation of staff members in a Provident Fund funded by staff members and the Organisation. The Director-General shall establish the rules needed to govern this fund. The Director-General shall submit the rules governing the Provident Fund to the Executive Council for approval.</p> | <p>Regulation 6.1</p> <p>Provision shall be made for the participation of staff members in a Provident Fund funded by staff members and the Organisation. The Director-General shall establish the rules needed to govern this fund. The Director-General shall submit the rules governing the Provident Fund to the Executive Council for approval.</p> <p><u>Provision shall be made for the participation of staff members in the United Nations Joint Staff Pension Fund in accordance with the Regulations of that fund.</u></p> |
| | <p><u>Regulation 11.4 (new)</u></p> <p><u>In accordance with the Regulations and Rules of the United Nations Joint Staff Pension Fund, the United Nations Appeals Tribunal shall hear and pass final judgment on applications from staff members or former staff members of the OPCW alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund, arising out of decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board.</u></p> |