

**INTER-AMERICAN TROPICAL TUNA  
COMMISSION**

**REPORT OF THE CONSULTATION ON THE  
MANAGEMENT OF THE HUMAN RESOURCES AT THE IATTC**

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## EXECUTIVE SUMMARY

Following the first performance review in 2016, the IATTC was considered to be one of the most effective tuna RFMOs in accomplishing its scientific mission. It was noted that its staff is highly qualified and possess sufficient experience. Nevertheless, some recommendations were made, in particular, in connection with strategic planning. The report also identified some issues, mainly concerning human resources management, that have hampered proper management of the organization.

This study has been carried out as part of the efforts to implement those recommendations, and more specifically, to improve the Commission's management of its human resources so that it matches up to its excellent performance in the areas of science, and management and conservation of tuna resources in its Convention area.

The aim of this study is to identify any bottlenecks in the current situation, based on the wealth of documentation available at the Secretariat and the interviews conducted with nearly 30% of the staff, and to advance solutions. A summary of the findings on the current functioning of the Secretariat and the proposals to improve human resources management, and in turn, management of the Commission, are set out below.

### **1. Overview of the broad findings regarding the current situation**

#### **- Institutional issues**

- The institutional situation of the Commission is not sufficiently clear. Following a review of texts that refer to the Commission's status, as an international organization, it should enjoy all the corresponding privileges and immunities, as in the case of other t-RFMOs. To date, the IATTC has been governed partially by United States regulations, and as a result, the Commission has been deprived of its legal personality and full independence in this respect. This situation has also created uncertainty for employees who do not fully know the extent of their obligations towards the United States authorities, in particular whether or not they are obliged to pay tax and social security in accordance with U.S. regulations.
- Access to the Commission headquarters is an issue. The headquarters is subject to the same conditions of access as the premises of the United States administration including interruption when this access is limited or suspended, for instance during the recent federal administrative shutdown. This is particularly relevant to staff who are not U.S. residents and who do not enjoy the same right of access than their colleagues who are US residents to the common use sections of the building (e.g. the parking lot).
- In relation to personnel management, there is a lack of a staff status that has been approved by the Commission and which is binding on international courts and the United States authorities. While the Secretariat has issued a document that serves as its internal regulations, the lack of a status formally adopted by the Commission has given rise to misgivings in connection with several issues, in particular, age of retirement, annual staff promotions, remedies in case of disputes etc.

- **Organizational issues**

- The current organization of the Secretariat reflects an imbalance between the different missions of the Commission. Scientific activities, as provided for in the Convention texts, are prioritized within the current structure consistent with the original Commission as established by the 1949 Convention. However, as the Commission develops under the 2003 Antigua Convention, with a much broader mandate and responsibilities, there are global requirements that must be fulfilled, notably, compliance with management and conservation measures. In this context of development, the Secretariat does not have sufficient human resources to carry out its functions, since it does not have enough specialized personnel to do that appropriately. In addition, the Commission makes increasing work demands of the Secretariat, in particular in connection with general policy and compliance. It is also contended that the staff may be lacking the support of a unit capable of resolving personnel issues.
- While the tasks carried out by the scientific staff are generally defined, these are not used as a framework of reference for a formal annual evaluation system.
- Retaining staff beyond the theoretical retirement age and the consequent impact on the budget act as a bar to implementation of a replacement procedure, affecting motivation of levels of younger senior employees.

**2. General recommendations to improve the situation**

As sufficiently highlighted in the performance review report, the IATTC carries out its scientific mission very successfully. However, it should take steps to address issues regarding the day-to-day management of Commission resources. The main recommendations proposed are as follows:

- **From an institutional perspective**

- Establishment of a headquarters agreement: The Director should seek authorization from the Commission to engage in negotiations with the United States authorities to establish a Commission headquarters agreement. This step should not be construed as undermining the efforts that have been undertaken by the United States to assist the IATTC since its establishment, but rather as an attempt to secure formal recognition of this organization's status so that it can enjoy its rights, and not be subject to supervision by the United States administration. This would enable the Director to solve several issues currently facing the workforce.
- Preparation of a staff status: The first measure will enable the Director to prepare a staff status modelled on that applied by United Nations agencies, and in force in similar organizations. This status should be formally adopted by the Commission with a view to swift implementation. The status will provide responses to all the issues of concern to the staff i.e. taxes, social security, retirement age....

## **- From an organizational perspective**

- **Creation of an Administration and Finance Division:** The Secretariat should adapt its human and financial resources to meet Commission requirements so as to ensure accomplishment of its scientific and administrative mission under the 2003 Antigua Convention. Instead of the current unit identified as Administration in the present organigram, it is recommended to create an Administration and Finance Division which would include staff specialized in human resources management. An expert in human resources management and administrative matters should be hired, on the basis of a set of terms of reference to be developed by Management. The details on creation of this division are provided in the body of the report.
- **Creation of a Policy and Compliance Division:** Not only does the IATTC execute its scientific mission successfully, the organization has also made considerable progress with management of the different stocks, by adopting resolutions that are implemented by the Member States. However, the current unit needs to be elevated to the rank of a Policy and Compliance Division so as to meet the numerous needs of the Commission. This division should be assigned additional competent and experienced staff not only with a background in science but also qualified in fisheries resources management. The details concerning this division are provided in the report.
- **Implementation of a staff evaluation system:** Staff has been hired on the basis of a job description and individual evaluations need to be carried out regularly to ensure that these terms of reference are being met; if this is not the case, these terms of reference should be amended accordingly. It is recommended that Management perform an internal evaluation for each employee, regardless of their category, and that an annual report be prepared by each supervisor and submitted to the Director, which assesses the performance and efficiency of each employee and serve as a base for a redefinition by the Director of their objectives for the following year.

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## **Introduction**

The human resources management is the most important component of any organization's viability. Given the specificity of the IATTC as an intergovernmental organization, the objectives are not related to the financial profitability but concern the efficiency of the implementation of the Commission's decisions to reach its objectives. To this end the required human resources must be qualified and motivated to comply with the Commission obligations.

As stated in the performance review, the IATTC as a pioneer of Regional Fishery Management Organization (RFMOs), is highly commendable for the strong science outcomes, successful observer program, dedicated scientific staff and success of the Agreement on the International Dolphin Conservation Program (AIDCP). The transition between the 1949 Convention and the 2003 Antigua Convention was successfully conducted. The IATTC has developed a general cooperation program with the other 4 t-RFMOs through the Kobe process and a mutual satisfactory working arrangement with the Western and Central Pacific Fisheries Commission (WCPFC). The performance evaluation panel has also identified some areas where there is a need of improvement such as the lack of strategic plan or a multi-year work plan, and the staff rules for management of the human resources at the Secretariat.

The objective of this consultation is aimed to assess the current situation and recommend actions to address the issues raised in the performance review report with respect to the management of human resources.

### **1. Methodology**

For the implementation of this study, face to face interviews were conducted with 30% of the headquarters staff members of the IATTC Secretariat, as a representative sample of the staff and including all the supervisors. Questions included the job description, the administrative situation of the employees and the financial issues faced regarding the tax, insurance and working rules.

In addition to the interviews of the Secretariat staff, several interviews were conducted with some of the IATTC member representatives. The basic information used for this study is extracted from the existing documents and reports available at the IATTC and in other similar RFMOs.

### **2. Brief overview of the IATTC accomplishments and outcomes of the performance evaluation**

The IATTC is the first established t-RFMOs in 1949 through a treaty agreed by the United States and Costa Rica with the objectives of addressing the concern regarding the population of some tropical species. The Parties of the treaty expressed their desire to cooperate in the gathering and interpretation of the information to maintain the stocks of these species at sustainable catch levels. The treaty outlined the functions and duties of the Commission such as scientific activities and any related investigations for the assessment of tuna populations in the Convention area. Some guidance regarding the administrative and financial management of the Commission including the nomination of the Chair, the Director and personnel employment were also provided in the treaty.

There was no provision in the text indicating the headquarters agreement between the IATTC and the United States, as the host country. The lack of this agreement led to confusion regarding the nature of the Commission. Was it considered an Intergovernmental Organization entirely independent? Which rules and procedures should be applied to hired personnel? These aspects were left to the decision of the Director and the Commission every time some related issues were raised.

Considering that fishing of some tuna species generates significant incidental dolphin mortality, the IATTC parties decided to explore the possibilities to address this issue. In 1999, the IATTC adopted the Agreement on the International Dolphin Conservation Program (AIDCP) to reduce incidental dolphin mortality in the tuna purse seine fishery and ensure the long-term sustainability of the tuna fishery in the Convention area. The performance evaluation panel recognized the success of the AIDCP since it was established and that the results are impressive.

Despite the significant efforts and the outstanding performance of the IATTC, the important change at the international level after the adoption of UNCLOS in 1982 and other international legal instruments such as the United Nations Fish Stock Agreement (UNFSA), the IATTC parties considered that it was time and pertinent to update and strengthen the provisions of the 1949 Convention. In July 2003, the IATTC parties adopted the Antigua Convention which provides global objectives of the Commission and outlines its procedures.

The Antigua Convention, which entered into force in September 2010, gave another dimension to the IATTC and has expanded considerably its mandate and functions. It has stated clearly its objective in accordance with international law and defined its area of application.

The conservation objectives cover compliance with the precautionary approach, the use of scientific advice as a basic principal of taking conservation and management measures. The Antigua Convention has also stated that *“the conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible, in order to ensure the conservation and management of the fish stocks covered by this Convention”*.

From the structure of the organization’s point of view, the Antigua Convention has clarified the status of IATTC which *“shall have legal personality and shall enjoy, in its relations with other international organizations and with its members, such legal capacity as may be necessary to perform its functions and achieve its objective, in accordance with international law. The immunities and privileges which the Commission and its officers shall enjoy shall be subject to an agreement between the Commission and the relevant member,”* and *“The headquarters of the Commission shall remain at San Diego, California, United States of America”*.

The IATTC and NOAA signed on March 8, 2013 an Agreement for the license regarding the use of NOAA premises by the IATTC. This Agreement referred to Executive Order 11059 of October 23, 1962 which considers *“IATTC as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act”*. The Agreement refers to SEC 2 (b) of the same Act that *“International Organizations, their property and their assets, wherever located, and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by foreign governments... (c) Property and assets of International Organizations wherever located and by whomsoever held shall be immune from search, unless such immunity be expressly*



waived and from confiscation, and International Organizations archives shall be inviolable, ... (d) Insofar as concerns customs duties and internal-revenue taxes imposed upon or by reason of importation, and the procedures in connection therewith; the registration of foreign agents; and the treatment of official communications, the privileges, exemptions, and immunities to which international organizations shall be entitled shall be those accorded under similar circumstances to foreign governments". The same Act in its SEC. 3 states that..... Pursuant to regulations prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury, the baggage and effects of alien officers and employees of international organizations, or of aliens designated by foreign governments to serve as their representatives in or to such organizations, or of the families, suites, and servants of such officers, employees, or representatives shall be admitted (when imported in connection with the arrival of the owner) free of customs duties and free of internal-revenue taxes imposed upon or by reason of importation.

SEC. 4. The Internal Revenue Code is hereby amended as follows: (a) Effective with respect to taxable years beginning after December 31, 1943, section 116 (c), relating to the exclusion from gross income of income of foreign governments, is amended to read as follows: "(c) INCOME OF FOREIGN GOVERNMENTS AND OF INTERNATIONAL ORGANIZATIONS.- The income of foreign governments or international organizations received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments or by international organizations, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments or international organizations, or from any other source within the United States." (b) Effective with respect to taxable years beginning after December 31, 1943, section 116 (h) (1), relating to the exclusion from gross income of amounts paid employees of foreign governments, is amended to read as follows:

"(1) RULE FOR EXCLUSION. - Wages, fees, or salary of any employee of a foreign government or of an international organization or of the Commonwealth of the Philippines (including a consular or other officer, or a no diplomatic representative), received as compensation for official services to such government, international organization or such Commonwealth-

(A) If such employee is not a citizen of the United States, or is a citizen of the Commonwealth of the Philippines (whether or not a citizen of the United States); and

(B) If , in the case of an employee of a foreign government or of the Commonwealth of the Philippines, the services are of a character similar to those performed by employees of the Government of the United States in foreign countries or in the Commonwealth of the Philippines, as the case may be; and

(C) If, in the case of an employee of a foreign government or the Commonwealth of the Philippines, the foreign government or the Commonwealth grants an equivalent exemption to employees of the Government of the United States performing similar services in such foreign country or such Commonwealth, as the case may be.

(b) Effective January 1, 1946, section 1426 (b), defining the term "employment" for the purposes of the Federal Insurance Contributions Act, is amended (1) by striking out the word "or" at the end of paragraph (14), (2) by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon and the word "or", and (3) by inserting at the end of the subsection

*the following new paragraph:*

*"(16) Service performed in the employ of an international organization."*

*Effective January 1, 1946, section 1607 (c), defining the term "employment" for the purposes of the Federal Unemployment Tax Act, is amended (1) by striking out the word "or" at the end of"*

According to the terms of the immunity and privileges act referred to in the agreement for the license regarding the use of NOAA premises, the IATTC, as an international organization, should enjoy the same entitlements as foreign governments' representations throughout United States territory.

Executive Order 11059 of 23 October 1962 states that privileges, exemption and immunities which are or may be acquired by the IATTC cannot, in any circumstances, be restricted. The Act of 29 December 1945 stipulates that the property and foreign members of staff hired by an international organization are exempt from both local and federal taxes.

The Antigua Convention provides more details regarding the scientific functions of the Commission, the decision-making process, the administrative and financial regulations and some indications of the human resources management.

Regarding administration of the Commission, Article XII details the functions of the Director, who is the legal representative, and the obligations of the staff.

The performance review of the IATTC and AIDCP carried out in 2016 has shown that the work has been conducted highly successfully, and commensurate results have been obtained. According to the review, this success is illustrated by:

- Excellent scientific results. The IATTC has a dedicated staff with internationally recognized qualifications;
- Development of the best observer and data collection program of its kind for the purse seine fishery which has led to a substantial reduction in dolphin mortality;
- Sound implementation of the AIDCP program;
- Excellent international cooperation in particular with the 4 t-RFMOs.

The review report has highlighted the need to hire a human resources specialist and a lack of a long-term strategic plan.

Management has made significant efforts to establish internal regulations that the Secretariat staff must abide by. These efforts have included producing an "Administrative Procedures and Employee Handbook" which was last revised in 2013 after the entry into force of the Antigua Convention. It contains provisions on the obligations and rights of Secretariat employees and forms the basis of the contract entered into between the Director and the employee. It is for internal use and does not appear to have been endorsed by the Commission. It aims to explain the terms and conditions of employment to all IATTC employees, both those hired on a seasonal basis and those in permanent employment. It voids and replaces any contract or agreement previously entered into between the Director and the employee.

### **3. Current regulations on human resources management**

The handbook referred to above constitutes the staff regulations and broadly addresses all aspects of labor relations between the institution and the employee. The main provisions of the document are concerned with the working conditions of the employee, their duties and their rights. While the provisions are capable of describing the relationship between the employee and the organization, the document needs to be further developed and refined so as to serve as the legal basis for regulating potential labor disputes between the employee and the employer. The provisions set out in these regulations are summarized below.

### ***3.1 General policy***

This provision lays down the general framework of the regulations. It states that employment at the IATTC is entirely on an at-will basis. This will may cease at any time and no reason need be provided if two weeks' notice is given, unless the Director has otherwise decided in writing. The provision stipulates that no article of the regulations may be interpreted as a guarantee of permanent employment for the employee. Any clause of the regulations may be revised at any time at the sole discretion of the Director.

### ***3.2 Hiring process***

This section of the regulations sets out the different types of positions at the Secretariat and the employment conditions.

- Headquarters staff: the staff hired to work at the headquarters undergo a 6 month probationary period (12 in practice). At the end of this period, the supervisor must evaluate the employee's performance and submit the evaluation to the Director so a decision can be taken as to whether the person will be permanently employed. The duties of the new recruit may be changed at any time by the Director.
- Temporary staff: This type of staff is hired on a work per hour basis for between 90 days and one year. The duration may be extended according to needs.
- Term staff: This type of staff is hired for work which is scheduled to finish within one year, but which may not extend beyond four years.
- Permanent staff: Permanent members of staff hold permanent positions, but this does not imply any guarantee of permanent employment. The Director is entitled to dismiss an employee at any time due to unsatisfactory performance, lack of funds or change in the Commission's objectives.
- Staff locally employed in offices located abroad: These staff members are hired to work in the offices of the Commission that are located abroad. Local hires are paid in accordance with local labor rates. The employee is at no time considered to be a permanent staff member of the Commission.

This section also sets out the different categories of staff and outlines the activities and responsibilities inherent to the posts. A distinction is made between administrative and scientific staff, as well as technical support staff. Each member of staff is accountable to the Director for any material and inventory for which the person is responsible.

The conditions of employment and rules on punctuality, working hours, pay and relocation expenses are stipulated in this section.

### ***3.3 Leave of absence***

This provision of the regulations specifies the allowance for annual leave, sick leave, and staff absences as well as other types of leave. It is stated that the entitlement to leave of each employee is based on their years of service. The longest-serving employees are entitled to more hours of leave per pay period than shorter serving employees of the Commission. This provision also sets out the conditions of sick leave allowance. As stipulated in the U.S. regulations and those of some international organizations, if an employee uses up all their sick leave, any additional time-off will be deducted from their annual leave unless otherwise advised.

Provision is made in the document for all other types of leave such as maternity and incapacity leave, absence due to voting, unpaid leave, leave for the funeral of a parent etc. The details on this cover are provided in a separate publication.

### ***3.4 Benefits***

One of the aspects of the staff regulations that draws attention are employee benefits. This clause sets out the list of paid public holidays for the year. There are 10 official public holidays throughout United States territory.

The regulations contain the different insurance and retirement plans in which the employee can participate.

#### ***Medical and Dental Insurance***

The Commission offers medical and dental insurance for all eligible employees who work more than 30 hours per week. This insurance is also available to family members of the employee, at the employee's expense.

#### ***Life Insurance***

Employees with full-time permanent positions and term employees working more than 30 hours per week receive a life insurance benefit equivalent to one and one-half (1½) of their salary. Provider limitations apply upon reaching certain ages and are not within the control of the Commission to change. Additional voluntary life insurance is available subject to provider qualifications at the employees' expense.

#### ***Accidental Death and Dismemberment Insurance (AD&D)***

All temporary, term and permanent full-time employees working more than 30 hours per week are automatically covered for \$50,000 at the Commission's expense.

#### ***Workers' Compensation***

According to the current handbook employees, the employees are covered by Commission Workers' Compensation insurance against any injury or illness in the exercise of their duties. In practice this provision is not applied anymore since this fund is for employees of US companies.

### *Disability*

Partial disability due to sickness or injury, where the employee is unable to perform one or more of the main duties of his or her regular occupation for a period in excess of 8 days; or is unable to perform such duties on a full-time basis should report it immediately to the Director, Executive Officer, Administrative Assistant or supervisor to determine eligibility for disability benefits.

### *Return to Work Policy*

To minimize serious disability due to on-the-job injuries and to reduce the effects to our injured employees, the IATTC has developed guidelines to deal with time loss claims in which the employee can be offered temporary transitional work.

Transitional jobs will be identified after obtaining and examining the injured employee's physical limitations or restrictions. "Transitional Work" might be the employee's regular job, modified by removing heavier tasks and reassigning these to other employees; a different regular job currently existing at the workplace, or a job, which is specifically designed around the employee's restrictions.

A transitional job offer will be made only when the work is available and of benefit to the Commission. The transitional job, if offered, will end on the date the employee receives a medical release, or there is no longer a need for the transitional work.

Each case will be assessed individually based on need. Transitional work may not be available in every case. Wages will not necessarily be the same as that of the regular job, and in some cases, employees may be eligible for a wage supplement from State Compensation Insurance Fund. In practice this provision is not applied anymore since this fund is for employees of US companies.

A team consisting of the injured employee, his or her supervisor, the Director or the Executive Officer, and the employee's physician will handle on-the-job injuries and occupational diseases. The team approach is the most effective method for achieving a return to productive work at the earliest opportunity.

### *Retirement Plan*

The Commission provides a 403(b) plan for eligible permanent and term employees contributing a predetermined fixed percentage of gross wages earned to the employee's account each pay period. In addition to the fixed monthly contribution, all eligible employees are entitled to receive a match according to their contribution of up to 4% of their salary. For information regarding eligibility and participation, the Administrative Assistant is to be contacted.

Staff employed prior to 2003 may be covered by a different retirement plan. Further information can be provided by the Executive Officer.

Employees hired before 2003 can continue to participate in the old retirement plan or change over to the new one.

### ***3.5 Management***

#### *Court ordered obligations*

In compliance with Department of State recommendations, the Director will on a voluntary basis without waiving the Inter-American Tropical Tuna Commission's immunity from suit provide court-ordered or subpoenaed information required to determine the salary and benefits of an employee involved in divorce and family law proceedings and will take steps to enforce court-ordered payments to divorced spouses and dependent children.

This section of the current regulations stipulates that the Commission has an open-door policy. Issues of any type raised by an employee must be discussed with Management. In cases where the response received is not satisfactory, the employee can speak directly to the Director.

If the employee is under judicial investigation, based on the recommendation of the United States Department of State, the Director can provide on a voluntary basis to the court any necessary information on salary and benefits.

### ***3.6 Commission property***

This section of the regulations describes the use of Commission resources such as premises, Commission vehicles, the car park as well as the conditions of use.

### ***3.7 Employee conduct***

This clause concerns the conduct of all employees in the performance of their duties. It particularly relates to punctuality, attendance, confidentiality and prohibition of any form of harassment. It also lists all ethical behavior and prohibited acts, such as forgery, theft, bearing of firearms etc.

### ***3.8 Wages***

This section of the handbook sets out the details on employee emoluments and payment methods. In addition to the established salaries, headquarters staffs who must perform their duties outside of the United States receive a post differential adjustment in their pay.

The other point addressed in this section concerns taxes. All federal and State of California taxes are deducted at source on payment of salaries for all active categories on United States territory. For all other withholdings, the employee must submit written approval to the administration service.

### ***3.9 Travel***

This provision explains the organization of travel within the context of official missions and

trip expenses reimbursement procedures. All travel must be authorized by the Director and any expense outside of the scope of the regulations must be approved in advance.

### ***3.10 Safety and health***

This clause alerts employees to the need to communication absences due to bad weather conditions, natural disasters, fires etc. The Commission does not accept any responsibility for any eventual payments in connection with accidents in which employees are involved outside of working hours or in the course of sport activities. It also refers to the importance of security for access to the Commission premises.

### ***3.11 Termination***

The provision on termination of employment sets out the different possibilities, which are dependent on circumstances. An employee may be required to terminate their service if the Director wishes to restructure the work team. In this case, the Director must take several elements into consideration, in particular, experience and years of service. The employee is entitled to severance pay commensurate to their years of service. This payment is roughly equal to a week's salary per year for the first ten years of service, and two weeks per year for the next ten years. Employees with more than 40 years' service receive an additional 10% of the basic salary per year after the age of 40. The regulations do not provide for unemployment allowance or early retirement.

No provision is made for compensation on account of resignation or voluntary redundancy.

Involuntary redundancy or departure due to disciplinary action only occurs once all appropriate warnings have been given and sanction procedures complied with. There is no entitlement to any type of compensation.

### ***3.12 Confirmation of receipt***

Employees must acknowledge receipt of these regulations. By signing the handbook, employees recognize the Director's authority and his or her absolute power to amend at any time any of the provisions contained therein.

## **4. Prominent features of the current situation of human resources management at the IATTC**

The text of the Antigua Convention clearly describes the scientific and technical mandate of the IATTC and leaves no doubt as to the objectives pursued. The Convention refers to the regulations and procedures that were adopted at a later date by the Commission. These procedures concern the functioning of the Commission, the organization of its work and decision making. The Commission has subsequently adopted financial rules and procedures on contributions and budgetary matters. Regarding management of the Commission's human resources, the Convention highlights the need for highly qualified scientific and administrative staff to discharge its responsibilities. It states that particular consideration should be given to the hiring of staff based on skills, fairness and promotion of broad participation and representation of the different Commission members. The Convention has left it to the Director

to establish rules and procedures on human resources management. In this respect, many questions still remain, and for which the Commission should provide a response as specified in the report on the performance review carried out in 2016. It should be noted that the matter of the headquarters agreement between the IATTC and the host country (the United States) was not raised. However, it is within the framework of the headquarters agreement that the entitlements and obligations of the Commission and its permanent members of staff on United States territory should be established as well as the obligations of the host country. The provisions of the Convention do not refer to the immunity and privileges from which the premises, accounts and staff of the Commission should benefit, and these matters may need to be incorporated into a separate implementing text. However, it is understood that the provisions of the Act of 29 December 1945 referred to in Executive Order 11059 of 23 October 1962 are valid and should regulate the management of human and material resources of the Commission, as an international organization.

#### ***4.1 Impact of the current regulations on the functioning of the Commission***

Based on existing documentation and the interviews conducted with a representative sample of the staff, it is submitted that the current situation is that there is a lack of clarity regarding the IATTC's status and shortcomings in human resources management.

##### *4.1.1 Confusion regarding the Commission's status*

As highlighted above, it is not yet clear that the administrative and financial operation of the Commission is regulated by its own regulations or whether the Commission must comply with the regulations of the host country (the United States). The absence of a headquarters agreement and the lack of status for the staff considering all employees as "International Civil Servants", like all the other tuna RFMOs, are partly responsible for this confusion. Some Secretariat staff, in particular, those who are not citizens or legal residents of the United States appear to be very concerned about their future and the future of their families. They are not reassured regarding their status and harbor many doubts. All foreigners who are hired by the IATTC and are not legal residents in the United States hold a G-4 visa. This type of visa, which is a category in the diplomatic visa series, enables the holder to work and reside legally in the United States. There are still doubts about the obligations of employees in relation to the host country regarding their status as employees of an international organization. Excluding employees who are United States citizens, the issue of payment of taxes and Social Security has never been clarified. All employees in this situation have these concerns and have tried to find a convenient solution. Several employees who intend to apply for residence in the United States when they have finished working for the IATTC, prefer to fulfill all obligations in relation to the U.S. authorities for fear that their application may be rejected. As to Social Security, some non-citizen employees do not wish to pay Social Security as they may not be able to recover the portion due to them on termination of their duties in the IATTC.

##### *4.1.2 Classification of employees*

###### a) Staffing

The Secretariat currently has, in addition to the Director, 44 employees working at the headquarters in San Diego. It has field offices located in regions of some Member States. This staff is distributed as follows, excluding contractors for specific projects and activities:

- 8 employees in Ecuador, including 6 in Manta and 2 in Playas



- 5 employees in Mexico: 2 in Manzanillo and 3 in Mazatlán
- 5 in Panama: 3 in the Achotines Laboratory and 2 in Panama City
- 2 in Cumana, Venezuela

The employees who work at the headquarters mostly hold permanent posts and are currently subject to United States regulations, while those working in the regional offices, are hired in accordance with the regulations of the country where the office is located.

Of the 44 employees employed at the San Diego headquarters through 2018, 31 workers, i.e. 64% of employees, are United States citizens or legal residents in the United States.

- 14 employees hired between 2010 and 2018
- 7 employees hired between 2000 and 2009
- 10 employees hired between 1990 and 1999
- 10 employees hired between 1980 and 1989
- 3 employees hired between 1970 and 1979

Of the headquarters employees, 23 workers are over 55 years of age, of which 1 is over 70 years and 9 are over 65 years which is supposedly the retirement age. Some of them receive their retirement pension in addition to their monthly salary from the IATTC. It appears that this is not an unusual situation in the United States.

#### b) Classification of employees

In relation to employee classification and salaries, the rules used are those applied by the Federal Government of the United States. Therefore, all employees, regardless of their qualification, are classed in a single GS category. The qualifications required for each of the sub-categories are as follows:

#### **Grade Qualifying Education**

**GS-1** None

**GS-2** High school graduation or equivalent

**GS-3** 1 academic year above high school

**GS-4** 2 academic years above high school, or Associate's degree

**GS-5** 4 academic years above high school leading to a bachelor's degree, or Bachelor's degree

**GS-7** Bachelor's degree with Superior Academic Achievement for two-grade interval positions, or 1 academic year of graduate education (or law school, as specified in qualification standards or individual occupational requirements)

**GS-9** Master's (or equivalent graduate degree such as LL.B. or J.D. as specified in qualification standards or individual occupational requirements), or 2 academic years of progressively higher level graduate education

**GS-11** Ph.D. or equivalent doctoral degree, or 3 academic years of progressively higher level graduate education, or for research positions only, completion of all requirements for a master's or equivalent degree (See information on research positions in the qualification standard for professional and scientific positions.)

**GS-12** For research positions only, completion of all requirements for a doctoral or equivalent degree (See information on research positions in the qualification standard for professional and scientific positions.)

For the scientific positions the requirements are as follows:

- Coordinator of Scientific Research (formerly Chief Scientist): Has supervisory responsibility of all scientific programs; and serves as senior scientific advisor to the Director
- Senior Scientist (GS 12 or above)
- Associate Scientist (GS 9, 10 or 11)
- Assistant Scientist (GS 5 or 7)

If the budget allows, employees can be promoted one step per year, unless the Director decides otherwise. The steps go from 1 to 15. Salaries are aligned with the scale of United States federal civil servants.

The standard qualification used by the Federal U.S. Government covers positions in the General Schedule that involve the performance of two-grade interval professional and scientific work. The specific requirements for entry into each occupation covered by this standard are described in individual occupational requirements. More details are provided in the US Policies and Instructions.

The IATTC staff are hired and paid based upon the U.S. Office of Personnel Management General Schedule (GS). These tables can be located at <http://www.opm.gov/oca/12tables/indexGS.asp>.

Scientific staff is paid at levels commensurate to its position. For example, Senior Scientists are paid at a GS 12 or above; Associate Scientists are paid between a GS 9 and GS 11; and Assistant Scientists are paid between a GS 5 and GS 7.

All employees are also offered medical and dental benefits in addition to life insurance and participation in a retirement program.

Below is the 2012 salary table for San Diego which incorporates a locality payment of 24.19% for the locality pay area of San Diego-Carlsbad-San Marcos, CA. (See <http://www.opm.gov/oca/12tables/indexGS.asp> for definitions of locality pay areas.) Rates are frozen at 2010 levels, and the table is effective January 2012 (annual rates by grade and step).

<i>Grade</i>	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>	<i>Step 6</i>	<i>Step 7</i>	<i>Step 8</i>	<i>Step 9</i>	<i>Step 10</i>
1	\$22,110	\$22,848	\$23,584	\$24,315	\$25,050	\$25,483	\$26,209	\$26,942	\$26,970	\$27,656
2	24,859	25,450	26,272	26,970	27,273	28,076	28,878	29,680	30,482	31,285
3	27,123	28,027	28,931	29,835	30,740	31,644	32,548	33,452	34,356	35,260
4	30,449	31,464	32,478	33,493	34,507	35,522	36,537	37,551	38,566	39,581
5	34,067	35,202	36,337	37,472	38,607	39,742	40,877	42,012	43,147	44,282

6	37,974	39,239	40,505	41,770	43,036	44,301	45,567	46,832	48,098	49,363
7	42,199	43,606	45,013	46,420	47,827	49,234	50,641	52,048	53,455	54,862
8	46,734	48,291	49,849	51,406	52,963	54,521	56,078	57,635	59,193	60,750
9	51,617	53,337	55,057	56,777	58,497	60,217	61,937	63,657	65,377	67,097
10	56,843	58,738	60,633	62,528	64,424	66,319	68,214	70,109	72,004	73,899
11	62,451	64,533	66,614	68,696	70,777	72,859	74,940	77,021	79,103	81,184
12	74,854	77,349	79,844	82,339	84,834	87,329	89,824	92,319	94,814	97,309
13	89,012	91,979	94,946	97,913	100,880	103,846	106,813	109,780	112,747	115,714
14	105,185	108,691	112,197	115,703	119,209	122,715	126,221	129,726	133,232	136,738
15	123,728	127,852	131,977	136,101	140,225	144,350	148,474	152,598	155,500*	155,500

\* Rate limited to the rate for level IV of the Executive Schedule (5 U.S.C. 5304 (g)(1).

#### *4.1.3 Retirement of employees*

Like other components of the regulations, retirement of IATTC employees is in accordance with the U.S. scheme. The first retirement plan in which IATTC employees participated in was established on 29 July 1957. It was offered by the "International Fisheries Commissions Pension Society (IFCPS)". This scheme was established to manage the retirement plan of employees of certain international fisheries commissions with headquarters in Canada or the United States. The funds management system within the framework of this scheme has undergone several changes. The longest-serving employees of the IATTC were affiliated to this scheme and continue to contribute to it. Some current full pay employees who have reached retirement age by their unilateral decisions are already receiving their pension. On January 1, 2002, the Commission initiated a 403 (b)-retirement saving plan. Some employees chose to participate under this defined contribution plan moving out of the original defined benefit plan offered by the IFCPS. Under the defined contribution plan, the employee is able to contribute towards the retirement plan up to federal limitations. The IATTC contributes 8% of gross salary plus up to 4% matching of the employee's contribution rate.

#### *4.1.4 Insurance*

All employees can hold life insurance which guarantees them one and a half times their annual salary. This insurance is paid wholly by the Commission. The amount of the benefit may be limited upon reaching the age of 70.

Medical and dental insurance is also wholly paid by the IATTC for employees. Family members are not covered by this benefit but is available to dependents when paid by the employee. The other types of work related insurance are also paid for by the Commission.

#### *4.1.5 Social Security*

All IATTC employees, regardless of their grade, are required to pay Social Security at the rates established by U.S. Federal Government legislation i.e. 13.5% of basic salary, 50% of which is covered by the Commission. Under U.S. legislation, at the age of retirement, all employees who have paid Social Security contributions recover a large portion of their contributions and those made by their employer. This does not apply to non U.S citizens and non-residents excepting among others, citizens from countries with bilateral agreements with the USA (e.g. Mexico).

## ***4.2 Organization of tasks at the Secretariat***

#### *4.2.1 Organization before 2010*

Until 2010, the Secretariat's work was divided into 4 sub-groups organized in two main groups. Tuna-Dolphin and Tuna-Billfishes; including within the latter a sub-group associated with the research carried out at the IATTC Achotines Laboratory in Panama.

##### a) The Tuna-Dolphin Group

This group was responsible for managing the observers program, in particular, observer training, including deployment at the regional offices, and data collection. This group was also responsible for managing the activities of the AIDCP program and collaborating with observers from other national programs. The group was in charge of reviewing the reports of the different projects aimed at estimating and reducing by-catch, in particular, sharks and juvenile tuna.

This group comprised in particular scientists specialized in by-catch and data collection.

##### b) The Tuna-Billfish Group

This group was responsible for analyzing data and making them available to scientists and the Contracting Parties for the purposes of carrying out stock assessments and future research. This group comprised workers with in-depth knowledge of data analysis and computer languages.

##### - The Early Life History Group

Within the Tuna-Billfish Group, this group was carrying out laboratory work at the La Jolla headquarters and in the regional offices, in particular, at the IATTC Achotines Laboratory in Panama. Its mission consisted in studying among other factors, the interaction between the biological system and the physical conditions of the environment with particular emphasis on the recruitment process and factors which affect it: climate factors, such as temperature, wind etc..., and biology related factors e.g. food growth and predation etc...

Another cluster of staff assigned to activities related to information technology was responsible for the Secretariat's computer system and network security at the La Jolla Headquarters as well as regional offices and, in particular, provided the necessary support to the Tuna-Dolphin Group (i.a. in relation to observer data collection and processing) and to the Tuna-Billfish Group (i.a. in relation to data logbooks and port samplings).

Heads were appointed to these groups who reported to the Director and his deputy.

Alongside these groups, an administrative area providing among others publication and administration services was under the direct supervision of the Director.

#### *4.2.2 Organization from 2010 to date*

In 2010, the Secretariat was reorganized into programs, abandoning the group structure. The Secretariat is currently structured around four main programs: stock assessments, biology and ecology, data collection and database, by-catch and the AIDCP program. Pursuant to Article XIII of the Antigua Convention, a coordinator of scientific research is appointed by the Director to head the four programs and each program is under the responsibility of a program head. The

tasks of the four programs are described below:

a) Stock Assessments Program

- Determine the stocks status of the different tuna and tuna like species in the Convention area, and the effect of the fishing, fishing capacity and/or effort,
- Evaluate ways to prevent or eliminate overfishing and overcapacity so that fishing efforts are compatible with sustainable use of resources in the Convention area;
- Evaluate ways to ensure long-term maintenance of the stocks in the Convention area at a maximum sustainable yield.

This group is currently comprised of 5 highly qualified scientists with training in mathematical modelling.

b) Biology and Ecosystem Program

- Carries out scientific investigations on the abundance, biology, biometrics of species occurring in the IATTC Convention area and associated or dependent species as well as the effects of natural factors and human activities;
- Develops tagging programs, experimental projects at the Achotines Laboratory and ecological management approaches for tuna and species of the same ecosystem that are affected by or dependent on the fishery in the Convention area so as to maintain the level of these species above the sustainable level.

This group currently comprises 7 employees (3 senior) trained in biology and/or zoology and with additional training in ecology, one of whom works on a part time basis..

c) By-catch and AIPCD Program

- Develops measures to prevent, limit and minimize loss, discards, catches of non-target species and any impact on associated or dependent species of the tuna fishery,
- Develops measures to prevent, limit and minimize accidental mortality of dolphins associated with the tuna fishery.

This program currently comprises 8 employees (3 senior) trained mostly in biology and/or zoology and qualified in ecology and by-catch, one of whom works in the Policy Unit on a part time basis.

d) Collection and Database Program

- Develops standards on collection, verification, exchange and notification of data on fisheries in the IATTC Convention area;
- Establishes a comprehensive program for data collection and monitoring;
- Manages the onboard scientific observers program and data collected under the program in coordination with the AIDCP program at the La Jolla headquarters and the regional offices.

This program comprises 12 employees (7 senior) mostly trained in computing and biostatistics

and specializing in database organization, one of whom works on a part time basis.

#### e) Policy Unit

Alongside these four programs, the Policy Unit is responsible for several activities including, in particular, maintaining direct contact with IATTC members and other relevant non-member States and International Organizations, both governmental and non-governmental. These activities include among others:

- Informs members of data that they must communicate to the Secretariat before meetings;
- Receives annual reports from members for circulation in advance of the meeting;
- Ensures monitoring of implementation of the resolutions adopted by the Commission;
- Monitors the observers program for transshipment including financial matters and payment of contributions to the program;
- Monitors capacity and registration of vessels;
- Monitors issues regarding implementation and compliance with measures by members;
- Monitors the AIDCP program and compliance activities;
- Publishes all documentation regarding meetings (announcement, agendas, working documents and meeting reports...);
- Organizes of ordinary and extraordinary meetings of the Commission;
- Prepares meeting reports;
- Assists the Director with the fisheries policy managed by the Commission;
- Oversees proper implementation of the provisions of the Antigua Convention.
- Provides information and advice as appropriate to members and non-members upon request;

This unit currently comprises two highly qualified permanent senior employees and a senior employee in partial time who participates in another program (see above).

#### f) Administration and Finance

Within the administrative area, the administrative and financial management is carried out by a unit comprising four employees who report directly to the Director. The administrative area also includes a number of support staff (3 secretaries, 1 project coordinator and 2 translators). The accounting is done based on the financial procedures approved and adopted by the Commission at its 40th meeting from 19 to 21 October 1982, as amended successively in 1998, 2003 and 2008. This unit is responsible for all administrative and financial tasks, i.e. publication of announcements of vacant posts, follow-up on administrative matters related to the hiring of new employees, management of the annual audit .... With regard to finances, the unit manages payment of invoices, vessels payments, financial contracts, human resources (to include retirement plans, payroll and benefits) and management of collection of contributions from the Commission members. The unit is responsible for preparing the bi-annual budget and all the administrative and financial reports for the annual meetings. It is involved in the organization of the different Commission meetings.

As stipulated in the financial procedures adopted by the Commission, all expenses must be certified. The supply and services purchase are made based on these procedures. In accordance with the procedures, the Commission selects an auditing firm whose responsibility is to verify

the accounts and submit a detailed auditor's report for each financial year which runs from 1 January to 31 December.

g) Field offices and Achotines Laboratory

As highlighted above, the Commission has several field offices which collect data, implement the observers and AIDCP programs and monitor research work, as well as a research laboratory located in Achotines, Panama.

## **5. Main conclusions of the review of the current situation**

### ***5.1 Status of the Commission***

In the Convention texts of other similar organizations, it is sufficiently clear that their provisions confer upon them the status of international organization. While in the case of the IATTC, the provisions of 1949 treaty provisions did not clearly state that the IATTC is an international organization with diplomatic status in the 2003 Antigua Convention that refers to the IATTC as an international organization among others. Paragraph 3 of Article VI of the Antigua Convention stipulates thus *“The Commission shall have legal personality and shall enjoy, in its relations with other international organizations and with its members, such legal capacity as may be necessary to perform its functions and achieve its objective, in accordance with international law. The immunities and privileges which the Commission and its officers shall enjoy shall be subject to an agreement between the Commission and the relevant member”*.

In light of the above, the IATTC is considered to act within the framework of international legitimacy, but it has not asserted this status and that of its staff as an “international civil servants” and does not fully enjoy the rights conferred upon it as an international organization. This obviously affects the way it functions and the management of its human and financial resources.

It does not appear from review of existing documentation that action has been taken by the Commission to make use of the provisions of the 1945 Act on management of its resources. Since its establishment, the Commission has always managed its human and financial resources in accordance with U.S. internal rules and procedures.

The first issue to be addressed is to establish whether the IATTC wishes to continue to operate on the basis of U.S. rules and procedures, as it has done to date, or whether it would prefer to adopt its own rules and procedures, as it is entitled to do, given its status of international organization, conferred on it under the Antigua Convention.

As to the nature of the IATTC, the legal instruments enacted support conferring on it international and diplomatic status with the corresponding immunity, privileges and exemptions, which is the case of diplomatic representations throughout U.S. territory. Regarding the status of its staff, the IATTC would not be under any obligation to comply with the U.S regulations and procedures that are applicable to public institutions or private companies. However, this would necessarily involve the signature of a headquarters agreement between the IATTC and the United States, as the host country and Party since 2016 to the Antigua Convention.

The proposed actions to be taken are described below.

## ***5.2 Situation and staff status***

It appears that the Commission's situation directly impacts the status of its staff. At present, the staff status is not conferred by the international character of the organization, i.e. that of the International Civil Service Commission (ICSC). The current staff classification and salary scheme used are those in place in the United States. It is therefore subject to the obligations imposed by the U.S. regulations and procedures. However, following several items of correspondence between the IATTC management and the relevant U.S. authorities i.e. the State Department, the possibility exists for the staff and the Commission to benefit from privileges and immunity.

- a) As highlighted in the report of the 2016 IATTC performance review, some of the highly qualified scientific staff has reached retirement age. While the U.S. regulations allow employees to remain active beyond the expected retirement age, there comes a time when this category of individuals ceases to work. Staff in this category is generally U.S. citizens or legal U.S. residents. This situation has several effects on human resources management including:
  - Constraint on promoting younger employees to posts of responsibility as they are still held by older employees;
  - Impact on the budget since these older employees are on higher category salaries given their seniority. Any attempt to raise salaries across the board is hampered by the large salaries that this category of staff receives;
  - Constraints on hiring staff from outside the United States. The lack of clarity regarding the IATTC status and the uncertainty surrounding the conditions of residence may act as a constraint to attracting new talent from other countries.
- b) As indicated above, the Secretariat has an *Administrative Procedures and Employee Handbook* which establishes the staff status. However, this document is regarded as a contract between the employee and the IATTC rather than a staff status adopted by the Commission. Even if, as a whole, the handbook contains the provisions which should be stipulated in the staff internal regulations, it is still considered to be an internal document. The staff internal regulations are an important tool in human resource management and they should be developed based on the nature of the organization. The internal regulations of all similar organizations are based on those in place for the United Nations and its agencies with slight variations to take account of the provisions of the headquarters agreements. This is therefore a problem and a solution should be found which takes into account the intended status of the IATTC.
- c) On the issue of internal regulations, a staff performance review is not currently in place to assess employees and to justify their performance and promotion or shortcomings. This should be done based on a predetermined job description.
- d) In the context of the current situation, there is no legal provision on the place of settlement for disputes that may arise between the employee and the organization, or other types of disputes, or where appeals should be lodged.

## ***5.3 Internal organization of the Secretariat***



As described above, the Secretariat's structure is based on its scientific functions, as established in the Commission objectives. The structure is characterized by allocation of staff according to the research themes and scientific programs. According to the IATTC performance review carried out in 2016, this structure fully meets the Commission's scientific objectives. However, while the Commission fully executes the functions for which it was established as expanded by the 2003 Antigua Convention, the performance review panel highlighted some issues that restrict sound management. These relate in particular to compliance with the management and conservation measures adopted by the Commission and human resources management.

The review report highlighted the need to particularly focus on these two aspects in the future.

Based on the IATTC Convention texts, interviews carried out with staff and in light of the functioning of similar organizations, it is necessary to implement human resources management and monitor compliance with the management and conservation measures adopted by the Commission.

There is unanimous agreement that both the administration and finance unit and the policy and compliance unit should be expanded.

## **6. Proposed actions and recommendations**

### ***6.1 Institutional actions***

As stated in paragraph 3 of Article VI in Part III of the Antigua Convention "*The immunities and privileges which the Commission and its officers shall enjoy, shall be subject to an agreement between the Commission and the relevant member*". This provision and other instruments such as Executive Order 11059 of October 1962 allow the IATTC to enter into a headquarters agreement with the United States. It is recommended that the IATTC Secretariat contact the U.S. State Department and request to establish a headquarters agreement. There is no reason why the U.S. authorities should decline this request. If the parties reach an agreement, the Secretariat would prepare a draft resolution to be submitted to the Commission meeting for adoption.

As an International Organization, the IATTC is allowed to use international rules and procedures, rather than those of the United States. If accepted, it is recommended that the IATTC use the staff rules that are in force for most tuna RFMOs.

#### ***6.1.1 Headquarters agreement***

If establishment of a headquarters agreement between the United States and the IATTC is approved, the Secretariat and the United States should prepare a draft proposal which includes the following provisions, without any prejudice to the U.S. rules and procedures used in other similar RFMOs:

- The United States shall recognize the legal personality of the IATTC and its capacity to contract, purchase, dispose of personal property and real estate and initiate legal action;
- The United States shall allow the IATTC to utilize its headquarters subject to its

authority and shall guarantee protection of the headquarters;

- The IATTC shall be allowed to establish its own rules of procedure for proper functioning, applicable throughout the headquarters in accordance with national legislation applicable to the seats of foreign missions;
- Premises of the IATTC should be inviolable and no judicial rulings, including seizure of private property, may be enforced on these premises without authorization of the Director;
- The IATTC “shall not allow its Seat to serve as asylum for persons sought for enforcement of criminal proceedings or who are being sought for having committed a flagrant offense or against whom the competent the US Authorities shall have issued a legal injunction or an order for expulsion”;
- The IATTC shall be eligible for using the U.S. public services and benefit from any reductions in public service fees;
- The United States Government shall provide the IATTC the same treatment it provides to other diplomatic missions in United States territory and guarantee the inviolability of official correspondence. The IATTC shall enjoy the privileges and immunities enjoyed by diplomatic mail and correspondence;
- Property and assets of the IATTC shall enjoy immunity and be exempt from search, confiscation and expropriation and any other form of administrative or legislative action;
- The IATTC shall be exempt from all taxes or other fiscal fee, all direct State or federal taxes on property, goods and revenue received by the Commission to fulfill its objectives;
- The IATTC may receive and possess funds and foreign currencies and keep accounts in any currency and shall make transfers to any other country;
- The IATTC employees and their families shall enjoy the privileges and immunities in accordance with diplomatic and international regulations, only in respect of acts performed in the discharge of their official functions. The IATTC Director shall inform the United States Government through a diplomatic channel of the names and persons to be accorded those privileges;
- IATTC employees shall enjoy jurisdictional immunity and the same exemptions on salaries and emoluments received as allowed under identical circumstances to employees of the United Nations;
- The IATTC and the United States Government shall agree on issuing an identity card to IATTC employees and to their spouses and children to facilitate their stay during their mandate.

In general, the headquarters agreement should state all the kind of immunities, privileges and exemptions from which IATTC employees may benefit. The agreement should provide for some specific treatment for U.S. citizens. The agreement should also state how eventual conflicts between the host country and the organization should be settled.

#### *6.1.2 Staff status, classification and salary scheme, education allowance*

As highlighted above, the Secretariat currently has an employee handbook, which is an internal document. The provisions of this document could easily provide the basis for a staff status. Therefore, it is recommended to take a status similar to that used by the United Nations and to incorporate into it the provisions of the employee handbook. The resulting status should then be referred to the Commission for adoption. This status should be referred to in the headquarters agreement described above.

The establishment of a headquarters agreement and a staff status will involve changes to the staff's financial and administrative situation.

The staff rules should:

- Establish the conditions, rights, duties and obligations of employees of the IATTC Secretariat under the authority and responsibility of the Director;
- Develop an employee code of conduct consistent with the provisions of Article XII, paragraph 3 of the 2003 Antigua Convention. It should be clearly stated that employees of the IATTC Secretariat are International Civil Servants and should act consequently, including dedicating their full time to work for the IATTC as well as conducting themselves according to the international character of the organization avoiding any activity that may be prejudicial to the Commission;
- Establish the working hours and the official holidays as decided by the Director in accordance with the international regulations;
- Describe the privileges and the immunities that they are entitled to, based on the Headquarters Agreement;
- Explain the staff classification and the requirements of each category. If the IATTC approves to switch from the U.S. regulations to the ICSC, the current classification should be modified as well as the salary scheme. The new staff rules should state the different staff categories such as General Service category, Professional category and Contracted personnel;
- If accepted, the salary will be adjusted to the salary scheme published by the United Nations and published by the ICSC. This scheme could be adapted to the current one in force at the IATTC;
- State the options of the pension plan and the Social Security. The current status could be adopted if it suits the employees. The Secretariat should discuss this issue with employees in order to select an adequate system for each category. The regulations should reflect the contribution of the employer and the part that the employee should pay for the pension plan. In similar organizations, the employer contributes with two thirds of the contribution and third is paid by the employee. The total contribution to the pension plan is 23.7% of the gross salary;
- The medical and accident insurance should be stated in the staff rules. In similar organizations the rate is 2.5% of the basic salary is paid to the employee as contribution to this insurance;

- State the different compensations and the conditions of application that the employees are entitled to such as: tax exemption in the host country, trip expenses, settling-in compensation, shipment of household goods for the appointment and at the separation from service, the education grant for staff members' children (in similar organizations the contribution of the employer is 75% of allowable costs);
- Underline the recruitment and appointment process of staff, the working conditions and the age limit for retirement;
- Provide the different types of leave such as annual leave, sick leave, home leave, maternity or paternity leave and other any special leave;
- State the conditions of separation from service on a voluntary basis, forced termination by the Director or retirement and if applied corresponding indemnities;
- State the conditions of repatriation of entitled staff members;
- Establish the disciplinary measures, amendment and recourses of rules;
- State the employee evaluation report which should be done every year.

These are in general some headlines that the staff rules should describe in detail. Naturally, any of these regulations could be adjusted to take into account any specific provisions contained in the headquarters agreement.

If adopted, the classification of the employees and their emoluments should be adjusted accordingly. It is possible to switch from the current situation to the ICSC scheme. Regarding the insurance and social security, there are options to accommodate all the cases.

## **6.2 Organizational actions**

As noted in the description above, the current structure of the Secretariat is fully consistent with the requirements of its scientific mission. However, as identified in the IATTC performance review report, there is a problem with the amount of human resources allocated to administrative and financial tasks, as well as those related to oversight, policy and compliance. In this regard, it is proposed to balance the Secretariat's structure, by distributing and strengthening the administration / finance and policy / compliance services.

### *6.2.1 Secretariat structure and definition of tasks (see the organigram)*

It is proposed to restructure the Secretariat into 3 divisions.

Centrally:

- The Scientific Research and Statistics Division;
- The Policy and Compliance Division;
- The Administration and Finance Division.

At regional level, the field offices and the Ashotines Laboratory would continue to enjoy their functional autonomy under their respective head of office/laboratory, and their activities would continue to be under the oversight of the Scientific, Policy and Administration Divisions as appropriate.

The Director should appoint the head of each division, of each field office and of the Ashotines Laboratory and communicate these appointments to the entire staff and all the delegations of

the IATTC members.

The text of the Antigua Convention does not provide for the post of an Assistant Director and it is not recommended to create this post. In general, second-in-command positions cause much confusion regarding responsibilities. It is recommended that the Director, each time that he or she is absent, appoint an interim from the division heads.

Regarding the auditing of the Commission's accounts, as stated in the Convention text, the Director should select an internationally reputed specialist firm to carry out the annual verification of expenditure and revenue and check compliance with the procedures and budgets adopted by the Commission. The choice of auditing firm by the Director must be approved by the Commission. It is recommended to choose a firm for a 5-year period, renewable once. Renewal after the first period should be submitted to the Commission for approval. The auditing firm will work with the Administration and Finance Division and should report directly to the Director.

### *6.2.2 Description of tasks*

#### 6.2.2.1 Scientific Research and Statistics Division

The activities of the division are well defined within the current structure of the Secretariat. Therefore, it is proposed to confirm these activities within the structure, and to formally appoint the head of division, which logically should be the Coordinator of Scientific Research, as well as the heads of each program. The tasks of each program are also well defined and described in detail in existing documentation. The current staff is highly competent and performs their tasks very satisfactorily, as reported by the IATTC performance review panel. It is not considered necessary to hire new staff in the next two years.

However, as noted above, as of October 2018, almost 47% of the staff is over 55 years old, of which more than 55% are over 65, which is theoretically the retirement age. Therefore, it is recommended to consider a staff replacement plan for staff that have reached or are above the retirement age. This issue is closely related to the internal regulations. Currently, as in the U.S. regulations in place, there is no stipulation on the age of retirement. It is imperative to establish a retirement age and to enable the Director to extend the employment of those able to continue, on the basis of a contract for a specific duration, capable of renewal each year. The current situation acts as a barrier to promotion for younger senior employees and a budgetary constraint for potential advancement.

The tasks of this division will be distributed among the following 4 research programs:

- a) Stock Assessment Program: This program is responsible for stock assessment of tunas, billfish, sharks and other species;
- b) Data Collection Program: This program is responsible for collecting data from members, field offices and observers;
- c) Biology and Ecosystem Program: This program is responsible for early life studies, tagging, ecosystem, and population parameters;
- d) By-catch and AIDCP: This program is responsible for FADs, and by-catch of sharks, turtles and sea birds.

It is recommended to establish a service that is responsible for translation and publications and which will provide service to the Scientific Research and Statistics Division as well as the Policy and Compliance Division. It must be equipped with competent human resources capable of editing, producing publications and translation into the two official languages of the Commission.

The staff currently in charge of the different programs possesses the scientific skills required for the functioning of the division.

#### 6.2.2.2. Policy and Compliance Division

In the current structure, the tasks related to policy and compliance are the responsibility of a unit comprising two full-time and one part-time employees. As highlighted in the performance review reports of the RFMOs, in particular the tuna RFMOs, the issues of compliance and enforcement are paramount. Otherwise, adopting measures serves no purpose. RFMOs must therefore monitor compliance with the measures adopted. In the case of the IATTC, this mission needs to be further developed. It is on this basis that it is recommended to give the existing unit its due standing by elevating it to the level of a division within the Secretariat's structure, and provide it with sufficient human resources to fulfill its mission.

Therefore, it is proposed to establish a division with 3 services, reporting directly to the Director. Responsibility for this division can be assigned to the current Policy Management.

The tasks that would be assigned to this division are described below:

##### a) Compliance Bureau

This bureau would be tasked with monitoring of compliance with the resolutions adopted by the Commission, in particular:

- Prepare tables on Commission requirements of members, based on adopted resolutions. This particularly concerns the list of active vessels in each of the fisheries, with the operations start and end dates;
- Publish the annual list of vessels considered to have carried out IUU fishing;
- Establish the annual fishing plan for the different species, based on Commission decisions;
- Manage contracts for deployment of observers for transshipment or other operations;
- Monitor all control activities, in particular, VMS, and catch documents;
- Monitor compliance with the provisions of the different resolutions on catch size, catch limits, fishery closures, by-catch etc.
- Monitor implementation of the AIDCP program;
- Prepare a guide on compliance with Commission requirements for IATTC members;
- Prepare a compendium of active resolutions, which should be updated after each annual meeting;
- Organize regional workshops to foster compliance with management measures.

To achieve this bureau's mission, it is proposed to assign to it at least three category P employees according to the ICSC classification of the United Nations. The three professionals should hold at least a Master's degree.

- 1 with a background in science, in particular, biology
- 1 with excellent IT knowledge for monitoring data on vessels, etc.
- 1 with legal qualifications

b) Policy Management Bureau

This bureau would be responsible for assisting the Director with communication, cooperation, meeting preparations including the corresponding agendas:

- Maintain contact with members for information gathering;
- Establish the calendar of annual and intersessional meetings and prepare the agendas;
- Prepare and disseminate circulars on Commission activities and programs;
- Prepare press releases following the work completed at meetings;
- Maintain cooperative relationships with regional and international organizations such as the t-RFMOs, FAO, United Nations, in particular, COFI, UNFSA and BBNJ meetings;
- Monitor cooperation programs involving the IATTC such as the ABNJ project, the Kobe process and others;
- Monitor the development of compliance with the provisions of the Antigua Convention and eventual amendments;
- Monitor and update the website with the IT staff.

This bureau would require a professional with sufficient experience in international cooperation.

c) Publications Bureau

As mentioned above, it is important for the Commission to have staff assigned exclusively to publications. Given the number of scientific and management publications, it is proposed to establish an editing and publications bureau which would be attached to the Scientific and Policy Divisions.

This bureau would require two professionals with a background in science and languages. There may already be Secretariat staff with this profile. If the budget does not allow for new recruits, it is proposed to redeploy some suitable senior employees to fulfill the mission carried out by this department or division.

### 6.2.2.3 Administration and Finance Division

As highlighted in the IATTC performance review report, the administrative and financial service is currently not in a position to fulfill the tasks assigned to it by the Commission. Given the staff that the Secretariat requires for these tasks, it is imperative to prioritize human resources management. In this regard, it is proposed to elevate the administration and finance unit to the rank of a division with three bureaus: an administrative bureau responsible for personnel management, an accounting and finance bureau, and finally, a bureau in charge of logistics, equipment and computer technology. As in the case of the other divisions, this division would be partly responsible for management of the field offices and the Achotines Laboratory. Responsibility for this division should be assigned to a professional with at least 5 years' experience in administrative and financial management. This person should hold a Masters in administration and finance and would be in the category P on the ICSC scale of the

United Nations, based on qualification.

a) Administration Bureau

This bureau would be responsible for all administrative tasks, in particular, personnel management. It should oversee strict compliance with the internal regulations of the Commission by making them available to all employees. The staff of this bureau must be thoroughly conversant with all procedures, including preparation of contracts for newly hired staff. It should be capable of preparing staff handbooks and guides informing of all the regulations concerning international civil servants. This bureau would require a staff member in level 5 of the General Services category, according to the ICSC of the United Nations.

b) Accounting and Finance Bureau

This bureau currently exists but it carries out other functions that are not related to finance. The functions of this bureau would consist in keeping the Commission accounts and preparing the budget for adoption at annual meetings. The bureau must act as the interface between the Secretariat and the external auditing firm and the contact point for banks. The bureau carries out all payments of authorized expenses, salaries and benefits. The current staff has the necessary skills to carry out this role.

c) Logistics, Equipment and Computer Technology Bureau

At present, the tasks related to logistics and provision of services is distributed over several units of the Secretariat. To harmonize the services related to logistical support, calls for tender, and equipment management including computer technology, it is proposed to establish a bureau within the Administration and Finance Division. The existing staff responsible for IT is highly qualified and should be incorporated into this bureau. However, a person needs to be hired or redeployed from the existing staff that would essentially be in charge of logistics and provision of hardware services. The person would be responsible for collecting from the divisions, requests for office supplies and/or furniture and other requirements, and obtaining the best quotations, before forwarding them to the Head of Division who would submit them to the Director for a decision to be taken. The person assigned to this post would be in level 5 of the General Services category according to the ICSC scale of the United Nations. Clearly, before an order is placed, all requests for computer material must be approved by the IT section.

## **7. Impact of proposals on the functioning of the IATTC Secretariat**

The proposed actions fall within the recommendations issued by the panel that carried out the IATTC performance review in 2016.

### ***7.1 Impact of institutional recommendations***

- The institutional actions, in particular, the establishment of a headquarters agreement between the IATTC and the host country will ensure its independence and international identity. This action should not be understood to undermine all the efforts undertaken by the United States for 70 years to perpetuate the IATTC. All existing documentation shows that the U.S. authorities have always supported the IATTC by providing it with any assistance required to carry out its mission. A headquarters agreement will enable the IATTC to identify all its obligations and rights as an international organization. The headquarters agreement should guarantee the sovereignty of the IATTC in its functioning, abandoning U.S. regulations.



- To help the Secretariat implement this proposal, a draft headquarters agreement has been developed based on the model established for other similar organizations which will provide a basis for negotiations between the U.S. authorities and the Secretariat Management.
- In relation to this action, it would be of great benefit to the IATTC Secretariat staff to hold a status consistent with that of other organizations. A staff status will enable employees to understand their commitment, rights and obligations. In turn, this will enable the Secretariat to clarify any doubts related to the current situation. The status must be consistent with the international personality of the IATTC, which will provide stability for the functioning of the organization, creating a different dynamic. The establishment of a staff status will enable the Director to control staff and skills with regard to individual profitability, which, in turn, will help the Director to streamline the Secretariat's structure, in particular, through the introduction of a reasonable retirement age and replacement of workers beyond this age.

## ***7.2 Impact of organizational recommendations***

- The institutional actions bring to the fore a multidisciplinary structure which will undoubtedly ensure the sound functioning of the organization. The proposed structure is based on three important components. (1) The scientific component upon which the Commission's work rests and which consists of data collection, studies and research. This component guides decision-making by the Commission. (2) The component involving monitoring and implementation of Commission policy. It will be strengthened to fulfill the Commission's responsibilities with regard to implementation of its functions under the 2003 Antigua Convention and of the decisions taken. (3) The administrative and financial component which is essential for supporting the sound functioning of the Commission. This component which will be better structured with more human resources will support staff in the performance of their duties.
- The proposed actions to develop descriptions of the tasks carried out by staff members will enable each employee to know their objectives for the year, and their daily activities.
- Annual employee performance evaluation. It is proposed to introduce an annual evaluation report for each employee. This report, which could be issued each year on the date of hire of the employee, should be comprised of four parts. (1) A self-assessment by the employee where the person describes the tasks that they have performed over the course of the year, states whether they are satisfied with their performance and what they need to improve on. (2) A part to be completed by the direct supervisor who must complete the different sections on attendance, efficiency, and teamwork. Finally, the supervisor must state whether the employee has met the objectives set for the year. It is the supervisor who should judge whether or not the employee deserves a promotion. (3) The third part is to be completed by the Head of Division who will assess the evaluation provided by the employee's direct supervisor. (4) The fourth and last part is for the final evaluation by the Director who will decide whether or not to promote the employee. The employee evaluation report will enable employees to set more precise objectives and measure their profitability. The report strengthens the work relations between the employee and the supervisor and/or the

Head of Division. To assist the Secretariat, a proposal for an evaluation report template is contained in the annex.

- Rational use of personnel: As highlighted above, the IATTC staff is highly qualified and particularly skilled at implementing their scientific program. However, an insufficient number of staff is assigned to tasks related to compliance and monitoring of the Commission's management policy as well as administration and finance. With the institutional and organizational changes, staff would be deployed in an efficient and rational way. The establishment of a staff status formally adopted by the Commission, definition of job descriptions for each employee and implementation of an annual evaluation system would enable the Director to measure, at year-end, the efficiency of the Secretariat's functioning. The Director will also be able to make any necessary adjustments to adapt the structure to the needs of the Commission.
- Adoption of the staff status can solve several issues, including standardization of the work timetable, which would be an effective measure. However, it should not be undermined by allowing employees to work from home unless specifically authorized to do so. Any absences from the offices should be deducted from annual leave. In the event of a dispute arising between an employee and the organization, the staff status would also provide a solution, subject to the rules in force in international bodies. This would enable the IATTC to fully enjoy its legal immunity from U.S. jurisdiction.

### ***7.3 Budgetary impact***

- With the recommended actions for the headquarters agreement and adoption of a staff status, pressure on the salaries chapter will be eased. In accordance with international regulations, employees in the professional category are exempt from tax. Therefore, the Commission will not have to pay the taxes of these employees. In addition, it will only be obligatory to pay the Social Security of locally employed staff. Non-resident staff will be exempt unless paying the Social Security on a voluntary basis. This will enable the Commission to save the equivalent of 3% of the general budget.
- If a retirement age is established, the Director can adjust the employment of workers over 65 years, enabling him to reduce the envelope reserved for salaries.

## Conclusions

This study has been carried out in response to a recommendation of the IATTC performance review panel. A pragmatic approach has been adopted with a view to placing the organization in an appropriate situation to accomplish the mission conferred upon it. This approach has consisted in identifying the difficulties that confront the Commission in achieving its mission as well as providing solutions, by drawing on international experiences. The focus has been on the points that constitute bottlenecks for effective operation. Valuable insight has been gained from contact with the organization's staff, through review of IATTC documentary resources, and above all, through reference to the regulatory situation of similar organizations. The proposals advanced are based on actions capable of implementation, subject to adoption by the Commission.

While the IATTC appears to enjoy independence in the management of its affairs, it remains bound by the rules and procedures imposed on it due to its close relationship with the U.S. administration. This is demonstrated by the closure of Secretariat offices whenever the U.S. administration lacks budget due to internal reasons. Management of the headquarters remains closely linked to administrative decisions on security and finances taken by the U.S. authorities. As highlighted above, Secretariat employees who are not U.S. citizens do not have access to the car parks of the building that houses the IATTC headquarters. It is clear that the Commission, as an international organization, needs its own rules, as is the case of other similar organizations. A draft headquarters agreement that is based on the functioning of similar organizations, has been proposed for consideration, prior to adoption by the Commission.

While the IATTC was established mainly for scientific reasons, the issue of compliance with management and conservation measures has come to occupy an increasingly important place in the evolving context of exploitation of marine resources. This is increasingly evidenced by the resolutions issued by the Commission and the reminders given to non-compliant members. In this regard, it has been proposed to strengthen the Secretariat's structure through establishment of a general policy and compliance division, equipped with competent and experienced human resources.

As an organization grows, there is a greater need for management of its human and material resources. This is the case of the IATTC. The scale of its operation has increased, given the tasks that have been assigned to it. It is therefore essential to provide the Secretariat with sufficient qualified human resources to address the continuously expanding workload.

The organigram proposed for the Secretariat takes into account these proposals and can be implemented immediately by the Director. It remains for the Director to obtain the agreement of the Commission as well as allocation of a suitable budget.

In all organizations, the staff have entitlements and obligations, which are broadly described in the staff rules and regulations. In the case of the Commission, it is essential to adopt a staff status so that employees are clear on the internal regulations that govern the work at the Secretariat, and that are fully independent from the regulations of the host country. A proposed staff status which is similar to that of other organizations and based on the United Nations model, has been proposed for consideration.

In order to motivate staff and maintain the focus on objectives, it is proposed to implement an annual performance evaluation for each worker. A model used in similar organizations has also been submitted for consideration.

Finally, it has been considered useful to establish procedures to carry out the proposed actions. These procedures can be implemented immediately in the host country, by Management and by the Commission.

### Summary of recommendations and chronology of actions to be taken

<i>Recommendation</i>	<i>Action</i>	<i>Body or level</i>	<i>Timeframe</i>
Conclusions of the study	Approval	Commission	July 2019
Headquarters Agreement	Approval of the principle	Commission	July 2019
	Consultation with U.S. authorities	Secretariat	July 2019
	Preparation of Agreement	Secretariat	September 2019
	Submission of Agreement	Commission	July 2020
Staff Rules	Elaboration of the text	Secretariat	September 2019
	Approval	Commission	July 2020
Employee Performance Evaluation (EPE)	Approval	Secretariat	July 2019
Organigram	Approval	Secretariat	July 2019
Hiring Administrative and Finance Specialist	Approval	Commission	July 2019
	Announcement	Secretariat	September 2019
Hiring more personal for Policy and Compliance Division	Approval	Commission	July 2019

**Distribution of staff by program \***

<i>Division</i>	<i>Bureau</i>	<i>Staff</i>		<i>Comments</i>
		<i>Current</i>	<i>Additional</i>	
Scientific Research and Statistics	Head of Division	1		
	Stock Assessment	7		7 Senior Scientists
	Biology and Ecosystem	7		3 Senior Scientists 3 Associate Scientists 1 Assistant
	Data Collection	7		1 Senior Scientist 3 Associate Scientists 3 Assistants
	By-catch and AIDCP	8		2 Senior Scientists 5 Associate Scientists 1 Assistant
Policy and Compliance	Head of Division	1		
	Compliance	1		1 Senior
	Policy Management		1	1 Senior to be hired
	Publications	4		1 Senior 3 Associate
Administration and Finance **	Head of Division		1	1 GS 13
	Administration	7		4 Bilingual Secretaries 3 Clerical Assistants
	Accounting and Finance	1		1 Executive Officer
	Logistics, Equipment and Computer Technology	2		1 IT Manager 1 IT Staff

\* This table is provided based on the existing staff and its qualification in order to decide for hiring. It shall be adjusted by the Director.

\*\* In the Administration and Finance Division there is a need for appointing the head of the Division who should coordinate all the administrative and finance activities. The head shall be nominated from the existing staff if there is a person who meets the required qualification and experience, otherwise the head shall be hired.

### New personnel needs

<i>Division</i>	<i>Bureau</i>	<i>Employee</i>	<i>Category</i>	<i>Terms of references</i>
Policy Compliance	Policy	1 new hire	GS 12	Trained in international relations law or political science. Master's degree and at least 5 years' experience
	Compliance	2: 1 either a redeployment or a new hire	GS 12	1 with Master's degree in computing and scientific background
	Publications	1 redeployment		1 with a Master's degree legal procedures and laws Scientific background, language skills, Master's degree and at least 5 years' experience
Administration and Finance	Head of Division	1 redeployment or a new hire	GS 13	Master's degree, trained in administration and finance and at least 5 years' experience
	Administration	1 redeployment or new hire	GS 10	Good knowledge of administration and procedures
	Logistics, Equipment and Computer Technology	1 new hire or redeployment	GS 8	Good knowledge of administrative and financial procedures

In summary, within the framework of the proposed changes, there is a need in the short-term for four to five new members of staff, depending on redeployment possibilities. At least two of these will be in the professional category.

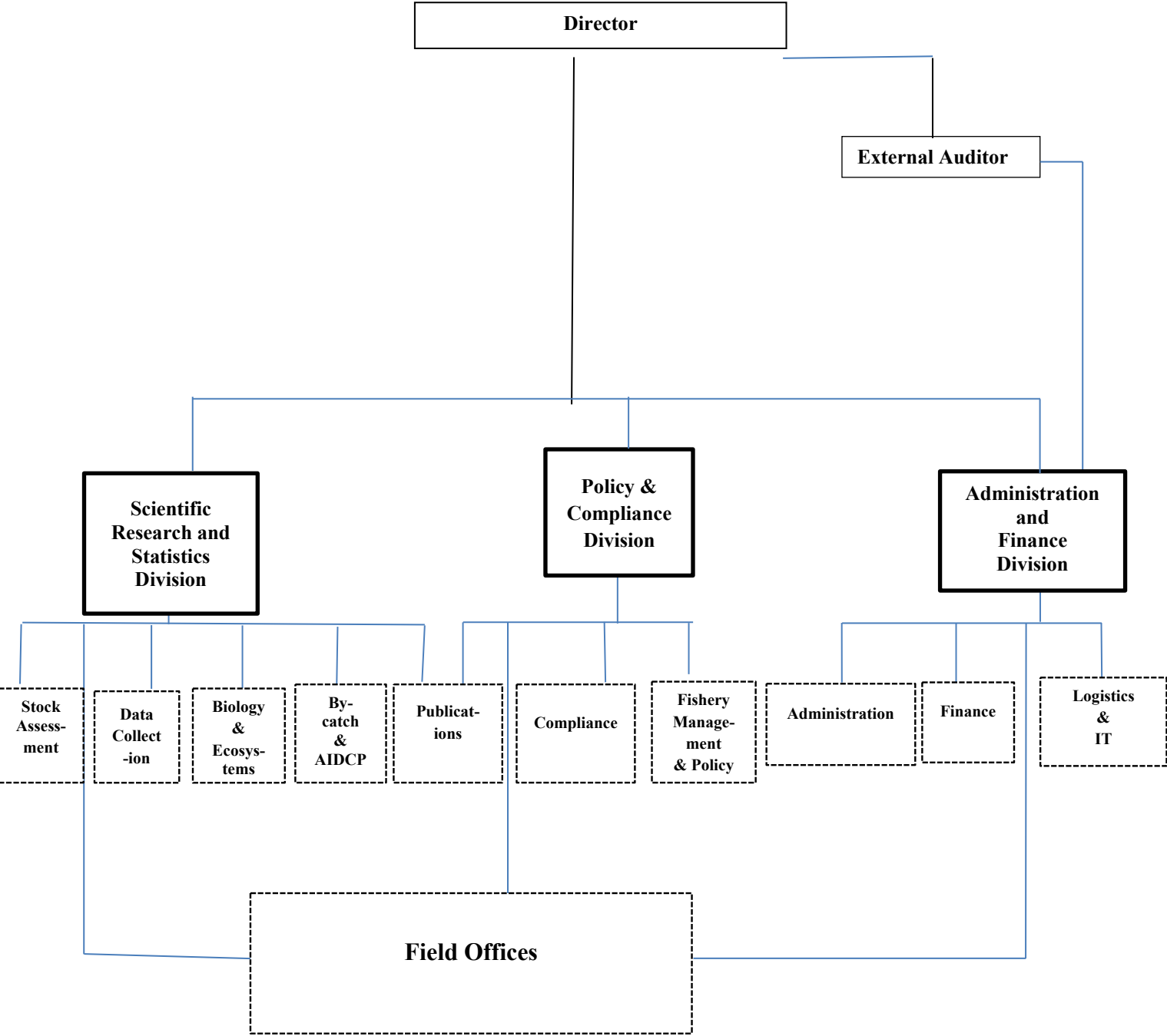
**Current salary structure by category of the Secretariat (2018)**

<i>Salary category</i>	<i>Number of people</i>	<i>Total salary (US\$)</i>	<i>% of total</i>
GS lower than or equal to 5	6	250, 930	6.27%
GS higher than 5 and lower than 10	9	570,636	14.25%
GS higher than or equal to 10 and lower than 13	12	1, 150,478	28.74%
GS higher than or equal to 13	17	2, 031,068	50.74%

In addition, the total amount of salaries of the 12 workers above 65 years old, which is in theory the retirement age, accounts for 28% of total salaries, not including the Director's salary.



**Organigram of Secretariat**



DRAFT AGREEMENT ON SEAT BETWEEN

THE UNITED STATES OF AMERICA

AND

INTER-AMERICAN TROPICAL TUNA COMMISSION

Wishing to regulate the rights, immunities and privileges of the Seat of the Inter-American Tropical Tuna Commission (IATTC), and its employees, in accordance with the Antigua Convention, whereby it was decided to establish its permanent Seat in LA JOLLA, SAN DIEGO, CALIFORNIA, The UNITED STATES OF AMERICA (USA), and for the purpose of thus ensuring the protection of said International Commission in the USA:

Have resolved to enter into an Agreement for Privileges and Immunities and, to that end, have appointed as Representatives:

For the USA: .....

For the IATTC: The Director.....

Who, having exchanged their respective instruments of authority which they found to be done in true and proper manner, are agreed as follows:

**Juridical personality**

**Article 1**

The USA Government recognizes the juridical personality of the IATTC and its capacity to enter into contracts, to purchase and to dispose of personal property and real estate, and to initiate legal action.

**Permanent Seat of the IATTC**

**Article 2**

The permanent Seat of the IATTC comprises premises the location and characteristics which shall be made available by the USA Government.

**Article 3**

The USA Government obligates itself to take all necessary steps to allow the IATTC the utilization of those buildings constituting its Seat.

**Article 4**

1. The Seat is subject to the authority of the IATTC
2. The IATTC shall be empowered to establish the Rules of Procedure to determine the norms for proper functioning, which will be applicable throughout the Seat.

3. Notwithstanding the provisions of the foregoing paragraph, the Government of the USA shall make applicable to the Seat of the IATTC, USA legislation which is applicable to the Seats of foreign missions.

#### **Article 5**

1. Premises of the IATTC are inviolable.
2. No judicial rulings, including seizure of private property, may be enforced on these premises without authorization of the Director.
3. Without detriment to rules established in this Agreement, the IATTC shall not allow its Seat to serve as asylum for persons sought for enforcement of criminal proceedings or who are being sought for having committed a flagrant offense or against whom the competent USA Authorities shall have issued a legal injunction or an order for expulsion.
4. In event that the IATTC were to establish offices in the USA other than its Seat, inviolability shall be accorded such offices under the same conditions stated in the foregoing subsections, provided application is made to the USA Government for authority to open them.

#### **Article 6**

1. The USA Government guarantees the protection of the Seat.
2. Upon request of the Director, the USA Authorities shall render such police support as may be required to maintain order within the Seat.

#### **Article 7**

1. The IATTC may apply for use of the necessary public services.
2. Subject to provisions of Article 9, the IATTC shall benefit from any reductions which may occur in public service fees.
3. If, for reasons of force majeure, a total or partial interruption of such services should occur, the needs of the IATTC shall be accorded whatever priority the USA Administration may enjoy.

#### **Access to the Seat**

#### **Article 8**

1. The competent USA Authorities shall not impede passage to or from the Seat by persons having official functions to perform therein, or of persons invited there by the IATTC.
2. The USA Government reserves the right to extend visas for entry and their possible invalidation in those cases in which this should be in order pursuant to legislation in force, and undertakes to authorize at no expense and without delay, the entry into and residence in the USA of the following persons during such time as they are in the discharge of their duties or who carry out missions for the IATTC:
  - (a) such representatives of Member States, their alternates, advisers, experts and secretaries as shall be appointed to attend meetings of the IATTC or of its Committees, or meetings and conferences called by the Commission or its Committees;

(b) the employees and experts of the IATTC as well as the employees, representatives and experts of the governmental and non-governmental organizations admitted by the Commission by virtue of consultative agreements;

(c) Dependents - spouses and minor children- of persons mentioned in the foregoing subsections;

(d) All those persons whom the IATTC its Committees or the Director shall have invited for official reasons.

3. Without prejudice to the special immunities to be enjoyed by persons referred to in Section 2, the USA Authorities may compel them to leave USA territory during their period of office should they abuse the privileges accorded them and engage in activities foreign to their functions or duties in relation to the IATTC and subject always to the following provisions:

4. Any measure for the purpose of compelling persons mentioned in Section 2 to leave USA territory must first be approved by the State Department of the USA Government. Prior to extending such approval the said State Department must inform the following Authorities:

5. The Authorities referred to are:

(a) In the case of a representative of a Member State, or a member of his or her family, the Government of said Member State;

(b) In the case of a member of a Committee of the Commission or of one of his or her family, the Chairman of the Committee in question;

(c) In the case of any other person, the Director of the IATTC.

6. Furthermore, in the case of those persons mentioned in subsections (a) and (b), Section 2 of this article, the request to abandon the USA territory shall be conveyed in a manner analogous to that applicable in the case of the Diplomatic Corps accredited to the USA Government.

7. It is understood that the persons specified in Section 2 will not be exempted from application of quarantine or public health regulations.

### **Communication facilities**

#### **Article 9**

The USA Government shall accord the for its postal, telephone, telegraph, radiotelegraph and facsimile communications the same treatment it accords other Governments and their diplomatic missions insofar as priority and tariffs and rates on correspondence, telephone, telegraph and other.

#### **Article 10**

1. The inviolability of official correspondence of the IATTC is guaranteed.

2. The IATTC shall be entitled to employ codes and to send and receive correspondence by couriers or pouches which shall enjoy privileges and immunities analogous to those enjoyed by diplomatic couriers and pouches. In event of grave and justified suspicion the USA Authorities may, in the presence of a competent representative of the Commission, verify whether such pouches contain official correspondence only.

## **Property, funds and assets**

### **Article 11**

The IATTC, its property and assets wherever located, enjoy jurisdictional immunity except insofar as the extent to which the Commission may expressly renounce it in a given case, or should such renunciation derive from the provisions of a contract. It is nevertheless understood that a new renunciation shall be required for execution thereof.

### **Article 12**

1. The property and assets of the IATTC, wherever located, are exempt from search, confiscation, commandeering and expropriation or any other form of executive, administrative or legislative action.
2. The archives of the IATTC or, in general, all documents contained therein or related thereto, are inviolable wherever they may be located.

### **Article 13**

1. The IATTC be exempt from all taxes or other fiscal burdens on ownership, occupancy, construction or adaptation of land or buildings owned by it.
2. The IATTC be exempt from all direct taxes imposed by the State or local entities on goods and revenue accruing to the Commission and directly related to the fulfillment of its objectives.
3. The IATTC shall be exempt from payment of taxes or duties of any kind on goods imported into or exported from the USA territory by the Commission and which are or have been destined to its objectives. This exception, however, shall not apply to duties accruing to Customs Administrations for services rendered.
4. Objects imported free of duty may not be ceded nor transferred in the USA territory other than in exceptional cases and under such conditions as may be determined by mutual agreement between the IATTC and the competent the USA Authorities. In such cases all applicable duties to which such objects are liable shall be made payable.

### **Article 14**

1. The IATTC may receive and possess funds and foreign currencies of all kinds and keep accounts in any currency; it may also freely transfer to another country the funds and foreign currencies in its possession in Spanish territory and vice-versa.
2. The competent USA Authorities shall lend their aid and support to the Organization for its exchange and transfer operations.

## **Facilities, privileges and immunities**

### **Article 15**

1. During their presence in the USA in the discharge of duties entrusted to them, the Chairman of the IATTC, and representatives of Member States of the IATTC at meetings of the Commission

or of its Committees and at such meetings as the Commission may call, shall enjoy facilities, privileges and immunities analogous to those accorded foreign diplomatic personnel of comparable rank who are members of temporary diplomatic missions in the USA.

2. These facilities, privileges and immunities extend to spouses and children under 21 years of age, of the persons mentioned above, who are dependent upon them.

#### **Article 16**

1. Without detriment to the provisions of Articles 20 and 21, the Director, as well as the official substituting for him in his absence, together with their spouses and minor children shall enjoy the prerogatives, immunities, exemptions and facilities which are accorded to diplomatic envoys under International Law.

2. If the persons referred to in the foregoing paragraph and in Articles 15, 19 and 22 are of the USA nationality, they shall enjoy judicial immunity only in respect of acts performed in the discharge of their official functions within the IATTC.

#### **Article 17**

The Director of the IATTC shall inform the USA Government through the Protocol Bureau of the State Department, of the names and personal circumstances of persons referred to in Articles 15, 16, 19 and 22, in order that they may be accorded those privileges.

#### **Article 18**

Immunities specified in Articles 15 and 16 are granted their beneficiaries in the interests of the IATTC and not for their personal advantage. These immunities may be renounced by: the Government of the State in question, in the case of its representatives and members of their families; by the IATTC for the members of its Committees and their families, as well as for the Director and members of his family; and by the Director for the Commission employees cited in Article 16 and for their families.

### **Employees and experts**

#### **Article 19**

Employees in Director and Professional category (as established in the United Nations Personnel Statute) of the International Commission for the Conservation of Atlantic Tunas:

(a) Shall enjoy jurisdictional immunity for such official acts as they perform, with the exception of employees of the USA nationality;

(b) With regard to taxes on salaries and emoluments received from the IATTC, they shall enjoy the same exemptions as are accorded under identical circumstances to employees of the United Nations;

(c) Subject to the provisions of Article 20, they shall be exempted, as well as their children, from all obligations in connection with military service or any other service compulsory in the USA;

(d) They shall not be subject, nor shall their spouses and children under 21 years of age who are their dependents, to restrictive measures in regard to immigration or police formalities applying to foreigners, on condition that they be provided with documents issued by the State Department as stated in Article 24;

(e) They shall enjoy the same facilities for exchange of currency as are accorded members of the diplomatic missions accredited to the USA Government;

(f) During periods of international tension they shall be entitled, as shall their spouses and dependent children less than 21 years of age, to repatriation facilities identical to those extended members of diplomatic missions accredited to the USA Government;

(g) if resident abroad at time of appointment, they may import on one occasion only and free of customs duties, the furniture and personal effects with which to establish a household in the USA;

(h) They may temporarily import their motor vehicles free of customs duties.

### **Article 20**

The USA employees of the IATTC and their children are not exempted from military service or any other service that may be compulsory in the USA. The IATTC may on occasion apply to the USA Government for a deferral in accordance with standing regulations.

### **Article 21**

These privileges and immunities are granted employees in the interests of the IATTC and not in order to provide them with personal advantages. The Director can and should renounce the immunity granted an employee in all cases where he considers that this immunity hampers the process of justice and always provided that the interests of the IATTC are not thereby impaired.

### **Article 22**

1. When experts other than those mentioned in Articles 15, 16 and 19 are performing duties in the IATTC or carrying out missions or travelling in its behalf, they shall enjoy the following privileges and immunities insofar as they may be necessary in the discharge of their duties:

(a) Immunities from personal arrest or seizure of their personal luggage, except if they shall have committed a flagrant offense. In such event the USA Authorities shall immediately inform the Director of the IATTC of the arrest or embargo on luggage;

(b) Immunities against any legal action which might be brought against them for acts they may have carried out in the performance of their official duties (whether verbally or in writing); those concerned shall continue to enjoy such immunity even if they no longer discharge duties with the IATTC, or are no longer entrusted with missions in its behalf.

(c) They shall be granted the same facilities for exchange of currency as are enjoyed by officials of foreign governments on temporary official mission.

2. The Director of the IATTC may and must renounce those immunities granted an expert in those cases wherein he considers he should do so without detriment to the interests of the Commission.

**Article 23**

The IATTC shall constantly cooperate with the USA Authorities in the proper administration of justice, to ensure compliance with police regulations, and to prevent any abuse which might arise from immunities and facilities stipulated in this Agreement.

**Identity cards**

**Article 24**

The Bureau of Protocol of the State Department of the USA Government shall issue identity cards to the persons referred to in this Agreement.

**Settlement of differences**

**Article 25**

The IATTC, in agreement with the State Department, shall take measures to provide for suitable settlement of disputes involving officials of the Commission who, by reason of their official position, enjoy immunity in event such immunity has not been invalidated by the Commission.

**Article 26**

Any conflict regarding application of this Agreement or of any other additional agreement which may be stipulated, if not resolved by negotiation between the parties, shall be submitted to a court of three arbiters for final settlement. One of these shall be designated by the Director of IATTC; one by the State Department of the USA Government, and the third by the first two arbiters or, should they fail to agree, by the President of the International Court of Justice.

**Article 27**

This Agreement shall enter into force on the date of exchange of Instruments of Ratification by the USA and of notification of approval by the IATTC.

For the Government of the USA: .....

For the IATTC: The Director



## **Draft Staff Rules**

### **Scope and purpose**

The Staff Regulations and Rules establish the fundamental working principles, conditions of service and the basic rights, duties and obligations of those persons who, having been formally appointed and receiving remuneration, render their services in the Secretariat of the Inter-American Tropical Tuna Commission (hereinafter called "The Commission").

The Director shall provide and enforce such Staff Regulations and Rules consistent with these principles as he/she considers necessary.

### **Section I - Duties, obligations and privileges**

#### *Article 1 - Code of conduct*

- 1.1 Members of the Secretariat (hereinafter called "staff members") are international civil servants. By accepting appointment, they pledge themselves to discharge faithfully their duties and to adjust their conduct, bearing in mind the interests of the Commission.
- 1.2 Staff members are subject to the authority of the Director and are responsible to him in the exercise of their functions.
- 1.3 Staff members shall at all times conduct themselves in a manner compatible with the international character of the organization. They will avoid all actions, statements or public activities which may be detrimental to the Commission and its aims.
- 1.4 Staff members are not required to renounce their national feelings nor political or religious convictions, but they must always bear in mind the loyalty, discretion and tact imposed on them by their international responsibilities in the discharge of their mission.
- 1.5 In the performance of their duties, staff members may neither seek nor accept instructions from any government or authority other than the Commission.
- 1.6 Staff members shall observe maximum discretion regarding official matters.
- 1.7 Except in the discharge of their duties or with authority from the Commission, they shall abstain from releasing information they possess by reason of their position.
- 1.8 Staff members are expected to devote themselves exclusively to the discharge of their duties in the Secretariat, any other employment being incompatible. Exceptions to the foregoing require the prior authorization of the Director or of the Commission when it affects the Director.
- 1.9 No staff member may be actively associated in the management of a business, industry, or other enterprise, or have a financial interest therein, if as a result of the official position held in the Secretariat, benefit may be derived from such association or interest.

Ownership of stock in a company shall not be considered to constitute a financial interest in the meaning of this Article.

1.10 Normally all staff members shall have their residence at their duty station.

### ***Article 2 - Hours of work***

2.1 The Director shall establish the work schedule and alter it as conditions warrant.

2.2 The normal work schedule shall be eight hours daily, Monday through Friday, for a total of 40 hours weekly.

### ***Article 3 - Holidays***

3.1 The staff members shall be entitled to a maximum of ten holidays per year. These days shall be officially announced by the Director at the beginning of each year. The Director shall, to the extent possible, align them to official holidays and customs of the host country.

3.2 If, under special circumstances, staff members are required to work on any of these days, they shall be granted another day in lieu thereof; or if any of these dates fall on a Saturday or Sunday, the holiday shall be observed on another date, to be set by the Director subject to service needs and, if possible, staff preference.

### ***Article 4 - Privileges and immunities***

4.1 Staff members shall enjoy the privileges and immunities to which they are entitled under the Seat Agreement signed between the Government of the host country and the Commission. These privileges and immunities are conferred in the interests of the Organization. They furnish no excuse to the staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations.

## **Section II - Classification of posts and staff**

### ***Article 5 - Staff structure***

5.1 Staff members shall be classified in either of the following categories:

a) *Professional or Higher category*

These are positions of high responsibility of a technical, administrative or scientific nature.

These will be filled by professionals, preferably with university graduation or equivalent. Staff members in this category will normally be recruited internationally.

b) *General Services category*

These include auxiliary technical and administrative positions as well as clerical, secretarial and other office personnel. Normally such staff will be recruited locally.

c) *Contract Personnel*

The Executive Secretary may contract for the services of temporary personnel or casual labour with short-term appointment that he deems necessary to carry out the responsibilities of the Secretariat. Whenever possible, such staff will be recruited locally.

### **Section III - Salaries, allowances and other remuneration**

#### *Article 6 - Salaries and allowances*

##### 6.1 *Professional or Higher categories*

- a) **Salary:** The salary scale for staff members in the Professional or Higher categories, as approved and established by the Commission, shall be based on the most current salary schedule (for Madrid, in Euros) published by the United Nations and provided by the International Civil Service Commission. This salary schedule, which is established in U.S. dollars, is subject to post adjustment, and is payable in convertible currency.
- b) **Post Adjustment:** A non-pensionable post adjustment shall be applied to the salary rates of the Professional or Higher categories in accordance with the most current post adjustment information (a variable multiplier for San Diego), provided on a monthly basis by the International Civil Service Commission.
- c) **Pension Plan:**
- d) **Dependency Allowance:** Staff members in the Professional or Higher categories shall be entitled to a dependency allowance for each dependent child (up to the age of 21) in an amount equivalent to that in effect according to the most current U.N. salary schedule, as provided periodically by the International Civil Service Commission. The dependency allowance payable in respect of a child shall be offset or reduced by the amount of any allowance paid therefore as a social benefit for a source external to the Commission.
- e) **Medical, accident and disability insurance:** Adequate medical, accident and disability insurance are compulsory for all staff members in the Professional or Higher categories. The Commission will contribute up to 2.5 percent of net base salary for these benefits. Each staff member is required to furnish to the Executive Secretary appropriate documentation of his or her current medical, accident and disability insurance.

##### 6.2 *General Services Category*

- a) **Salary:** The salary scale for staff members in the General Services category, as approved and established by the Commission, shall be based on the most current

salary schedule (for Madrid, in Euros) published by the United Nations, and provided by the International Civil Service Commission. Salaries for staff in this category are payable in local currency.

- b) Language Allowance: Staff members in the General Services category appointed for one year or more shall normally be entitled to receive a pensionable language allowance, at a flat rate, as determined by the United Nations and provided by the International Civil Service Commission, for duly proven proficiency in more than one official language of the Commission.
- c) Pension Plan:

Due to differences that could exist, in the costs as well as in contingencies covered by the Public Social Security System, the staff members who ultimately choose to take part in this System will not have the right to medical insurance, to accident and personal liability insurance regulated in paragraph e) of this same article and paragraph, and their salary will be adjusted such that the cost to the Commission is the same as if the staff member had not elected to take part in the Public Social Security System.

Staff members who are nationals or residents of the country of the duty station who have been hired prior to 1 March 2004 (date of entry into force of this amended text) and who up to this date were included in the Van Breda Pension Plan, can choose, prior to 1 September 2004 to withdraw from the aforementioned pension plan and take part in the Public Social Security System of the duty station, if this System so admits, according to the effects and economic conditions expressed in the previous paragraph. This choice will be unique and irrevocable.

In the case of staff members contracted on a fixed-term basis, an alternate pension plan may be considered, to be negotiated between the staff member and the Director

- d) Dependency Allowance: Staff members in the General Services category shall be entitled to a dependency allowance for each dependent child (up to the age of 21) at a flat rate per annum, as provided periodically by the International Civil Service Commission. The dependency allowance payable in respect of a child shall be offset or reduced by the amount of any allowance paid therefore as a social benefit for a source external to the Commission.
- e) Medical, accident and disability insurance: Adequate medical, accident and disability insurance are compulsory for all staff members in the General Services category. The Commission will contribute up to 2.5 percent of net base salary for these benefits, except for those staff members who take part in the Public Social Security System. Each staff member is required to furnish to the Executive Secretary appropriate documentation of his or her current medical, accident and disability insurance.

### 6.3 Contract Personnel

The Director shall determine the salary rates and the terms and conditions of employment applicable to such short-term, contracted personnel.

- 6.4 Benefits under this section will be aligned with FAO schemes and relevant provisions of the FAO Staff Regulations, FAO Staff Rules, and FAO Administrative Manual, and will be reflected and regularly updated in the ICCAT Staff Regulations and Rules.

### *Article 7 - Overtime*

- 7.1 As a general rule, staff members will not receive additional compensation for hours of work performed beyond the normal 40-hours work week.
- 7.2 When, at the request of the Director, staff members are required to work more than 40 hours per week and as warranted by special circumstances involving the needs of the service, such additional hours of work shall be compensated:
- a) With compensatory time off equal to the number of additional hours of work performed computed at one and a half times the normally scheduled hours, or
  - b) With remuneration for each hour of additional work performed, the rate of which will be computed at one and a half times the normally scheduled hourly rate.
- 7.3 Staff members in the Professional category are only eligible for compensatory time off as applicable in paragraph a) above. A maximum of 12 days in compensatory time off can be carried over from one calendar year to the next; compensatory time off cannot be accumulated between consecutive years.

### *Article 8 - Step increase for tenure*

- 8.1 The salary for staff members in the Professional or Higher and General Service categories shall be that of the initial step for the corresponding grade of the staff member, beginning at Step 1.
- 8.2 Only in very special cases and upon the basis of a proposal and justification by the Director and the supervisor, may a staff member be initially employed at a higher step than Step 1 of the grade.

#### *Professional or Higher categories:*

- 8.3 Incremental steps within each grade (Step Increase) for staff in the Professional or Higher categories are granted on an annual basis, according to the U.N. salary schedule, payable on the anniversary date of such service, as long as performance has been considered satisfactory by the supervisor and approved by the Director.

#### *General Service category:*

- 8.4 For staff in the General Service category, incremental steps within each grade (Step Increase) are granted on an annual basis until reaching the last top regular step, as long as performance has been considered satisfactory by the supervisor and approved by the Director. Thereafter, the qualifying criterion for an in-grade increase to the long-service step, as defined in the U.N. salary schedule, is that the staff member remains at the top regular step of the current grade for at least three years.
- 8.5 Upon completion of the at least three years at the top long-service step of a given U.N. General Service grade, and as long as performance has been considered satisfactory by the supervisor and approved by the Director, the staff members in the General Service category are entitled to be upgraded to the next grade, at the corresponding step whose net base salary is at least equal to, but not less than, the staff member's current net base salary.

#### ***Article 9 - Remuneration adjustments***

- 9.1 Any change in the staff structure and corresponding remuneration requires the prior approval of the Commission, and it may be retroactive.
- 9.2 Commission approval is not required for salary adjustments when these apply to staff structure and scales already approved by the Commission.

#### ***Article 10 - Tax exemption***

- 10.1 Salaries are exempt from payment of taxes under pertinent agreements between the Commission and the host country. In the event staff members are required to pay taxes to the host country, they will be reimbursed for such taxes by the Commission. However, reimbursements for such taxes will be limited to that portion which affects income derived from the Commission.

### **Section IV - Other benefits**

#### ***Article 11 - Trip expenses for internationally-recruited staff***

- 11.1 The Commission shall cover the travel expenses for arrival of the internationally-recruited staff member and family from place of recruitment to the duty station and return thereto.

#### ***Article 12 - Settling-in compensation***

- 12.1 The Commission shall contribute toward the expenses related to the initial settling-in costs of staff members who, upon appointment, were not residing within commuting distance of the duty station. This allowance may be up to a maximum of 30 days of per diem at the U.N. daily subsistence allowance rate prevailing on the day of arrival at the duty station. Payment, in local currency, is based on the most current daily subsistence allowance rate for the duty station, as provided periodically by the International Civil Service Commission.

#### ***Article 13 - Shipment of household goods***

13.1 The Commission shall pay for shipment of household goods and personal effects from place of recruitment to the duty station of the internationally-recruited staff member serving outside his home country. Such shipment (which will not exceed 5,000 kg for a staff member with dependents or 3,000 kg for a staff member without dependents) shall be effected by the most appropriate and economical means.

13.2 Likewise, upon separation from service, the internationally-recruited staff member shall have expenses covered for the return of household goods and personal effects to the place of recruitment.

**Article 14 - Non-resident allowance**

14.1 When in judgment of the Director, shipment of household goods as provided in Article 13 is not warranted, or in case of the staff member electing, in writing, not to avail himself of the entitlement, the staff member will be paid an annual non-resident allowance as follows:

<i>Category</i>	<i>Staff member without recognized dependents (US \$)</i>	<i>Staff member with recognized dependents(US \$)</i>
P-5 and above	1,100	1,400
P-3 and P-4	950	1,200
P-1 and P-2	900	1,000
General Services	350	350

14.2 This allowance will be paid for each of the first five years of service. The staff member receiving payment of this allowance will not be entitled to future shipment of household goods.

**Article 15 - Assignment allowance weight limits**

15.1 In those cases where, in accordance with Article 14, a non-resident allowance is being paid, the staff member may be authorized shipment of personal effects for arrival at post and for repatriation. Surface transportation shall be authorized as follows:

Staff member only:	600 kg or 3.75 m <sup>3</sup>
Dependent spouse:	400 kg or 2.49 m <sup>3</sup>
Each dependent child:	200 kg or 1.25 m <sup>3</sup>
Global maximum	1,600 kg or 9.96 m <sup>3</sup>

15.2 Any staff member electing this provision will only be entitled to the same weights and limitations upon repatriation.

**Article 16 - Education grant**

16.1 An education grant is available to internationally recruited staff members serving outside their home country to cover a part of the cost of educating children in full-time attendance at an educational institution. The grant is payable up to the end of the fourth

year of post-secondary studies or the award of a recognized first level degree, whichever is earlier, subject to a maximum age limit of 25 years. The amount of the grant is equivalent to 75 percent of allowable costs, subject to the maximum amounts indicated in the table on "Education Grant Entitlement" that is annexed to the FAO Staff Regulations and Rules.

16.2 This education grant shall not be paid:

- a) In respect of children of staff members serving in their home country;
- b) In respect of attendance at a public (state) school or at a university in the country of the duty station;
- c) For correspondence courses or private tutoring; or when schooling does not require regular attendance at an educational institution; or
- d) In respect of education expenses covered from scholarship grants or subsidies from other sources.

16.3 Benefits under this section will be aligned with FAO schemes and relevant provisions of the FAO Staff Regulations, FAO Staff Rules, and FAO Administrative Manual, and will be reflected and regularly updated in the IATTC Staff Regulations and Rules.

#### ***Article 17 - Education travel***

17.1 Staff members in the Professional or Higher categories, serving outside their recognized home country, whose dependent children are in full-time attendance at a school, or university or similar institution, located outside the country of the duty station, are entitled to educational travel for a total of one round trip per scholastic year.

17.2 For the purpose of this Article, travel will be at the most economical and practical rate, and the cost will not exceed that between the duty station and the point from which the staff member was recruited. However, should cost of travel be less than entitlement, only actual cost will be payable.

#### ***Article 18 - Representation expenses***

18.1 The Commission will pay for duly justified representation expenses incurred by the Director the fulfilment of their duties.

### **Section V - Recruitment and appointment**

#### ***Article 19 - Appointment of the Director***

19.1 In accordance with Article XII of the Antigua Convention, the Commission shall appoint a Director, and establish tenure, remuneration, and those other conditions of employment as appropriate.

19.2 The Director will serve a one-year probationary period. Upon completion of the probationary period, satisfactory to both parties, the Commission will confirm his/her appointment for 4 years term and may be reappointed as many times as the Commission decides.



19.3 Either party may terminate the appointment upon six months written notice.

### ***Article 20 - Appointment of other staff members***

20.1 The Director shall select and appoint all staff members.

20.2 Staff members selected shall initially be given one-year probationary appointment. Upon satisfactory completion of the probationary period, the Director shall confirm their appointment and the terms thereof. During that period, either party may terminate the appointment upon one month's written notice.

20.3 The Director is empowered to delegate to any senior professional Staff member those duties he/she considers necessary to achieve the most efficient operation of the Secretariat.

### ***Article 21 - Terms of appointment***

21.1 Upon being appointed either on a fixed-term or continuing basis, each staff member shall receive a letter of appointment that states:

- a) That the appointment is subject to the provisions of the Staff Regulations and Rules applicable to the category of appointment in question, and to changes which may be duly made in such Regulations and Rules from time to time;
- b) The nature of the appointment;
- c) The date at which the staff member is required to report for duty;
- d) The period of appointment, the notice required to terminate it and the period of probation, if any;
- e) The category, grade, commencing rate of salary and the scale of increments;
- f) Any special conditions that may be applicable.

21.2 A copy of the Staff Regulations and Rules shall be transmitted to the staff member with the letter of appointment. In accepting appointment the staff member shall acknowledge having been made acquainted with, and confirm acceptance, in writing, of the conditions laid down in these Staff Regulations and Rules.

### ***Article 22 - Age limits***

22.1 Appointments shall not be granted to persons under 18 years of age or over the mandatory retirement age of 65 years.

### ***Article 23 - Medical examination***

23.1 Following initial selection and prior to appointment, all prospective staff members shall submit to a medical examination and present a certificate stating that they have no disease which might prevent them from performing their duties, or which will endanger the health of others.

23.2 Staff members shall undergo a routine medical examination from time to time in order to ensure capability to continue performance of their duties within the Secretariat. This medical examination may be at the expense of the Commission, if such an examination cannot be covered by the staff member's own medical insurance.

## **Section VI – Leave**

### ***Article 24 - Annual leave***

- 24.1 Staff members shall be entitled to annual leave with pay at a rate of two and one-half workdays for each full month of service. Annual leave is cumulative, but unused leave in excess of 60 workdays may not be carried beyond the end of each calendar year.
- 24.2 Annual leave shall be authorized by the Director who, insofar as possible, shall bear in mind the personal circumstances, needs and preferences of the staff members.
- 24.3 A staff member may, in exceptional circumstances, be granted advance annual leave up to a maximum of two weeks, provided that the services thereof are expected to continue for the period necessary to accrue the leave as advanced.
- 24.4 The leave period shall not cause an interruption of normal Secretariat operations. In accordance with this principle, the leave dates shall be subject to the exigencies of the service.
- 24.5 Any unauthorized absence from duty not provided for in these Staff Regulations and Rules shall be deducted from annual leave. Any unauthorized and unjustified absence shall be considered leave without pay, independently of any other action that may be taken under Section IX of these Staff Regulations and Rules.

### ***Article 25 - Sick leave***

- 25.1 No staff member shall be granted sick leave for a period of more than three consecutive days and more than a total of seven working days in any period of 12 months without producing a medical certificate.
- 25.2 Non-certified absences in excess of the number of days specified in this Article shall be deducted from the staff member's annual leave or, in the absence of sufficient annual leave, charged as special leave without pay.
- 25.3 Staff members are entitled to sick leave, with an appropriate medical certificate, but such leave will not exceed 12 months in any four consecutive years. The first six months of such leave in this period of four years shall be on full salary, and the second six months shall be on half salary. No more than four months on full salary shall normally be granted in any period of 12 consecutive months.

### ***Article 26 - Maternity leave***

- 26.1 Staff members who have completed their probationary period shall be entitled to maternity leave for a period of four months. Normally this period would commence eight weeks prior to confinement and end eight weeks thereafter, in accordance with medical advice. During this period the staff member shall continue to receive full pay and corresponding allowances, including accumulation of annual leave.

### ***Article 27 - Home leave***

- 27.1 Travel expenses to the home country on annual leave shall be granted following completion of 18 months of service and, following this, at two-year intervals thereafter for internationally-recruited Professional staff and their recognized dependents subject to the following:
- a) Dependents who have been granted education travel under Article 17 shall not be eligible unless they have resided at the duty station for at least six months prior to travel.
  - b) It is expected that the staff member will return to the duty station to continue rendering services for a minimum additional period of 12 months.
- 27.2 The possibility may also be studied of combining official travel on Commission business with home leave, as long as the interests of the staff member and family are duly borne in mind.

### ***Article 28 - Special Leave***

- 28.1 Death of an immediate family member: Special leave may be granted for the death of an immediate family member, up to a maximum of five days, without signing for annual leave.
- 28.2 Illness of a family member: Leave taken for illness of a family member shall be considered annual leave. In special cases, the Executive Secretary could authorize special leave for grave illness or hospitalization of an immediate family member.

## **Section VII - Travel and transportation**

### ***Article 29 - Authorization for official travel***

- 29.1 All official travel shall be authorized in advance by the Director.

### ***Article 30 - Transportation and reimbursement of expenses for official travel***

- 30.1 In principle, air transportation by the most direct and economical route shall be regarded as the normal mode for all official travel. Nevertheless, the use of another means of transport may be authorized by the Director if he/she esteems that it is in the interest of the Commission. Normally, tourist class shall be used for air travel. For staff members in the Professional or Higher categories, air travel in Class C (Affaire, Club or similar) may be authorized. Only in exceptional cases, and subject to the approval of the Director, may higher class air travel be used.
- 30.2 Staff members on official travel shall receive an appropriate daily subsistence allowance, in accordance with a schedule of rates established periodically by the International Civil Service Commission. For official missions of a duration of more than 24 hours, a one-day subsistence allowance is payable for the day of departure at the rate applicable at the place of destination or of a stopover en route. Staff members are entitled to a daily subsistence allowance for each 24 hour period (counted from midnight

to midnight local time), with the exception of the last day of the trip. The rate of the daily subsistence allowance shall be that which is applicable at the location where the staff member lodges for the night.

- 30.3 The Director may authorize the reimbursement of other indispensable ordinary travel expenses that are duly justified.
- 30.4 Daily subsistence allowance is not paid for any period of annual leave taken during travel status, except when combined with an official mission (see Article 27.2).
- 30.5 Actual travel time spent during any day of the week is not charged against annual leave, nor is annual leave charged for stopovers authorized for rest purposes when travel is by air.

### **Section VIII - Separation from service**

#### ***Article 31 - Voluntary separation from service***

- 31.1 The Director may separate from service by giving six months' advance to the Commission (See Article 20.).
- 31.2 Staff members in the Professional category may separate from service by giving three months' advance notice to the Director.
- 31.3 Staff members in the General Services category may separate from service by giving two-month's advance notice to the Director.

#### ***Article 32 - Termination of employment by the Director***

- 32.1 The Director may terminate the appointment of a staff member in the Professional category by giving three months' advance written notice, and a sixty-day advance written notice in the case of staff members in the General Services category, when he/she deems this to be in the interest of the Commission due to restructuring of the Secretariat or for other valid reasons.

#### ***Article 33 - Separation from service due to retirement***

- 33.1 Staff members shall not be retained in active service beyond the age of 65 years, unless the Director, and in his/her case the Commission, in the interests of the Organization, extends this age limit in exceptional cases. Normally, such extension will be one year at a time. Staff members may, however, elect to retire from the age of 60 years. Notwithstanding, staff members included in the USA Social Security System may extend the age of retirement in accordance with the rules in force of the USA Social Security System.

#### ***Article 34 - Termination indemnity***

- 34.1 A staff member whose appointment is terminated upon abolition of post, reduction of staff, or in the interest of the good administration of the Commission shall receive an indemnity equivalent to a rate of one month's net base salary for each full year of service, not to exceed 12 months.

34.2 In case of termination of appointment for reasons other than those specified above, the decision shall be made jointly by the Chairman of the Commission, and the Director as to whether an indemnity is payable.

34.3 If, upon separation, a staff member has an accrued annual leave credit, compensation for the period of such accrued leave, up to a maximum of 60 working days, shall be paid in lieu thereof.

34.4 In no case will a termination indemnity be paid to:

- a) A staff member who resigns, except where resignation notice has been duly given and the termination date agreed upon;
- b) A staff member whose fixed-term appointment is completed on the expiration date or terminated during the probationary period specified in the letter of appointment;
- c) A staff member who is summarily dismissed;
- d) A staff member who abandons his or her post;
- e) A staff member who retires.

**Article 35 - Repatriation**

35.1 In principle, a repatriation grant shall be payable to staff members whom the Commission is obliged to repatriate, and who take up residence in a country other than that of the duty station. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed.

35.2 The amount of the grant shall be proportionate to the length of service with the Commission according to the following scale:

<i>Completed years of continuous service away from home country</i>	<i>Staff members with no recognized dependants at time of separation (net base)</i>	<i>Staff members with spouse &amp;/or one or more dependent children at time of separation Weeks of salary (net base)</i>
1	3	4
2	5	8
3	6	10
4	7	12
5	8	14
6	9	16
7	10	18
8	11	20
9	13	22
10	14	24
11	15	26
12 or more	16 (maximum)	28 (maximum)

35.3 If the staff member elects not to be repatriated, no grant is payable.

**Article 36 - Death of a staff member**

36.1 In the event of death of a staff member, the effective date of separation is the day of death, when all salary and related emoluments and benefits shall cease.

- a) *Shipment of remains*: Upon the death of a staff member, or death of the spouse or that of dependent children, whom the Commission is obligated to repatriate, the Commission shall pay the expenses of transportation of the remains from the duty station, or the place of death if death occurs while the staff member travelling on official business, to the place recognized by the Commission as the staff member's home for purposes of home leave.
- b) *Family indemnity to surviving dependents*: If death results in a situation not covered by appropriate insurance and the deceased leaves any recognized dependents, a family indemnity is payable in accordance with the following scale:

<i>Years of service</i>	<i>Months of net salary</i>
3 or less	3 (minimum)
4	4
5	5
6	6
7	7
8	8
9 or more	9 (maximum)

- c) *Repatriation of surviving dependents*: Upon the death of a staff member whom the Commission is obliged to repatriate, the Commission shall pay the expenses of repatriation of the surviving dependents from the duty station, provided that the costs do not exceed those to the place recognized by the Commission as the staff member's home for purposes of home leave, or, in case no home leave entitlement exists, the place from which personal effects or household goods were shipped. If the family elects not to be repatriated, no grant is payable.

**Section IX - Disciplinary measures**

*Article 37*

- 37.1 The Director may establish administrative machinery with staff participation which will be available to advise him/her in disciplinary cases.
- 37.2 The Director may impose disciplinary measures (suspension without pay, demotion, or dismissal) on staff members whose conduct is unsatisfactory, and may summarily dismiss a member of the staff for serious misconduct.
- 37.3 Staff members who are suspended without pay as a disciplinary measure shall not accrue service credits towards annual, sick, home leave, family visit travel, salary increment, separation payments schedule, termination indemnity or repatriation grant during the period.

37.4 Staff members whose appointments are terminated by the Director or by the Commission, or who are demoted or suspended, shall be entitled to a written statement of cause at the time the notice is given, and an opportunity to reply in writing.

## **Section X – Application, amendment and recourse of these Staff Regulations and Rules**

### ***Article 38 - Application***

38.1 These Staff Regulations and Rules shall be applicable to all staff members.

38.2 Any doubts arising from application of these Staff Regulations and Rules shall be resolved by the Director following consultation with the Chairman of the Commission.

### ***Article 39 - Amendment***

39.1 These Regulations and Rules may be supplemented or amended, but without prejudice to the acquired rights of staff members.

39.2 The amendment of these Staff Regulations and Rules shall be in conformity with the relevant decisions of the Commission.

39.3 Amendments in the text of these Staff Regulations and Rules must be formally approved by the Commission.

### ***Article 40 - Recourse***

40.1 Recourse by a staff member to any administrative decision may be taken to the Chairman of the Commission, through the Director.

## **Section XI - General provisions**

### ***Article 41 - Financial responsibility***

41.1 Staff members may be required to reimburse the Commission either partially or in full for any financial loss suffered as a result of their negligence or of their having violated any regulations, rule or administrative procedure.

### ***Article 42 - Service evaluation reports***

42.1 The service of a staff member shall be subject of evaluation reports made from time to time by the Director. Such reports, which shall be shown to the staff member, shall form a part of the staff member's permanent cumulative record.

### ***Article 43 - Proprietary rights***

43.1 All rights, including title, copyright and patent rights, in any work produced by staff members as part of their official duties shall be vested in the Commission.

### ***Article 44 - Unforeseen matters***

44.1 For all matters not specifically foreseen in these IATTC Staff Regulations and Rules, the most current Staff Regulations and Rules in effect for the Food and Agriculture Organization of the United Nations (FAO) could be applied. However, all these matters will be duly brought to the attention of the Commission by the Director.



**PROPOSED  
EMPLOYEE EVALUATION REPORT  
FOR IATTC**

NAME:

CURRENT POSITION:

INCREASE:

POSITION IN IATTC:

QUALIFICACIONES:

**Evaluation of the head of the Division:**

**Evaluation of the Director:**

## EMPLOYEE EVALUATION REPORT EL RENDIMIENTO

Labor Factors y Evaluation	Standards Laboral	Levels of efficiency				
FACTORS	DESCRIPTION AND GENERIC DEFINITION	Non satisfactory	Frequently below laboral standard	Constantly comply with laboral standard	Frequently oustanding	Exceptional
<b>Background</b>	Employee has adequate knowledge of the job	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Efficiency</b>	Acceptable work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Understanding of instructions</b>	Understanding the signification of all the steps of the work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Compliance on the implementation</b>	Accomplish the duties and produce an acceptable quality of the work with less errors, positive behavior and cooperation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Rapid implementation</b>	Comply with fixed delays	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Special dedication to the duties</b>	Well informed about the job	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Reactions in case of emergency or unforeseen situation</b>	Faces difficult situation in a professional manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Team working</b>	Good availability in working with the team	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Interest in assignment</b>	Availability in complying with duties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Willingness to improve</b>	Availability for more duties and for improving the efficiency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Interest for well functioning of IATTC</b>	Show interest in IATTC activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Availability and Initiatives</b>	Looking for best ways to comply with duties efficiently with appropriate level and independence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## AUTOEVALUATION

NAME: \_\_\_\_\_

1. Description of the main functions at the Secretariat during last year:

2. Auto evaluation of the efficiency with respect to the compliance with the functions last year

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**From:** [Monica Galvan](#)

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0362-410 Comm re Dist Report HR Consultancy on human resources -SPN.pdf

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Dear delegates,

I have attached a document for your information.

Best regards,

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Estimados delegados,

Adjunto documento para su información.

Atentamente,

*Monica Galvan*

*Assistant to the Director*

*Inter-American Tropical Tuna Commission*

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