



Nuclear-Weapon-Free Zone in
Latin America and the Caribbean

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**STANDARDS TO GOVERN THE OPERATIONS
OF THE SECRETARIAT
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**STANDARDS TO GOVERN THE OPERATIONS
OF THE SECRETARIAT OF THE AGENCY FOR THE PROHIBITION OF NUCLEAR
WEAPONS IN LATIN AMERICA AND THE CARIBBEAN (OPANAL)**

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CHAPTER I

NATURE, FUNCTIONS, AND STRUCTURE OF THE SECRETARIAT

Article 1. Nature. The Secretariat is the administrative and permanent Organ of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL). It shall perform the functions assigned to it in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the General Conference, and those established in these Standards; as well as the provisions of a regulatory nature adopted by the Council.

Article 2. Functions. The Secretariat shall also perform the following functions:

- a. Transmit ex officio to the Member States notice of the convocation of the General Conference;
- b. Advise the other organs, when appropriate, in the preparation of agendas and regulations;
- c. Prepare the proposed programme budget of the Agency on the basis of programs adopted by the Council, whose expenses should be included in the budget;
- d. Provide, on a permanent basis, adequate secretariat services for the General Conference and the other organs, and carry out their directives and assignments;
- e. Serve as custodian of the documents and archives of the General Conference and Council;
- f. Submit to the General Conference an annual report on the activities of the Agency and its financial condition;
- g. Establish cooperative relations in conformity with the decisions reached by the General Conference or the Council with other international Agencies and national and international organizations;
- h. Maintain communications with the member states through the channels and in the form indicated by those countries; and
- i. When appropriate, provide certified copies of official documents, provided they are not of a restricted nature.

Article 3. Secretariat functions. The Secretariat is the secretariat of the General Conference, the Council, and the other organs of the Agency.

Article 4. Seat. The seat of the Secretariat is Mexico City, Mexico.

CHAPTER II THE SECRETARY- GENERAL

Article 5. The Secretary-General. The Secretary-General shall direct the Secretariat, be the legal representative thereof, and, notwithstanding the provisions of Article 11 of the Treaty of Tlatelolco, be responsible to the General Conference for the proper fulfillment of the obligations and functions of the Secretariat, in conformity with these Standards. The Secretary- General shall be the highest Administrative Officer of the Agency.

Article 6. Participation in meetings. The Secretary-General may participate with voice but without vote in all meetings of the Agency. His/Her participation in these meetings shall be governed by the pertinent provisions of the Treaty of Tlatelolco and of the respective rules of procedure, and these Standards.

Article 7. Reports. The Secretary-General shall furnish the reports that are requested of him/her by the General Conference, the Council and other organs.

Article 8. Powers. It is the responsibility of the Secretary-General:

- a. To establish the dependencies of the Secretariat that are necessary to accomplish its purposes;
- b. To determine the number of members of the staff of the Secretariat, appoint them, regulate their powers and duties, and set their remuneration;
- c. When strictly necessary, to contract for special or technical services of natural or juridical persons; and
- d. To issue and apply the administrative provisions necessary for the proper functioning of the Secretariat.

Article 9. Other powers. It is also the responsibility of the Secretary-General:

- a. To carry out the provisions of a regulatory nature adopted by the Council; and
- b. With the authorization of the General Conference, to conclude agreements that define the relations that should exist between the Agency and other international Agencies.

Article 10. Responsibility. The Secretary-General is responsible for compliance with these Standards.

Article 11. Absence of the Secretary-General. During the temporary absence of the Secretary General, the Officer responsible for administration and management shall have the exclusive power of signing the necessary documents to guarantee the performance of the administrative functions required for the continuous fulfillment of the activities of the Secretariat.

11.01 In the event of a definitive absence of the Secretary-General, the Chief Administrative Officer shall immediately notify this fact to the Council.

11.02. The Council shall convoke a special session of the General Conference to elect the new Secretary-General.

11.03. While the new Secretary-General holds office, in order to cover the corresponding period, the Officer responsible for administration shall report to the Council of any significant matters to the Agency, whichever the nature, in order for the Council to attend these matters.

Article 12. Autonomy, privileges and immunities, and rank. In the performance of his/her duties, the Secretary-General shall not seek or receive instructions from any government or from any authority outside the Agency and shall refrain from any action that may be incompatible with the position as international officer responsible only to the Agency.

12.01. In accordance with Article 23 of the Treaty of Tlatelolco, the Secretary-General shall enjoy the privileges and immunities corresponding to his position and necessary for the independent performance of his duties.

Article 13. Rights and benefits of the Secretary-General. The Secretary-General shall enjoy the rights and benefits established in these Standards and in the budget approved by the General Conference.

Article 14. Medical Insurance. The Secretary-General is entitled to medical insurance for him/her and his/her dependents. Starting his/her term of office as Secretary-General, he/she shall propose to the Committee on Contributions, Administrative and Budgetary Matters (CCAAP) the acquisition of adequate medical insurance for him/her and his/her family. The CCAAP shall approve it depending on the cost of the premium as well as the budget availability of the Agency, the needs of the Secretary-General, and from other medical insurance he might have in his/her country of origin.

Article 15. Travel expenses and shipping of household and personal effects. In conformity with these Standards and the budgetary provisions established by the General Conference, the Agency shall pay the travel expenses and shipping of household and personal effects of the Secretary-General and his/her dependents.

The Agency shall pay the shipping expenses of the Secretary-General and his/her dependents from his/her place of residence to the seat of the Agency, and from the latter to his/her new place of residence as well as the shipping of the household and personnel effects, provided that these are his/her property and for private use. The CCAAP shall authorize the corresponding payment upon presentation of three quotations by the Secretary-General.

In the event that the Secretary-General would return to a country other than his/her country of origin, the related expense shall not exceed the cost of the transportation to his/her country of origin.

The Secretary-General shall not be entitled to this benefit in the event of a voluntary resignation before being in Office for two years or in case that the shipping expenses are paid by a government, an international organization or a company where he/she might render his/her services.

Article 16. Destitution of the Secretary-General. The General Conference shall remove the Secretary-General in the event of serious misconduct with the vote of a majority of two-thirds of the present and voting members.

Article 17. Solicitation, acceptance or use. During his term of office, the Secretary-General shall not request or accept, directly or indirectly, from any person, association, corporation or commercial entity, with contractual relationship or of other financial or commercial nature with OPANAL any gift, reward, loan, favor or any other goods or objects with a monetary value.

The Secretary-General shall refrain from taking advantage of his/her position or pretending taking advantage of it, to obtain an advantage for his/her own or other third party benefits.

Article 18. Conflicting financial interests. The Secretary-General shall have no direct or indirect financial interests, which may create or appear to be in substantial conflict with the correct performance of his obligations in the interest of OPANAL and with the responsibilities assigned to him/her by the Treaty of Tlatelolco, the Financial Regulations and these Standards.

Article 19. Refraining from performing other activities. The Secretary-General shall refrain from any activity, specifically prohibited or not in these Standards, resulting or appearing to be;

- a. Giving preferential treatment to any organization or person;
- b. Loss of independence or absence of impartiality in his performance;
- c. Adoption of administrative decisions disregarding established procedures;
- d. Damage to the good name and integrity of the Secretariat.

Article 20. Competency of the Council. Should the Council determine that a specific issue may give rise to a conflict of interests, the Secretary-General shall (1) declare himself/herself unable to act in any matter directly or indirectly related to the entity in question, or (2) eliminate the conflict by separating himself/herself from his/her interest, as the case may be.

CHAPTER III PERSONNEL

Article 21. Agreement with the labor laws of the host country. The Secretary-General shall establish the necessary provisions in order for the fundamental employment conditions of the employees, technicians and experts to be similar to those foreseen in the labor laws of the host country. These provisions shall be applied in the cases not foreseen in these Standards or in the event of dispute due to the application or interpretation thereof.

Article 22. Classification of Employment. In conformity with Article 11, paragraph 2 of the Treaty of Tlatelolco, the personnel of the Secretariat, for the effect of these Standards, shall be made up of:

- a. International Officer. This classification only corresponds to the Secretary-General;
- b. Employees to be contracted by the Secretary-General for a limited time in accordance with the terms of Article 23 of these Standards;
- c. Technicians and experts, understood as the persons appointed to perform functions of a professional, technical, administrative or scientific nature, in conformity with the agreements or contracts entered into with other organizations participating in programmes of common interest, or to render ad honorem services with the authorization of the organizations to which they belong. They are not considered members of the staff for any other purposes and do not have the rights and benefits to which the staff members are entitled in conformity with these Standards.

Article 23. Personnel hired for a limited term. The contracts of the personnel hired for a limited term shall specify the exact term of employment.

However, if the purpose of the job is to comply with a specific program or to achieve a specific purpose, the contract shall conclude, as a matter of law, prior to the expiration of the fixed period agreed, if the specific program is ended or if the respective purpose is complied with.

Upon determining the applicable remuneration in each case, the salaries and other benefits shall be adjusted to those established by the respective provisions.

Article 24. Staff responsibilities. The staff of the Secretariat, in compliance with their duties, shall only be responsible before the Secretary-General. Upon acceptance of an appointment for a position in the Secretariat, the staff will be committed to perform their duties and to regulate their conduct in conformity with the nature, purposes and interests of the Agency.

Article 25. Document of appointment. At the time they are appointed or hired, staff members and the Secretary-General shall sign a contract, stating the nature and conditions of the appointment.

Article 26. Working Day. The working day, understood as the time in which the employee shall be in duty for the Agency, shall be of eight hours during the day. The working day may be exceptionally extended, in which case the Secretary-General shall set the corresponding schedule.

Article 27. Mandatory days of rest. The mandatory days of rest for the staff of OPANAL shall be the same as those stipulated by the Labor Law of the host country.

Article 28. Subjection to the authority of the Secretary-General. With respect to the performance of their duties, staff members are subject to the authority of the Secretary-General.

Article 29. Reporting obligations. The staff shall notify in writing and without delay to the Secretary-General the information requested by him in the following cases:

- a. All the information regarding the employment contract.
- b. Any subsequent change that could require modification of such information.
- c. The intention to acquire the permanent residence in a country other than that of his/her nationality or change of his/her nationality, before the change of residence or nationality is defined.
- d. Information on facts regarding integrity, conduct and any other information regarding work at the Agency.

The employees, technicians and experts who are arrested or appear at a criminal court accused for a violation of law, shall immediately inform the Secretary-General of this fact. Also, the employees, technicians and experts shall report to the Secretary-General about the course of the corresponding proceeding. The Secretary-General, in conformity with the results of the respective process, will take the necessary measures.

Article 30. Autonomy in the performance of duties. In the performance of their duties, staff members shall not seek or receive instructions from any government or from any authority outside the Agency.

Article 31. Limitation of activities. Personnel shall refrain from any action that may be incompatible with their position as staff members of the Agency. In this regard, they may not conduct any activity that the Secretary-General considers inconvenient from the standpoint of the efficient performance of their duties or the prestige of the Agency.

Article 32. Public activities and statements. Staff members shall not act or express themselves publicly in any way that might damage or adversely affect the Member States.

Article 33. Discretion. Staff members shall exercise the utmost discretion with respect to all matters of official business. Nor shall they at any time use such information to private advantage. These obligations undertaken by staff members do not cease upon separation from service.

Article 34. Provision of services and acceptance of benefits. No staff member shall render services to any government or entity under conditions other than those specifically approved by the Secretary-General. No staff member may accept honors, awards, remuneration, favors, or gifts when, in the opinion of the Secretary-General, this is incompatible with his/her status as a staff member or with the interests of the Agency.

No staff member shall be seconded to another international agency, governmental agency, or other entity unless the entity to which the staff member is seconded first agrees to reimburse the full cost of salary and benefits of the staff member as well as any other expenses incurred by the Secretariat in relation to the secondment.

Article 35. Government influence and support. No staff member may seek the influence or support of the representatives of the Agency, or of any government, in matters affecting the administration of or discipline in the Secretariat. All questions regarding these matters shall be settled in accordance with the applicable regulations.

Article 36. Probationary period. Persons appointed for a period of one year shall be required to serve a probationary period of three months, beginning on the day that they report for duty in the position. In exceptional cases, this period may be extended by the Secretary-General, but in no instance shall the probationary period exceed six months.

The Secretary-General may terminate the appointment of a staff member who has not completed his probationary period, when he considers this advisable in the interest of the Secretariat.

Article 37. Register of staff members. The Secretariat shall periodically distribute to the Member States a register of the staff members, indicating name, type of employment, functions, nationality and date of entry into the Secretariat.

Article 38. Vacations. Staff members working full time, shall enjoy an annual vacation period consisting of two days for each month worked during the corresponding year.

Article 39. Leave. The Secretary-General may authorize special leave in exceptional cases.

Article 40. Social security. The staff shall be entitled to all the rights and benefits established by the labor and social security legislation of the host country, particularly the Mexican Federal Labor Law and the Social Security Law.

Article 41. Travel expenses. In accordance with the Standards and the budgetary provisions established by the General Conference, the Agency shall pay travel expenses of staff members on official duty.

Article 42. Adoption of disciplinary measures. The Secretary-General may adopt, in accordance with the pertinent regulatory provisions, disciplinary measures for unsatisfactory performance of work or for conduct not in conformity with these Standards.

Article 43. Types of disciplinary measures. Disciplinary measures shall consist of oral or written admonition, written censure, suspension, and dismissal.

Article 44. Termination of service. The Secretary-General is empowered to terminate the appointment of a staff member:

- a. In case of prolonged illness, in accordance with the pertinent regulatory provisions;
- b. When it becomes necessary to abolish a post, as a result of the reduction in staff or reorganization of an office of the Secretariat;
- c. When his/her services are not satisfactory;
- d. Whenever he/she fails to fulfill the requirements of service contained in these Standards or in his employment contract;
- e. When he/she has attained the age of sixty-five, and
- f. When, it is considered to be in the best interest of the Agency. In this case, the staff member concerned shall have the right to be heard by the Secretary-General and shall be entitled to all the benefits and indemnities to which he would be entitled had his/her service been terminated for any of the other reasons specified in this article.

All employees, technicians and experts whose services are terminated under this Article shall be entitled to a termination notice given prior to the effective termination date. Notice period shall be no less than seven days and no more than sixty, as determined by the Secretariat and stated in the staff member's Document of Appointment.

Article 45. Summary dismissal. The Secretary-General may summarily dismiss any staff member for serious misconduct.

Article 46. Resignation. A staff member may resign from his/her position in the Secretariat by presenting his/her resignation to the Secretary-General, two months in advance. Notwithstanding, the Secretary-General may accept resignations within a shorter time period.

Article 47. Separation indemnity. Except as provided in Article 45, the Secretariat shall provide a separation indemnity to all staff members having been employed continuously for more than three years under contracts for a limited time. Such indemnity shall be calculated and paid in accordance with the labor provisions of the host country.

Article 48. Inapplicability of indemnity provisions. A separation indemnity shall not be paid when:

- a. The service of a staff member is terminated during the probationary period of Article 40 of these Standards;
- b. A staff member resigns;
- c. A staff member under contract for a limited time is separated from service by way of termination or expiration of contract before completing more than three years of service;
- d. The staff member's services are terminated or the staff member is dismissed for serious misconduct, including, but not limited to:
 - I. Abandonment of post;
 - II. Having made serious false statements related to his/her employment.

Article 49. Right to hearing. Every staff member shall be entitled to a hearing by the CCAAP.

CHAPTER IV

FINAL DISPOSITIONS

Article 50. Final dispositions

50.1. Financial and budgetary provisions. Everything related to financial and budgetary dispositions of the Agency is dealt with in the Financial Regulations.

50.2. Final Disposition. These Standards shall be effective as of the date in which they are adopted by the General Conference.