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ADMINISTRATIVE TRIBUNAL
OF THE ORGANIZATION OF AMERICAN STATES

ANNUAL REPORT 2016

GENERAL SECRETARIAT
ORGANIZATION OF AMERICAN STATES
WASHINGTON, D.C. 20006

CONTENTS

I.	BACKGROUND.....	- 1 -
A.	Establishment and Installation of the Administrative Tribunal.....	- 1 -
B.	Statute and Rules of Procedure	- 1 -
C.	Competence of the Administrative Tribunal	- 2 -
D.	General Principles	- 2 -
II.	GENERAL INFORMATION	- 3 -
A.	Composition of the Tribunal	- 3 -
B.	Tribunal Secretariat.....	- 4 -
III.	OAS GENERAL ASSEMBLY	- 4 -
A.	Forty-sixth Regular Session of the General Assembly	- 4 -
B.	Fifty-first Special Session of the General Assembly.....	- 5 -
	(i) Budget allocation	- 5 -
	(ii) Honoraria	- 5 -
C.	Forty-seventh Regular Session of the General Assembly	- 5 -
IV.	ACTIVITIES.....	- 6 -
A.	Database	- 6 -
B.	Reports	- 7 -
	(i) Presentation of the Annual Report	- 7 -
	(ii) Quarterly/Semi-annual Reports.....	- 7 -
C.	Thematic Reports	- 7 -
D.	Sixty-sixth Regular Session	- 7 -
	(i) Incorporation of new members	- 8 -
	(ii) Work sessions	- 8 -
E.	Meeting with the Chief of Staff of the Secretary General.....	- 9 -
F.	Proceedings regarding Complaint 304 “Sergio Pino v. Secretary General of the OAS”	- 10 -

V.	COOPERATIVE RELATIONS WITH OTHER BODIES.....	- 11 -
VI.	FINANCIAL SITUATION.....	- 11 -
VII.	RECOMMENDATIONS.....	- 14 -

ANNUAL REPORT OF THE ADMINISTRATIVE TRIBUNAL
OF THE ORGANIZATION OF AMERICAN STATES - 2016

I. BACKGROUND

A. Establishment and Installation of the Administrative Tribunal

The origin of the Administrative Tribunal goes back to April 22, 1971, the date on which the OAS General Assembly, at its first regular session held in San Jose, Costa Rica, adopted at its ninth plenary session resolution AG/RES. 35 (I-O/71), in which it resolved to create the Administrative Tribunal of the Organization, with the competence to consider disputes that might arise as a result of administrative decisions affecting the staff of the General Secretariat of the OAS (GS/OAS). As indicated in said resolution, the existence of the Administrative Tribunal would contribute to the improved functioning of the General Secretariat as the Tribunal would provide a means of guaranteeing observance of the General Standards to Govern the Operations of the General Secretariat, as well as other provisions related to the rights and obligations of staff members. Accordingly, the Permanent Council of the Organization was empowered to adopt a statute and to constitute the Tribunal within 60 days from the closing date of the aforementioned session, taking into account the draft prepared by the GS/OAS and the proposals made by the governments of the member states.

On September 16, 1971, the OAS Permanent Council, in accordance with the first transitional provision of the Statute, elected the first members of the Tribunal and determined their respective terms of office by lot. The results were as follows:

Members:

- Mr. Juan Bautista Climent Beltrán (Mexico)
- Dr. Mozart Víctor Russomano (Brazil)
- Dr. Carlos Giambruno (Uruguay)

Alternates:

- Dr. Carlos Alberto Pigretti (Argentina)
- Dr. John Luis Antonio Passalacqua (United States)
- Mr. Ronaldo Porta España (Guatemala)

The Administrative Tribunal was installed on January 24, 1972, in a formal ceremony presided over by the Chair of the OAS Permanent Council and attended by the elected judges, the Secretary General of the Organization, the Assistant Secretary General, GS/OAS officials, members of the Staff Committee, and other special guests.

B. Statute and Rules of Procedure

On July 16, 1971, the OAS Permanent Council, pursuant to resolution CP/RES. 48 (48/71), adopted the Statute of the Administrative Tribunal of the Organization of American States. Subsequently, on May 1, 1974, the OAS General Assembly, at its fourth regular session, in Atlanta, Georgia, adopted resolution AG/RES. 158 (IV-O/74), in which it entrusted the Tribunal with

preparing draft amendments to its Statute. The Tribunal complied by preparing a draft, which was approved by the OAS Permanent Council in resolution CP/RES. 142 (158/75).

In October 1979, the OAS General Assembly, at its ninth regular session, in La Paz, Bolivia, adopted resolution AG/RES. 414 (IX-O/79), which amended Article III of the Statute regarding the length of Tribunal members' terms.

At its twenty-fifth regular session, the OAS General Assembly resolved, in resolution AG/RES. 1318 (XXV-O/95), adopted on June 8, 1995, to reaffirm and clarify a number of legal principles governing the internal provisions of the Organization in relation to the Administrative Tribunal and to amend Articles I and II of its Statute. Soon after, the General Assembly, meeting in Lima, Peru, in 1997, adopted new amendments to the Statute through resolution AG/RES. 1526 (XXVII-O/97) and, several years later, on June 4, 2012, it amended Articles IV, VI, and VII, through resolution AG/RES. 2700 (XLII-O/12), adopted at the forty-second regular session of the General Assembly, held in Cochabamba, Bolivia.

The Rules of Procedure of the Administrative Tribunal were adopted by its members on October 24, 1975. These Rules have also been amended by Tribunal members five times: On November 20, 2000, by resolution 340; on October 5, 2005, by resolution 353; on December 14, 2012, by resolution 372; on April 3, 2014, by resolution 378; and on November 10, 2015, by resolution 382.

C. Competence of the Administrative Tribunal

In accordance with Article II of its Statute, the Tribunal is competent to hear cases in which staff members of the OAS General Secretariat allege nonobservance of the conditions established in their respective appointments or contracts, or violation of the General Standards to Govern the Operations of the General Secretariat or of other applicable provisions, including those concerning the Retirement and Pension Plan of the General Secretariat.

The Tribunal's jurisdiction may be extended to any inter-American specialized organization as defined in the Charter of the Organization, as well as to any interested hemispheric intergovernmental organization, in accordance with the terms established under a special agreement concluded for such purpose by the Secretary General with each of these specialized organizations or entities. Thus, in 1976, the Administrative Tribunal extended its jurisdiction to the Inter-American Institute for Cooperation on Agriculture (IICA).

D. General Principles

The OAS Administrative Tribunal is governed by the following principles set out in its Statute:

- (i) As the supreme organ of the Organization of American States, the General Assembly of the OAS has the final authority to determine the scope and meaning of its own resolutions as it applies them;

- (ii) The Tribunal, like all other organs of the Organization, is subordinate to the General Assembly of the OAS;
- (iii) The function of the Tribunal is to adjudicate disputes between the Secretary General and the staff members of the General Secretariat arising out of the employment relationship;
- (iv) Determining the general salary policy for the personnel of the General Secretariat is the exclusive responsibility of the General Assembly of the OAS, and the General Assembly has not delegated that authority to any other organ;
- (v) For the adjudication of any disputes involving the personnel of the General Secretariat, the internal legislation of the Organization shall take precedence over general principles of labor law and the laws of any member state; and, within that internal legislation, the Charter is the instrument of the highest legal order, followed by the resolutions of the General Assembly of the OAS, and then by the resolutions of the Permanent Council of the OAS, and finally by the norms adopted by the other organs under the Charter – each acting within its respective sphere of competence;
- (vi) Any decision of an organ subordinate to the General Assembly of the OAS which violates the basic principles set out in the foregoing provisions is *ultra vires* and not binding on the Organization, the General Secretariat, its personnel, or the member states.

II. GENERAL INFORMATION

A. Composition of the Tribunal

According to Article III of the Statute, the composition of the Administrative Tribunal must reflect the two major legal traditions of the Hemisphere: The common-law tradition and the civil-law tradition. Its six (6) judges are elected by the General Assembly of the Organization to serve strictly in their personal capacity for terms of six (6) years and may be re-elected once. The rotation of judges is aimed at having the OAS General Assembly elect a new member every year.

In 2016, the Administrative Tribunal consisted of the following six (6) judges:

ORDER OF SENIORITY	COUNTRY	TERM
Magali F. Rojas	Peru	January 2011- December 2016
Andre M. Surena	United States	January 2012 - December 2017
Héctor E. Arce President	Bolivia	January 2013 - December 2018
Homero M. Bibiloni Vice-President	Argentina	January 2014 - December 2019
Michel Bastarache	Canada	December 2015- December 2020
Wilson Vallejo	Ecuador	January 2016 - December 2021

During the period covered by this report, Judge Héctor Arce Zaconeta served as President of the Tribunal and Judge Homero M. Bibiloni served as Vice-President.

B. Tribunal Secretariat

Pursuant to Article 4 of the Administrative Tribunal’s Rules of Procedure, the OAS Secretary General appointed Mrs. Mercedes Carrillo to serve as Secretary of the Tribunal as of April 2011. In 2016, the Secretary of the Tribunal also simultaneously provided support to the Department of Social Inclusion of the Secretariat for Access to Rights and Equity and headed up planning and coordination of the work of the Technical Secretary to the Committee to Follow Up on the Inter-American Convention for the Elimination of All Forms of Discrimination against Persons with Disabilities (CEDDIS).

The Secretariat of the Administrative Tribunal has also benefited from the services of Rosa Charrupi, a consultant for this body since September 2011.

III. OAS GENERAL ASSEMBLY

A. Forty-sixth Regular Session of the General Assembly

At the forty-sixth regular session of the OAS General Assembly, held in Santo Domingo, Dominican Republic, June 13-15, 2016, the Administrative Tribunal was represented by its President, Judge Héctor Arce Zaconeta (Bolivia).

At this meeting, elections were held to select an Administrative Tribunal member for the 2017-2022 period, with Judge Magali Rojas (Peru) being elected for a second term.

B. Fifty-first Special Session of the General Assembly

The OAS General Assembly, at its fifty-first special session, held on October 31, 2016 in Washington, D.C., adopted resolution AG/RES. 2 (LI-E/16), “Program-Budget of the Organization for 2017,” in which the following decisions were made concerning the Tribunal:

(i) *Budget allocation*

In keeping with operative section I(2)(134)(A), a budget appropriation of US\$174,600 was allocated to cover personnel (Item 1) and operating costs (Items 2-9) of the Tribunal and its Secretariat for the fiscal year that runs from January 1 to December 31, 2017.

(ii) *Honoraria*

It was decided that the honoraria for Administrative Tribunal members would remain at US\$150/ day (operative section III.B.14).

C. Forty-seventh Regular Session of the General Assembly

The OAS General Assembly, at its forty-seventh regular session, to be held in 2017, will consider any observations and recommendations the OAS Permanent Council may make regarding this report, pursuant to Article 91(f) of the Charter of the Organization.

At that session the General Assembly will also elect a member of the Administrative Tribunal to fill the vacancy that will arise when the term of Judge Andre M. Surena (United States) ends on December 31, 2017. That member will serve for a term of six consecutive years, from January 1, 2018, to December 31, 2023.

The procedure for electing a member of the Tribunal at OAS General Assembly sessions is established in Appendix II to the Rules of Procedure of said organ. In electing a new member to the Tribunal, the General Assembly must bear in mind Article III.2 of the Statute of the Tribunal, which reads: “*Each member must be a national of an OAS member state, but no two members may be nationals of the same member state. All members shall be experienced lawyers, law professors, or judges by profession and shall serve strictly in their personal capacity.*”


Similarly, Article I of the Rules of Procedure of the Tribunal provides that: “*The following persons are ineligible to serve as members of the Tribunal: permanent representatives of the member states on the organs, agencies, or entities of the Organization; persons who serve permanently on those bodies in any capacity; and staff members of the General Secretariat.*”

IV. ACTIVITIES

A. Database

The Tribunal continues to work on new search criteria for its decisions, which will soon be available to the public on its webpage, with new subject areas grouped by category and a system providing brief synopses that will enable users to quickly identify the main topics addressed.

Below is an example of the format that will show search results:

Document	Decision and Number	Year	Parties	Matters	
				Administrative act	Exhaustion of prior administrative proceedings
 English	Judgment 73	1983	“Louis E. Sanz de Santamaría v. Secretary General of the OAS”	<p>“An administrative act is the material execution of a power or legal obligation of the administration. In view of this very generalized conception of an administrative act, the Tribunal considers that the "communication of [a decision by] a foreign government" made by the General Secretariat to a former employee should not be interpreted as an administrative act since it has obviously not been a result of an administrative power unquestionably enjoyed by the administration.”</p>	<p>“(…) even though apparently the General Standards do not offer former staff members a clear path to the exhaustion of all the procedures in the administrative area or the sphere of the General Secretariat, and from there to the Administrative Tribunal, this Tribunal considers that such action is not expressly prohibited either, which leads to the conclusion that the Complainant failed to make use of his right to be heard by the Secretary General. The <u>right to petition the authorities</u> is a right that, without being stated in writing in many rules, is <u>recognized</u> as one of the <u>fundamental human rights</u>.”</p>

As of the date of this report’s preparation, one or more synopses of 57 decisions have been included—i.e., approximately 35% of the goal set out has been achieved.

B. Reports

(i) Presentation of the Annual Report

On April 5, 2016, the Secretary of the Tribunal presented the Tribunal's 2015 Annual Report to the Committee on Administrative and Budgetary Affairs (CAAP) of the OAS Permanent Council (CP/CAAP-3400/16).

(ii) Quarterly/Semi-annual Reports

Section III.2.A of resolution AG/RES. 1 (L-E/15) requested that the General Secretariat continue to present reports to the CAAP in keeping with Annex 1 of resolution [AG/RES. 1 \(XLVIII-E/14\)](#) rev. 1, approved at the forty-eighth special session of the General Assembly, held on October 29, 2014. The latter resolution sets standards for the presentation of resource management and performance reports and Section 5 of the Annex thereto requests specific information on the Administrative Tribunal, i.e., the number of cases before the Administrative Tribunal and the nature of the suits, as well as potential reputational and financial risks to, and liabilities for, the GS/OAS, and a strategy to mitigate similar risks in the future, where applicable.

Three reports were sent during the year at the request of the Secretariat for Administration and Finance.

C. Thematic Reports

In 2016 technical support inputs were developed in the following areas:

- Fees, costs, and damages awarded by the Tribunal
- Electronic submission of documents
- Case law in connection with competitive processes
- Comparative study on the intervention of third parties and anonymity

D. Sixty-sixth Regular Session

The sixty-sixth regular session of the Administrative Tribunal was held November 14-16, 2016 in the Gabriela Mistral Conference Room at GS/OAS headquarters. The following members were in attendance:

- Hector E. Arce, President
- Homero M. Bibiloni, Vice-President
- Magali Rojas Delgado
- Michel Bastarache
- Wilson Vallejo Bazante

(i) Incorporation of new members

Pursuant to Article 1.3 of the Tribunal's Rules of Procedure, a swearing in ceremony was held for Judges Michel Bastarache (Canada) and Wilson Vallejo (Ecuador), who had recently been elected as members of this body.

Judge Michel Bastarache was elected in December 2015 by the OAS Permanent Council to fill the vacancy left in the wake of the death of Judge Suzie D'Auvergne (Saint Lucia). Judge Bastarache holds undergraduate degrees in Civil Law and Common Law, and a postgraduate degree in Public Law. He studied at the Université de Moncton (B.A.), Université de Montréal (LL.L.), University of Ottawa (LL.B.), and the Université de Nice. He was appointed to the New Brunswick Court of Appeal in 1995, and promoted to the Supreme Court of Canada in 1997. Judge Bastarache was a member of the Heenan Blaikie law firm (2008-14) and currently practices independently under the name Michel Bastarache Professional Corporation. He is an associate professor at the law schools of both the Université de Moncton and the University of Ottawa.

For his part, Judge Wilson Vallejo was elected in June 2015 by the OAS General Assembly to fill the vacancy left after the term of Judge Alma Montenegro de Fletcher (Panama) ended. He holds a degree in Legal Sciences from the Pontificia Universidad Católica del Ecuador as well as a Master's and advanced specialization in Public Procurement and Modernization of the State from the Universidad Andina Simón Bolívar. Judge Vallejo has been working for the Office of the Comptroller General since 2000, serving as Legal Coordinator thereof since 2014. He is on the list of government experts who comprise the follow-up mechanism for the United Nations Convention against Corruption.

(ii) Work sessions

The purpose of the work sessions was to consider the following matters:

- a. Complaint 304 "*Sergio Pino v. Secretary General of the OAS*:" The parties and witnesses were questioned; oral debate and deliberations were held on this case, which the Tribunal characterized as being highly complex and having significant institutional implications.
- b. Review of Chapter VII of the Tribunal's Rules of Procedure regarding third party interventions vis-à-vis the reforms to be adopted in 2017 to correct loopholes identified in the context of Complaint 304.
- c. Development of an e-filing platform for the electronic submission of complaint-related documents.
- d. Publication on its website of all the recommendations contained in the TRIBAD's resolutions or judgments in order to support follow-up to the actions being pursued by the Administration for the effective implementation thereof.

E. Meeting with the Chief of Staff of the Secretary General

On November 15, 2016 the OAS Secretary General's Chief of Staff, Ambassador Gonzalo Koncke, welcomed the Tribunal in order to discuss administrative and budgetary issues related thereto, effective conditions for its functioning, measures adopted by its members in line with the Organization's policy of austerity, and the impact of its adjudicatory role on the Organization's stability.

The basis for the meeting was resolution AG/RES. 1 (L-E/15) "*Program-Budget of the Organization for 2016*," adopted on November 23, 2015, which allocated the sum of zero (0) dollars for operating costs (Items 2-9) for that year, an unprecedented act that prompted the Tribunal to submit a number of requests for budgetary reinforcements, as indicated in Chapter VI of this report.

The Administrative Tribunal expressed its appreciation to the General Secretariat for having attended to all requests for reinforcements promptly and with due diligence; at the same time, however, it noted its disagreement with having to engage in such a practice in order to be able to function. The Tribunal pointed out that pursuant to Article V of the Administrative Tribunal's Statute, which was adopted by the OAS General Assembly, "*The General Secretariat shall provide the Tribunal with the technical and secretariat services necessary for its functioning*" and that, within this context, a stable and adequate amount should be appropriated annually such that the Tribunal may continue to be independent and pursue its objectives without having to make periodic requests to the General Secretariat that are unbecoming its institutional relevance and hierarchy as an autonomous organ of the Organization.

There was also discussion about the different requests made since 2006 regarding regularization of the professional status of the Secretariat's legal consultant.

The Administrative Tribunal stated that it was fully aware of and empathized with the financial situation the Organization faces and, to that end, reported that it had adopted a series of measures in line with the Organization's austerity policy, to wit:

- (i) Amendment of its own Rules of Procedure in 2014 in order to impose limits on the length of documents parties to a complaint may submit, thereby considerably reducing translation costs;
- (ii) The hiring of outside translation services that offer less expensive rates;
- (iii) The incorporation of technologies for document transfer and virtual meetings in order to lower courier costs and reduce the number of in-person meeting days.

The meeting resulted in a recommendation that the Tribunal submit, in early 2017, an estimated budget that reflected all of its operational needs so that it could be considered by the internal entities responsible for preparing the 2018 budget and subsequently submitted to the member states for their approval.

The Tribunal wishes to thank the Secretary General's Chief of Staff for his responsive and open engagement with them.

F. Proceedings regarding Complaint 304 “Sergio Pino v. Secretary General of the OAS”

Complaint 304 was lodged on April 26, 2016 by Mr. Sergio Pino, Chief Budget Analyst of the Department of Planning and Evaluation, for purposes of challenging the decision of the Secretary General, adopted on January 28, 2016, in connection with the recommendation made by the Reconsideration Committee to entrust an independent and external company with the handling of selection processes for filling GS/OAS director posts.

The documents related to this complaint consisted of the complaint, answer, replication, and rejoinder, which were presented between April and August 2016. In addition to the main proceedings, pursuant to Article 44 of the Tribunal’s Rules of Procedure, two voluntary intervention requests were submitted by Mr. Rodrigo Torres and Ms. Cristina García, both employees of the Department of Human Resources. The Tribunal dismissed Ms. García’s request and admitted Mr. Torres’ participation as a third party to this case.

In his complaint, the complainant requested, *inter alia*, the annulment of selection process LT-EO/19/14, held in October 2014 for the position of Director of the Department of Human Resources, and the reopening of the competition, while the respondent and Mr. Rodrigo Torres petitioned to have the entire complaint dismissed.

From November 14 to 16, 2016, hearings with witnesses and the oral debate with closing arguments by the parties and admitted third party were held, in keeping with Articles 38 and 39 of the Tribunal’s Rules of Procedure.

On December 29, 2016, the Tribunal issued Judgment 165; Judge Homero Máximo Bibiloni, the opining judge, was charged with drafting the final decision. The Tribunal ordered a new selection process to be held—via the contracting of external services—as promptly as possible to fill the position of Director of the Department of Human Resources, in accordance with the guidelines established in the General Standards for Selection of the Organization’s Inspector General.

This decision was adopted by the majority (4 of the 5 Judges) based on the Tribunal’s conclusion that an *ex post* institutional reform was necessary to correct the deficiencies observed in the LT-EO/19/14 selection process (Judgment available at the following link: <https://www.sites.oas.org/tribadm/EN/pages/downloads.aspx?file=Lists%2FDocuments%5FTribAdm%2FAttachments%2F3515%2Fresources%5F0%5FJudgment%20165%5FEnglish%2Edoc&DT=A>).

The Tribunal also determined that the Organization’s regulatory framework contained gaps with respect to recruitment processes inasmuch as Article 44 of the General Standards does not take into account exceptional situations that might require different treatment, such as the involvement of Department of Human Resources staff in selecting their own Director. Furthermore, the Tribunal identified insufficient regulation in both the General Standards and Code of Ethics with regard to conflicts of interest, which it addressed, as it has done in prior rulings, by formulating different recommendations in the operative section. Said recommendations are aimed at amending the standards to incorporate a sufficiently broad view of conflicts of interest in order to potentially implement, taking into account the different ways in which these conflicts may manifest themselves, the safeguards available for the prevention thereof, and the corrective measures to handle them.

V. COOPERATIVE RELATIONS WITH OTHER BODIES

The Administrative Tribunal of the OAS continues to maintain cooperative relations with the administrative tribunals of other international organizations.

On November 15, 2016 the Tribunal and its Secretariat were welcomed at the Administrative Tribunal of the Inter-American Development Bank by its President, Judge German Leitzelar, and by Judge Edith Brown to share experiences relating to procedural issues in the two bodies and to discuss the events to commemorate the forty-fifth anniversary of the installment of the Administrative Tribunal of the OAS, scheduled to take place in 2017.

Furthermore, in the months of February, March, and July, the Tribunal took part in different virtual rounds of consultation between the Secretaries of the Administrative Tribunals of the International Monetary Fund, Council of Europe, International Labor Organization, North Atlantic Treaty Organization, European Space Agency, United Nations, and Organization for Economic Cooperation and Development, among others, aimed at sharing experiences on policies having to do with retaining documents submitted in the framework of complaints, identifying rulings using Google, data protection, document translation, etc.

VI. FINANCIAL SITUATION

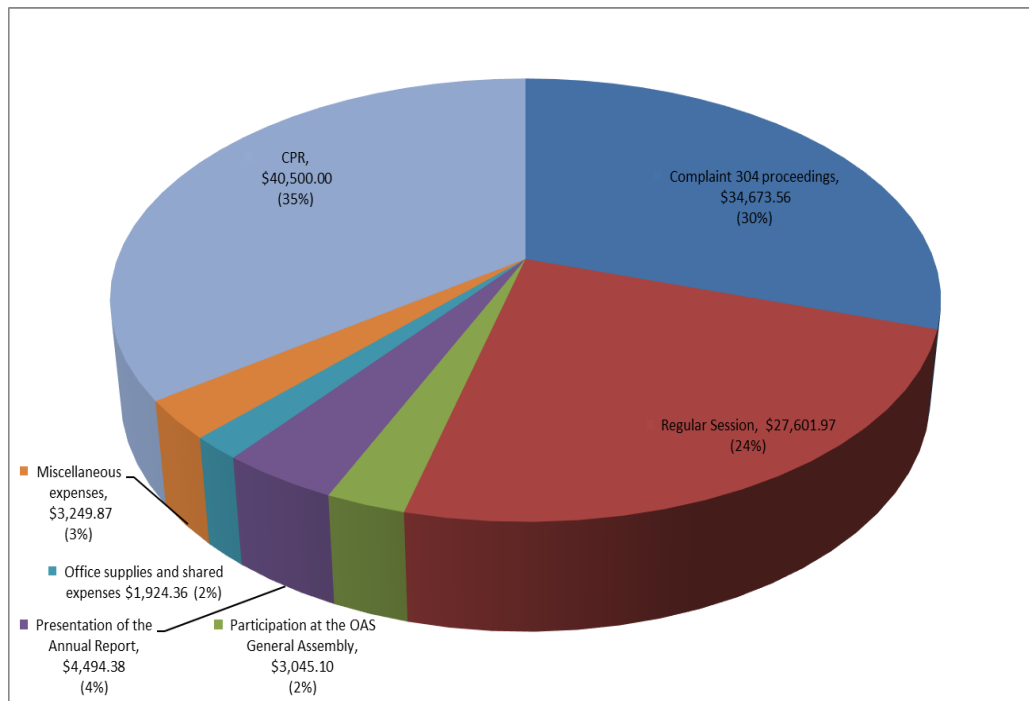
The OAS General Assembly, at its fiftieth special session held on November 23, 2015, adopted resolution AG/RES. 1 (L-E/15) “*Program-Budget of the Organization for 2016*,” pursuant to which it allocated US\$136,700 to the Tribunal and its Secretariat to cover personnel costs (Item 1). The resolution did not allocate funds to cover overhead or operating costs (Items 2-9) and hence the following budgetary reinforcements were requested over the course of the year:

REINFORCEMENTS	MONTH	AMOUNT
Reinforcement 1	December 2015 (to be executed in 2016)	\$13,500.00
Reinforcement 2	February 2016	\$39,434.06
Reinforcement 3	February 2016	\$ 2,950.00
Reinforcement 4	August 2016	\$25,630.00
Reinforcement 5	November 2016	\$10,000.00
TOTAL		\$91,514.06

In addition, it bears recalling that on February 18, 1976, the Director General of the Inter-American Institute for Agricultural Sciences (now the Inter-American Institute for Cooperation on Agriculture, “IICA”) and the Secretary General of the OAS signed the “*Special Agreement to Extend the Jurisdiction of the Administrative Tribunal of the Organization of American States to the Inter-American Institute of Agricultural Sciences (IICA)*.” Pursuant to Article 9 of that Agreement, IICA has been depositing the sum of US\$24,050 each year, in semiannual installments of US\$12,025 each.

Taking into account the reinforcements granted by the General Secretariat and IICA's contributions, total inflows for 2016 amounted to US\$115,564.06, which was executed as follows:

2016 EXPENDITURES		AMOUNT	APPROX. PERCENTAGE	
Complaint 304 proceedings	Translations	\$34,393.56	\$ 34,673.56	30%
	Courier	\$280.00		
Regular Session	Judges' participation	\$16,740.09	\$ 27,601.97	24%
	Conference expenses	\$10,861.88		
Participation at the OAS General Assembly		\$ 3,045.10	2%	
Presentation of the Annual Report		\$ 4,494.38	4%	
Office supplies and shared expenses		\$ 1,924.36	2%	
Miscellaneous expenses		\$ 3,249.87	3%	
CPR		\$40,500.00	35%	
TOTAL		\$115,489.24	100%	



Graph 1: 2016 Budget Execution

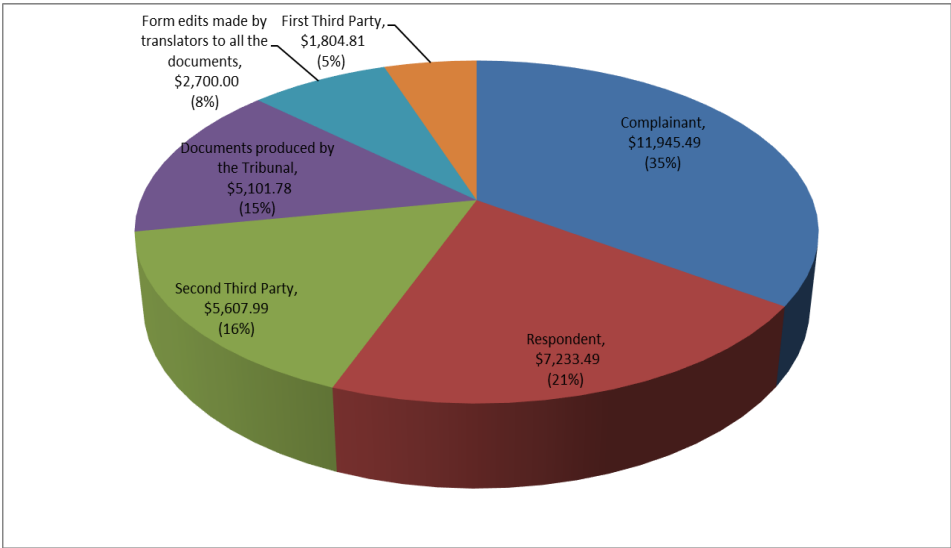
The objective data presented show that translation costs account for approximately one-third of the Tribunal's annual budget (nearly 30%), as a result of the right parties have to submit documents in any of the Organization's four official languages.^{1/} Hence, this is an expense aimed at providing maximum guarantees for the exercise of the right to a defense both for the General Secretariat and its employees, and the amount entailed is determined largely by the number of

1. Four individuals intervened in Complaint 304, counting the two requests made for voluntary intervention.

documents presented and the volume thereof. Accordingly, the Tribunal wishes to note that a reform to its Rules of Procedure was adopted in 2014, imposing a 100-page limit per document (including annexes) and thus encouraging the submission of documents that have been drafted efficiently, without duplications or redundancies, which, in the end, translates into savings for the Organization.^{2/}

The following is a breakdown of translation costs incurred:

TRANSLATIONS ORDERED IN CONNECTION WITH COMPLAINT 304	AMOUNT	PERCENTAGE
Complainant	\$11,945.49	35%
Respondent	\$ 7,233.49	21%
Second Third Party	\$ 5,607.99	16%
Documents produced by the Tribunal (judgment, reasoning, etc.)	\$ 5,101.78	15%
Form edits made by translators to all the documents	\$ 2,700.00	8%
First Third Party	\$ 1,804.81	5%
TOTAL	\$34,393.56	100%



Graph 2: Distribution of Translation Costs (30% of the annual budget), broken down by the actors involved in the proceedings for Complaint 304

2. This notwithstanding, the Tribunal may authorize an extension to the page limit should a party consider it necessary for exercise of their right to a defense.

VII. RECOMMENDATIONS

The OAS Administrative Tribunal, within the regulatory timeframe and in keeping with the purposes set out in Article 91(f) of the Charter of the Organization of American States, hereby submits to the Permanent Council its annual report covering the activities carried out by this Tribunal in 2016, which was drafted according to the guidelines established by the General Assembly.

Moreover, the Tribunal would like to submit the following recommendations to the consideration of the Permanent Council:

1. To urge the GS/OAS to take duly into account Judgment 165, issued on December 29, 2016.
2. To transmit this report, for information and consideration, to the General Assembly at its forty-seventh regular session, with any observations and recommendations it may deem pertinent.
3. To consider the Tribunal's request that the budget to be approved by the General Assembly for 2018 adequately reflect the annual financial needs of this organ in order to avoid requests for reinforcements that undermine the Tribunal's independence and institutional hierarchy.

The members of the OAS Administrative Tribunal wish to express their appreciation to the GS/OAS for its cooperation in the activities carried out during the period covered by this report.