

**PRESENT RULE 38, PARAGRAPH 1:**

*“1. The Secretary General shall be appointed by the Standing Committee, on the proposal of the Bureau. The appointment shall be for five years from the adoption of this Rule and it shall be renewable by a majority vote of the Standing Committee. The Standing Committee will set his or her duties, remuneration and conditions of employment consistent with the annual budget.”*

**PROPOSED NEW TEXT OF RULE 38, PARAGRAPH 1:**

*“The Secretary General shall be appointed or dismissed by the Standing Committee by a majority vote of its Members, on the proposal of the Bureau.*

*The Secretary General shall be appointed for a five years' term and may be re-appointed only once (in this calculation all past terms are included).*

*Upon the proposal of the Bureau, on the basis of real and well-grounded reasons, the Standing Committee can extend only once the expiring second term of the Secretary General for no more than two years.*

*Each appointment or extension shall follow the procedure laid down in paragraph 1.*

*Staff Regulation in line with the provisions set for the OSCE personnel shall be adopted for the Secretary General and the Secretariat staff.”*

**Reasons:**

- The current wording was influenced by contingent requirements at the time of its drafting. It carries a provisional connotation, not in line with present circumstances, and appears therefore to be obsolete (*“The appointment shall be for five years from the adoption of this Rule”*).
- The current wording is ambiguous and gives rise to doubts, namely as to the interpretation of the required majority for the appointment of the Secretary General (does the expression *“by a majority vote of the Standing Committee”* refer to the appointment or only to the renewal?) and the duration of his term of office (if the five years start *“from the adoption of this rule”*, how about the following terms?). Moreover, there are contradictory opinions in the interpretation of the current Statute on the need for the proposal of the Bureau for every appointment or only for the first term. Solving preventively these issues will avoid any dispute.
- We need to set a maximum term of office for the Secretary General: a body whose President changes every 1 to 2 years and with a changing membership does need an element of stability; yet an indefinite term may lead to excessive concentration of power and to identifying the institution with an individual. A 5-year term, renewable for 5 years and extendible for two more years in special cases, reconciles the need for stability with the need to avoid the above mentioned risk. It is in line with corresponding provisions of other international Assemblies, such as the NATO Parliamentary Assembly.

- It is unfair and unreasonable to require different majorities for the selection of candidates to the same position (a simple majority for the incumbent, consensus minus one for the others), as envisaged by current Rule 38 according to the Presidency's interpretation. Such different majorities are not found in the Statutes of any other international organisation. It ought therefore to be made clear that voting procedures are the same for all candidates.
- In order to recruit highly qualified staff and to avoid disputes, clear and transparent employment regulations are necessary, which should be determined in advance and be nondiscretionary. It is deemed appropriate to make reference to corresponding OSCE provisions, which are very similar to those of the major international organisations.

**PRESENT RULE 38, PARAGRAPH 3:**

*“3. The Standing Committee shall confirm the senior appointments made by the Secretary General to the two posts of Deputy Secretary Generals, one of whom shall be designated as Finance Officer”*

**PROPOSED NEW RULE 38, PARAGRAPH 3:**

*“3. A geographic and gender balance shall be ensured with respect to the Secretariat staff. The Standing Committee shall confirm, by a majority vote of its Members, the appointments made by the Secretary General to the two posts of Deputy Secretary General, one of whom shall be designated as Finance Officer.”*

**Reasons:**

- Since current Rule 38, paragraph 3, does not lay down anything on the majority required for the confirmation of the Deputy Secretaries General, it has to be assumed that a consensus minus one is needed, according to Rule 33, paragraph 6. Two different majorities would therefore be required to appoint the Secretary General and the Deputies, which is not reasonable and could lead to possible conflicts. Therefore, the rule has to be amended in order to have Secretary General and his or her Deputies appointed/confirmed by the same majority.
- A total discretion should be avoided in choosing the Secretariat staff. Principles of national and gender balance are fundamental in the OSCE.

**OSCE PARLIAMENTARY ASSEMBLY**  
**RULE 38, par. 1 and 3 Amendment Proposal**

NAME	COUNTRY	SIGNATURE

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