



Organization for Security and Co-operation in Europe
PARLIAMENTARY ASSEMBLY

INTEROFFICE MEMORANDUM

The amendments to the Parliamentary Assembly's Rules of Procedure proposed by Vice President Kessler address several issues which have been considered and rejected by the Standing Committee of the Parliamentary Assembly on previous occasions. Although one of the proposals would, in my opinion, be an improvement in the Rules of Procedure, I think that these proposals for the most part would do great damage to the efficient manner in which the International Secretariat has functioned for more than 12 years. Given the past history of consideration of some of these ideas by the Parliamentary Assembly's Standing Committee, I doubt that any of them would receive the consensus-less-one required for their adoption. Some of the reasons supporting these proposals put forward by Mr. Kessler are simply not accurate.

With regard to proposed new Rule 38, paragraph 1, I would point out that the five-year term was adopted in 1995 unanimously by the Standing Committee. The reason put forward by the Chairman of the Rules Committee at the time was that the Assembly should have a continuity of staff leadership that could function free from political or partisan pressures from within the Assembly or the OSCE. Prior to that time, the initial appointment of the Secretary General had been indefinite – with no set term – and had required a full consensus approval. The Rules Committee changed to consensus-less-one for such future decisions as well as all others in the Standing Committee, to prevent decisions being blocked by a single country veto. The reason given for proposing that the Secretary General be re-elected by a majority vote of the Standing Committee without requiring renomination by the Bureau was to protect the Secretary General from retaliation by individuals or delegations who might try to blackmail him to take actions which were prejudicial, not compatible with the Rules, or not in the best interests of the Assembly. As we have seen, the OSCE governmental side has suffered greatly because of this kind of abuse of the consensus rule. The Secretary General of the

governmental side as well as of the Parliamentary Assembly are under constant pressure to provide jobs within the Secretariat for candidates put forward by various countries or parliaments, some of whom are not highly qualified for the positions they seek. All of the Secretaries General of the OSCE have experienced this kind of problem. I have, of course, also experienced this situation, including one attempt by a Secretary of Delegation to force me to hire a relative who was totally unqualified for a position in the Secretariat. That particular Secretary of Delegation has attempted to cause difficulties for me ever since I rejected his effort. The potential for abuse of this kind is obvious, and Secretaries General, whether it is myself or someone else, should be protected from retaliation when making decisions of this kind. That is why the renewal by majority vote of the Standing Committee, rather than by consensus-less-one, was adopted.

During the early days there were some proposals that had the Secretary General elected by a majority vote of the Standing Committee or the Assembly. Since the adoption of the rule change to consensus-less-one, these proposals never get very far, since Members of the Standing Committee have wanted to retain as much influence as possible over the initial appointment of a new Secretary General.

The idea of limiting the Secretary General to two 5-year terms was also considered and rejected. The main reason was that all the politicians were against term limits and felt there should be as much stability, continuity and experience in the Secretariat as possible, and that qualified personnel should be developed and maintained to ensure efficiency and to better serve the Membership. Contrary to the argument put forth by Mr. Kessler, this is the case in the Council of Europe Parliamentary Assembly and the Western European Union Parliamentary Assembly. There is no term limit for the COE or WEU Secretaries General, and they both have unlimited renewable five-year terms. The NATO Parliamentary Assembly has recently adopted a rule change limiting the Secretary General to six 2-year terms. However, this rule was recently waived by a majority vote of the Standing Committee to extend the term of the present Secretary General to a renewable 4-year term. As a matter of fact, the WEU Parliamentary Assembly and the NATO Parliamentary Assembly have each had only 4 and 3 Secretaries General, respectively, during the past 50 years.

The idea of applying OSCE staff regulations to the Assembly would be a catastrophe. If these regulations were adopted, 9 of the 14

permanent staff in Copenhagen – the entire substantive staff – would all be in violation of the service limits, leaving only 3 secretaries and an assistant press officer who are relatively new to the Assembly staff. The limitations placed on length of service have caused problems for the OSCE Secretary General and Heads of OSCE Institutions ever since the OSCE Secretariat and Institutions were established thirteen years ago. Their Rules make it extremely difficult for the OSCE to recruit highly qualified people, because there is no future in the Organization. These regulations have also caused the loss of many valuable and experienced workers who fell under the axe to length of service rules. The present OSCE rules provide for a limit of 3 years with a possible extension of 1 year for senior personnel, with a limit of 2 years with a possible 1-year extension below the senior level. Although the Secretary General may, at his discretion, extend these periods, in no event can anyone serve for more than 7 years in the OSCE. The result is, of course, that the OSCE has no continuity in the professional staff and has lost many, if not most, of its most highly productive professionals, particularly at the higher levels.

I should also point out that all the other International Parliamentary Secretariats **do not** have limits of service in terms of years for their personnel. More than 90% of the staff members of the COE Parliament are civil servants with permanent tenure who can stay until they are 65 years of age. There is no age limit for the Secretary General. The WEU Parliament is much the same, although their personnel can stay in service until age 70. Again there is no limit on age or length of service of the Secretary General of the WEU. The NATO Parliament's rules are similar to those of the WEU and COE's Parliaments – no age limits for Secretary General, no length of service restrictions on personnel and an age limit of 65 for personnel below the top positions. Mr. Kessler's arguments completely misstate the facts regarding the practices in these other Assemblies.

In addition, applying the OSCE regulations to the staff of the Assembly's Secretariat would mean a enormous increase in the budget of the Assembly because the salary, allowances, and other benefits for the OSCE are much higher than those provided for the Parliamentary Assembly. As a matter of fact, the OSCE is probably the most well paid international Secretariat in the world, certainly higher than the United Nations, NATO or the COE. Two years ago one of our staff members did a comparison of salaries and benefits to the OSCE governmental side and found that adoption of the personnel regulations regarding pay benefits and allowances of the OSCE would increase our budget between 30 to 40% in that category, which

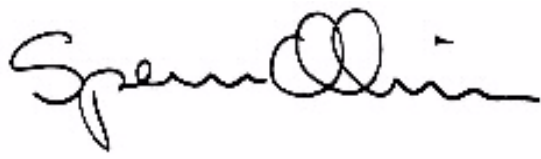
accounts for nearly half of our annual budget. That is not to say that the PA staff is not well paid, but that our staff pay scales were initially based on the pay scales of the Danish Parliament. Our present pay scale puts our staff somewhere in between the Danish Parliament staff and the OSCE.

With regard to proposed new Rule 38 calling for a geographic and gender balance to be ensured with respect to the Secretariat staff, this is a provision that no international parliament or organization in the world has adopted and which would be impossible to apply. For instance, how would you apply geographic balance from 55 separate countries to a Secretariat with only 14 permanent staff members, at least 1/3 of whom are necessarily local support staff. I have, however, attempted to ensure some balance. The current staff of the International Secretariat comes from the following countries: Russia, Slovakia, Germany, Spain, Netherlands, United Kingdom, Canada, the U.S. and Denmark, representing North, South, East and West of Vienna. In addition, we have had Research Fellows from 25 OSCE participating States. This is the way I make sure that the International Secretariat includes the abilities and linguistic requirements we need. As far as gender balance is concerned, the staff of the OSCE Parliamentary Assembly has always been closer to gender balance than any of the other OSCE Institutions. The present permanent staff consists of 7 males and 7 females. Although we have perfect gender balance at the moment, the main criteria for recruiting personnel should be ability, competence, experience and linguistic capability. By applying this criteria, we have been able to recruit an extraordinary staff, which has received constant praise from the Members of the Assembly with whom they work, as well as from our sister Parliamentary Assemblies. I doubt that any International Secretariat can match the per capita capability of this Secretariat. The adoption of Mr. Kessler's amendments would destroy the present staff of the Assembly.

I am in favor of the Deputy Secretaries General appointments being confirmed by a majority vote of the Standing Committee, although, as I previously pointed out, I doubt the Standing Committee will approve this Rules change from consensus-less-one. As far as the point about "total discretion" being avoided in choosing Secretariat staff, I don't understand what Mr. Kessler is trying to achieve. The Secretaries General of the OSCE and the NATO, COE and WEU Parliamentary Assemblies all have, as I do, the right to hire and fire the staff of their respective Secretariats. This is simply good management and is practiced in every organization and institution

with which I am familiar.

In conclusion, I would simply say that there is no demonstrated need for the changes Mr. Kessler proposes, nor would they be helpful to the efficient management of the International Secretariat. As a matter of fact, the consequences of their adoption would be very damaging to the efficiency and stability of the International Secretariat.

A handwritten signature in cursive script, appearing to read "Spencer", followed by a vertical line.