

THE GENERAL SECRETARIAT

EXECUTIVE ORDER NO. 05-01

SUBJECT: SPECIAL RULES ON THE INVOLVEMENT OF STAFF MEMBERS AND CONSULTANTS IN THE ELECTION OF THE SECRETARY GENERAL, OF THE ASSISTANT SECRETARY GENERAL, AND OF OTHER OFFICIALS ELECTED BY THE GENERAL ASSEMBLY

THE ACTING SECRETARY GENERAL,

CONSIDERING:

That the election of the Secretary General, the Assistant Secretary General, and other officials elected by the General Assembly should proceed with transparency and equity. to strengthen the Organization;

That to guaranty such transparency and equity, staff members of the General Secretariat and independent contractors retained to provide personal services to the General Secretariat must demonstrate fairness and impartiality during the campaign and election of the Secretary General, the Assistant Secretary General, and those other elected officials;

That Article 28 of the General Standards specifies: "In the performance of their duties, staff members shall not seek or receive instructions from any government or from any authority outside the Organization;"

That similarly, Article 29 of the General Standards provides: "Personnel shall refrain from any action that may be incompatible with their position as staff members of the General Secretariat;"

That Article 31 of the General Standards states: "Staff members shall exercise the utmost discretion with respect to all matters of official business. They shall not communicate to any person any restricted information except in the course of their duties or in accordance with the procedure for so doing established by the Secretary General. 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;"

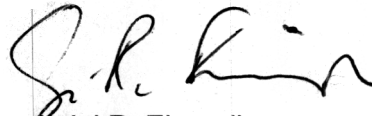
That other OAS organs have adopted specific rules to guaranty fairness and equity in the electoral process for their officials, and in particular, guidelines regulating staff and contractor participation in that process.

RESOLVES:

- 1 To approve effective on the date of this Executive Order the attached "Special Rules on the Involvement of Staff Members and Consultants in the Election of the Secretary

General, of the Assistant Secretary General, and of Other Officials Elected by the General Assembly," attached as Annex A.

2. To derogate all dispositions within prior executive orders and other issuances of the General Secretariat which are inconsistent with this Executive Order and the attached Rules.



Luigi R. Einaudi

Date: January 18, 2005

ANNEX A

SPECIAL RULES ON THE INVOLVEMENT OF STAFF MEMBERS AND CONSULTANTS IN
THE ELECTION OF THE SECRETARY GENERAL, OF THE ASSISTANT
SECRETARY GENERAL, AND OF OTHER OFFICIALS
ELECTED BY THE GENERAL ASSEMBLY

DEFINITIONS

1.1 The following definitions shall apply to these Rules

1. *Elected Positions:* These are positions for which the candidates are elected or otherwise chosen for approval by the General Assembly. They include: The Secretary General; the Assistant Secretary General; the Director of the Inter-American Agency for Cooperation and Development (a/k/a Executive Secretary for Integral Development, and also the Director of the Department of Integral Development); Members of the Inter-American Commission on Human Rights; Judges of the Inter-American Juridical Committee; Judges of the Administrative Tribunal; Judges of the Inter-American Court for Human Rights; Members of the Board of External Auditors; and Members of the Board of Directors of the Justice Studies Center of the Americas;

2. *General Standards:* These are the General Standards Governing the Operation of the General Secretariat of the Organization of American States ;

3. *Staff Members:* These are the categories of staff members defined in Article 17(a) of the General Standards;

4. *Consultants:* These are natural persons performing services for the General Secretariat under Performance Contracts defined under Article 17(b) of the General Standards;

5. *Internal Candidates:* These are candidates who are staff members and consultants. They include an incumbent Secretary General and an incumbent Assistant Secretary General seeking reelection;

6. *External Candidates:* These are candidates who are not internal candidates;

7. *Direct use of a position or of resources provided by the General Secretariat by staff members and consultants:* This includes, inter-alia: use of the General Secretariat's long distance telephone lines without reimbursement of charges; use of offices (including their own) in the General Secretariat; use of paper and other supplies and other facilities furnished to them by the General Secretariat for carrying out their official functions; use

of General Secretariat staff members and consultants under their supervision or otherwise assigned to them.; and

8. *Restricted, confidential, or privileged information:* This is information not yet published as documents of the Organization and/or otherwise not generally available to external candidates and other persons who are not staff members of the OAS General Secretariat.

9. *Openly support and/or promote the candidacy of any candidate:* This phrase connotes support activities on behalf of a candidate which come to, or are likely to come to, the attention of third parties – that is persons other than the candidate and the supporting staff member or consultant. Examples would include, but are not limited to, endorsements for publication in the press or election propaganda; telling third parties that you are supporting or working for a candidate; engaging in other activities which would indicate to the other candidates and their supporters that you support another candidate; working as part of the campaign staff; hosting a cocktail party for the candidate in your home to meet with ambassadors and others who might support his/her campaign.

PROHIBITIONS FOR INTERNAL CANDIDATES

2.1 No Internal Candidates may make direct use of their positions or of resources otherwise provided by the General Secretariat to further their candidacies.

2.2 In pursuing their candidacies, no Internal Candidates shall communicate restricted, confidential, or otherwise privileged information to anyone or use that information to their private advantage.

2.3 Staff members who are candidates for Elected Positions shall either resign or take leave from the General Secretariat once they begin to campaign openly for nomination to an elected position or once they are nominated as a candidate, whichever happens first. The period of leave shall last until the election or until such time as the staff member withdraws his or her candidacy. The staff member may take that leave without pay, or at his or her option, may exhaust any accumulated annual leave with pay credited to his or her account before going on leave without pay. A staff member who opts to take leave and whose contract is not a trust appointment and does not expire during the period of such leave shall have the right to return to a post in the General Secretariat at a level equal to the grade held previously to taking such leave if the candidacy is not successful.

2.4 The forgoing Section 2.3 shall not apply to the incumbent Secretary General and the incumbent Assistant Secretary General. Nonetheless, they shall strictly conform to the requirements of Sections 2.1 and 2.2 of these Rules, as well as Articles 28, 29, and 31 of the General Standards.

2.5 A consultant who becomes a candidate for an Elected Position shall, once he/she begins to campaign openly for nomination or is nominated as a candidate, whichever happens

first, shall have his/her contract terminated for cause, or, at the Secretariat's option, shall cease performing all work under that contract and assign his/her rights to payment and obligations of performance to a third person satisfactory to the General Secretariat until after the corresponding election.

III. PROHIBITIONS FOR OTHER STAFF MEMBERS AND CONSULTANTS

3.1 No staff members or consultants shall openly participate in campaign activities or otherwise openly support and/or promote the candidacy of any candidate for an Elected Position.

3.2 No staff members shall make direct use of their positions in the General Secretariat and of resources otherwise provided by the General Secretariat to support and/or promote the candidacy of any candidate for an Elected Position.

3.3 Consultants shall not openly participate in campaign activities for or otherwise openly support and/or promote any candidate for Elected Positions; nor shall they use the facilities of the General Secretariat and/or staff provided to them under their contracts with the General Secretariat to support and promote the candidacy of any candidate for an Elected Position.

IV. INSTITUTIONAL SUPPORT TO CANDIDATES

4.1 As authorized by the Secretary General and upon the request of the corresponding nominating governments, the Director of the Department of Communications and External Relations shall coordinate and take the necessary measures to allow candidates for the positions of Secretary General and Assistant Secretary General to address and otherwise meet with representatives of the Member States at Headquarters and at the offices of the General Secretariat away from Headquarters.

4.2 As requested by the Member States, the Department of Communications and External Relations shall republish in its Bulletin press releases and news stories about the campaign; however, no such press releases or news stories shall be republished without first obtaining the necessary permission or copyright release, as required, and without indicating the original source.

4.3 Staff members and consultants who pursuant to the instructions of the Secretary General or of the Director of Communications and External Relations use their positions and/or make resources of the General Secretariat available to candidates shall not be considered in violation of Articles II and III of these Rules.

4.4 All statements given to the media regarding campaigns and candidates for Elected Positions made by persons who are staff members or consultants of the General

Secretariat and who are not themselves candidates must be first approved, preferably in writing, by the Director of the Department of Communications and External Relations or by the Secretary General.

V. SANCTIONS

5.1 For staff members, failure to observe the provisions established in these Rules constitutes serious misconduct and shall result in disciplinary action, which may include summary dismissal, under the applicable Staff Rules.

5.2 For consultants, failure to observe these provision shall constitute a breach of contract and grounds for termination for cause.