

**PRO- 1.2 REVISION OF ARTICLES 14, 15, 20 AND 25 OF THE GENERAL REGULATIONS OF THE IHO**

**Submitted by:** Council (Secretary-General, as Council Secretary)

- References** :
- A. General Regulations of the IHO.
  - B. M-3, IHO Resolution 9/1967 as amended – *Procedure for election of a Secretary-General or Director by correspondence.*
  - C. IHO Publication M-7 edition 8.0.0 – *Staff Regulations.*
  - D. 3<sup>rd</sup> Meeting of the Council – Summary Report.

**PROPOSAL**

**Noting the endorsement by the Council, the Assembly is invited:**

- to approve the proposed revision of Articles 14, 15, 20 and 25 of the General Regulations of the IHO as presented in Annex A (red-line version) and B (clean version).

**EXPLANATORY NOTE**

1. Article 14 of the General Regulations sets the date on which a Secretary-General elected at an ordinary session of the Assembly shall assume duties. There is no similar provision for the Directors. Similarly, the provisions related to incapacitation in Article 15 apply only to the Secretary-General, although this article is under the heading “Secretary-General and Directors”.
2. It is proposed to amend Articles 14 and 15 of the General Regulations in order to extend to the Directors the provisions currently applicable only to the Secretary-General and to move Article 14 under the heading “Secretary-General and Directors”.
3. Under the terms of Regulation 5.4 of the Staff Regulations (Reference E), all Members of the IHO Secretariat seeking appointment, except the Secretary-General and Directors, are required to provide a medical certificate indicating that the candidate ... *is free from any defect or disease likely to interfere with the proper discharge of their duties.*
4. Article 20 of the General Regulations sets out the information that must be provided as part of the nomination process for the position of Secretary-General and of Directors. It is proposed to include an additional requirement that requires candidates to provide, as part of their nomination, certification by a duly qualified medical practitioner that they are medically fit in the same way as is required of other prospective Members of Staff.
5. The provisions applicable if the post of Secretary-General falls vacant during the period between two ordinary sessions of the Assembly are now available in the IHO Resolution 9/1967 as amended. These provisions give the evidence that the process for electing a new Secretary-General by correspondence when the post falls vacant more than one year before the next ordinary session of the Assembly may take up to six months. Noting the importance of the role of the Secretary-General as head of the Secretariat, it appears necessary to ensure the continuity of the function. Therefore, it is proposed to further amend Article 25 (c) of the General Regulations in order to include a provision similar to the provision applicable when the post falls vacant one year or less before the next ordinary session of the Assembly so that one of the Directors be appointed as Acting Secretary-General until a new Secretary-General elected by correspondence takes up the appointment.

6. The initial intention to apply gender-neutrality language in these proposed amendments was not retained by the Council at this stage.
7. The proposed amendments, as provided in Annexes A and B, have been endorsed by the Council (Reference D, Decision C3/08).

Red-line version

**Proposed amendments to Articles 14, 15, 20 and 25 of the General Regulations**

Proposed changes shown in red / ~~red~~

**Secretary-General and Directors**

ARTICLE 14

A Secretary-General or a Director elected at an ordinary session of the Assembly shall assume his/her duties on the following 1 September. The duties of his/her predecessor shall terminate on 31 August.

~~**Secretary-General and Directors**~~

ARTICLE 15

A Secretary-General or a Director who has been incapacitated for duty for six consecutive months, or otherwise for an aggregate of twelve months, during his/her term of office shall automatically cease to be Secretary-General or Director.

ARTICLE 20

(a) Each nomination shall indicate whether it is for the post of Secretary-General or Director or for both posts, and shall include a statement detailing the candidate's qualifications. The following specific information should be provided:

- nominating Member State;
- name;
- nationality;
- date of birth;
- titles and decorations;
- education (periods including specialized or special qualifications);
- languages (speaking and reading capacity);
- all service and experience relevant to the nomination and which provide an indication of the extent to which the candidate is qualified to serve as Secretary-General or Director;
- candidate's Position, which should include, but is not limited to, the candidate's vision of the importance of hydrography and cartography, of the role of the IHO and of the objectives and approach envisaged to best advance the priorities of the Organization as established by the Member States; and
- such additional information as may be relevant;

(b) Each nomination shall be signed by the candidate and by a representative of the nominating Member State.

(c) Each nomination shall include a medical certificate issued by a duly qualified medical practitioner stating that the candidate is free from any defect or disease likely to interfere with the proper discharge of their duties. In the event that such a certificate cannot be provided the nomination will not be accepted.

## ARTICLE 25

Notwithstanding Article 17, if the post of the Secretary-General or of any Director falls vacant during the period between two ordinary sessions of the Assembly the following provisions shall apply.

- (a) If the post of Secretary-General falls vacant one year or less before the opening day of the next ordinary session of the Assembly the Council shall appoint one of the Directors as Acting Secretary-General until the 31 August following the next ordinary session of the Assembly.
- (b) If any post of Director falls vacant one year or less before the opening day of the next ordinary session of the Assembly, including where such a post falls vacant due to the operation of Article 25 (a) above, no replacement shall be appointed before the next ordinary session of the Assembly.
- (c) If the post of Secretary-General falls vacant more than one year before the opening day of the next ordinary session of the Assembly, the Council shall appoint one of the Directors as Acting Secretary-General until a new Secretary-General elect takes up his/her duties. ~~a~~A new Secretary-General shall be elected by correspondence in accordance with the principles set forth in Articles 17 to 23. In such a case the Chair of the Council, with the support of the Secretariat, shall conduct the election by postal ballot, immediately notify Member States of the result and invite the Secretary-General to take up his/her duties.
- (d) If any post of Director falls vacant more than one year before the opening day of the next ordinary session of the Assembly a new Director shall be elected by correspondence in accordance with the principles set forth in Articles 17 to 23. In such a case the Secretary-General shall conduct the election by postal ballot, immediately notify Member States of the result and invite the Director to take up his/her duties.
- (e) The term of office of any Secretary-General or Director elected in accordance with Articles 25 (c) or (d) above shall end at the same time as would have his/her predecessor's.

**Clean version**

**Proposed amendments to Articles 14, 15, 20 and 25 of the General Regulations**

**Secretary-General and Directors**

ARTICLE 14

A Secretary-General or a Director elected at an ordinary session of the Assembly shall assume his/her duties on the following 1 September. The duties of his/her predecessor shall terminate on 31 August.

ARTICLE 15

A Secretary-General or a Director who has been incapacitated for duty for six consecutive months, or otherwise for an aggregate of twelve months, during his/her term of office shall automatically cease to be Secretary-General or Director.

ARTICLE 20

- (a) Each nomination shall indicate whether it is for the post of Secretary-General or Director or for both posts, and shall include a statement detailing the candidate's qualifications. The following specific information should be provided:
- nominating Member State;
  - name;
  - nationality;
  - date of birth;
  - titles and decorations;
  - education (periods including specialized or special qualifications);
  - languages (speaking and reading capacity);
  - all service and experience relevant to the nomination and which provide an indication of the extent to which the candidate is qualified to serve as Secretary-General or Director;
  - candidate's Position, which should include, but is not limited to, the candidate's vision of the importance of hydrography and cartography, of the role of the IHO and of the objectives and approach envisaged to best advance the priorities of the Organization as established by the Member States; and
  - such additional information as may be relevant;
- (b) Each nomination shall be signed by the candidate and by a representative of the nominating Member State.
- (c) Each nomination shall include a medical certificate issued by a duly qualified medical practitioner stating that the candidate is free from any defect or disease likely to interfere with the proper discharge of their duties. In the event that such a certificate cannot be provided the nomination will not be accepted.

## ARTICLE 25

Notwithstanding Article 17, if the post of the Secretary-General or of any Director falls vacant during the period between two ordinary sessions of the Assembly the following provisions shall apply.

- (a) If the post of Secretary-General falls vacant one year or less before the opening day of the next ordinary session of the Assembly the Council shall appoint one of the Directors as Acting Secretary-General until the 31 August following the next ordinary session of the Assembly.
- (b) If any post of Director falls vacant one year or less before the opening day of the next ordinary session of the Assembly, including where such a post falls vacant due to the operation of Article 25 (a) above, no replacement shall be appointed before the next ordinary session of the Assembly.
- (c) If the post of Secretary-General falls vacant more than one year before the opening day of the next ordinary session of the Assembly, the Council shall appoint one of the Directors as Acting Secretary-General until a new Secretary-General elect takes up his/her duties. A new Secretary-General shall be elected by correspondence in accordance with the principles set forth in Articles 17 to 23. In such a case the Chair of the Council, with the support of the Secretariat, shall conduct the election by postal ballot, immediately notify Member States of the result and invite the Secretary-General to take up his/her duties.
- (d) If any post of Director falls vacant more than one year before the opening day of the next ordinary session of the Assembly a new Director shall be elected by correspondence in accordance with the principles set forth in Articles 17 to 23. In such a case the Secretary-General shall conduct the election by postal ballot, immediately notify Member States of the result and invite the Director to take up his/her duties.
- (e) The term of office of any Secretary-General or Director elected in accordance with Articles 25 (c) or (d) above shall end at the same time as would have his/her predecessor's.