

**Draft Proposal 2 from the Council submitted to the approval
of the Assembly at its 2nd Session**

**Medical Fitness of Candidates for Election to the Positions of
Secretary-General or Director
and
Conditions of Service of the Directors**

Submitted by:	Council Chair
Executive Summary:	<p>This paper proposes the following changes to the General Regulations:</p> <ul style="list-style-type: none"> - change to Article 14 and 15 to extend to the Directors the provisions currently applicable only to the Secretary General; - change to Article 20 of the General Regulations to oblige candidates for election to the positions of Secretary-General or a Director to conform to the same procedures regarding certification of medical fitness that applies to all other Members of the Staff of the Secretariat. <p>It is further proposed to adjust the text of the General Regulations that relates to the Secretary-General or the Directors by introducing gender-neutral language.</p> <p>As a consequence of the review of the provisions applicable if the post of Secretary-General falls vacant during the period between two ordinary sessions of the Assembly (See IHO Resolution 9/1967 as amended), it is proposed to further amend Article 25 of the General Regulations to ensure the continuity of the function until a new election is concluded.</p>
Related Documents:	<p>IHO Publication M-1 edition 2.0.0 – <i>Basic Documents of the IHO</i> IHO Publication M-7 edition 8.0.0 – <i>Staff Regulations</i> Doc. C1-6.2 Decisions C1/46 and C2/07 M-3, IHO Resolution 9/1967 as amended</p>

Introduction

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. Under the terms of Regulation 5.4 of the Staff Regulations, 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.*
3. During the recent revision of the Staff Regulations consideration was given to aligning the requirements for the entry medical fitness criteria of the Secretary-General and Directors with those of the other Members of Staff of the Secretariat. This would then follow similar practices in other comparable organizations. However, this could not be achieved in the revision of the Staff Regulations

because the relevant eligibility criteria for the Secretary-General and Directors are not contained in the Staff Regulations but are set out in Article 20 of the General Regulations.

4. At the first meeting of Council in October 2017, the Secretary-General proposed amendments to the Articles 14, 15, 20 and 25 of the General Regulations aiming to fix various issues identified with regard to the medical fitness of candidates for election to the position of Secretary General and Director and the conditions of service of the Directors (Doc. C1-6.2 refers).

Discussion

5. 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”.

6. 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.

7. As part of the revision, it is also proposed to adjust the text of Articles 14, 15 and 25 to introduce gender-neutral language.

8. 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.

Recommendation

9. A revised text for Articles 14, 15, 20 and 25 of the General Regulations is set out in Annex A to this proposal for the consideration of the Council.

Action Required of the Assembly

10. The Assembly is invited to:

- a. **approve** the proposed revised text to Articles 14, 15, 20 and 25 of the General Regulations, as set out in Annex A,
- b. **take any other actions** that may be required.

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~~ their duties on the following 1 September. The duties of ~~his or her~~ their 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~~ their 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 Chair of the Council shall appoint one of the Directors as Acting Secretary-General until a new Secretary-General elect takes up their 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~~their 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~~their 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~~their predecessor's.