

Draft Proposal 1 from the Council submitted to the approval
of the Assembly at its 2nd Session

**Revision of Rule 12 of the Rules of Procedure of the Council
concerning the timing of the election of the Chair and the Vice-Chair,
and consequences on Rules 8 and 11.**

Submitted by:	Council Chair
Executive Summary:	In accordance with Decision 20 of the 1 st Session of the Assembly, this proposal from the Council invites the Assembly to consider and approve revisions to Rule 12 of the Rules of Procedure of the Council concerning the timing of the term of office of the Chair and the Vice-Chair. These revisions have an impact on Rules 8 and 11 as well.
Related Documents:	IHO Publication M-1 - <i>Basic Documents of the IHO</i> - Edition 2.1.0 - June 2017. IHO Convention. Doc. C1-2.3 Rev1. Decisions C1/17 and C2/06.

Introduction

1. The first Session of the IHO Assembly acknowledged that it was preferable that the Chair and Vice-Chair of the Council were appointed before the first meeting of the Council after the Assembly, in order that appropriate preparatory discussions could take place between the Chair, the Vice-Chair and the Secretary-General.
2. The Assembly went on, through Decision 20, to instruct ... *the Council to consider whether Rule 12 of the Rules of Procedure for the Council requires permanent amendment and to make proposals accordingly and if required for consideration by the Assembly at its next session (A-2).*
3. At its first meeting in October 2017, the Council endorsed the amendments to Rule 12 of the Rules of Procedure for the Council, as proposed by the Secretary General (Doc. C1-2.3 Rev1 refers), while it was also noted that there was a discrepancy between the Convention and the Rules of Procedure of the Council relating to the length of the terms of office of the two officers (Summary Report of C-1, paragraph 2.3, refers).

Discussion

4. It is preferable that the Chair and the Vice-Chair of the Council are appointed in advance of the first meeting of the Council during the inter-sessional period between Assembly sessions. This will enable the Chair and Vice-Chair to be prepared appropriately for both the first meeting under their leadership and the programmed work envisaged for the Council in the inter-sessional period.
5. In addition, it is important to appoint the Chair of the Council as soon as practicable after the Council has been installed by the Assembly, because the Chair of the Council holds a number of additional responsibilities, such as the arbiter's role of last resort for disputes in relation to the application of certain aspects of the Staff Regulations. A request of this function can occur at any time.
6. **Options.** Early appointment of the Chair and Vice-Chair could be achieved either by holding an election immediately after the Council has been installed by the Assembly, or by postal ballot voting shortly thereafter. Both options were considered by the first session of the Assembly. It was decided that postal ballot for voting was preferable for several reasons, including the need to provide time for those Member States represented on the Council to consider whether and whom to nominate for the positions of Chair and Vice-Chair. Similarly, Member States represented on the Council require time to consider their vote once nomination of candidates have been published.

Proposal

7. It is therefore proposed that Rule 12 of the Rules of Procedure of the Council be amended to enable a postal ballot to take place straight after the Council has been installed by the Assembly. The postal ballot would follow the same procedure agreed by the first session of the Council for the election of the current Chair and Vice-Chair positions. The submission of votes from at least two thirds of the members of the Council would be required for an election to be valid.
8. A proposed revised text for Rule 12 of the Rules of Procedure of the Council is set out in Annex A to this submission.
9. As a consequence of these amendments to Rule 12, it is proposed to delete paragraph (b) in Rule 8 (b) of the Rules of Procedure of the Council (provisional agenda) and to renumber the other agenda items in Rule 8 accordingly.
10. Now, noting that the IHO Convention, in its Article VI (g) (i) states that “*The functions of the Council shall be to elect its Chair and Vice-Chair, each of whom shall hold office until the end of the next ordinary session of the Assembly*”, the Council proposes that the Secretary-General of the IHO acts as interim Council Chair in the transition time between the end of the session of the Assembly and the election of the new office bearers (about 10 weeks). This proposal is reflected in proposed amendments to Rule 11 of the Rules of Procedure of the Council, and with the **addition of a sentence** in Article (b) of Rule 12, as amended.

Action required of the Assembly

11. The Assembly is invited to:
 - a. **approve** the proposed revised text of Rule 12 of the Rules of Procedure of the Council as set out in Annex A, and the subsequent amendments to Rules 8 and 11;
 - b. **take any other actions** that may be appropriate..

Proposed Revised Rules 8, 11 and 12 of the Rules of Procedure of the Council

Proposed changes shown in red / ~~red~~.

RULE 8

The provisional agenda of meetings of the Council shall include:

- (a) adoption of the Agenda;
- ~~(b) election of the Chair and Vice-Chair, when necessary in accordance with Rule 12 of these Rules of Procedure;~~
- (b) any item the inclusion of which has been requested by the Assembly;
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RULE 11

The Chair and Vice-Chair shall be elected by the Members for a period of ~~about~~ **about** three years, ~~until the end of the next ordinary session of the Assembly.~~

RULE 12

- (a) Members shall elect the Chair and Vice-Chair ~~during their first meeting~~ by **correspondence as soon as is practicable** after each ordinary session of the Assembly.
- (b) ~~The Secretary-General shall chair the opening of that first meeting until election of the Chair.~~ **The Secretary-General shall be responsible for conducting the election and act as interim Chair of the Council during the election process.** The election shall be held by secret postal ballot. Under normal circumstances, the following timetable shall apply:

(A = last day of the ordinary session of the Assembly)

A + five weeks Nominations for the positions of Chair and Vice-Chair of the Council closed

A + ten weeks Voting closed

- (c) The candidates receiving the largest number of votes for each position shall be elected with the minimum number of votes cast being at least two-third of the Members.
- ~~(d) At meetings where the Chair and Vice-Chair are to be elected those elections shall respectively be the second and third items on the agenda. In the event of a tie for the position of Chair, a second round run-off will take place by postal ballot between those nominees with the highest equal number of votes. The following timetable shall apply:~~

(A = last day of the ordinary session of the Assembly)

A + fifteen weeks Voting closed

- (e) In the event of a tie for the position of Vice-Chair, a second round run-off will take place during the next meeting of the Council between those nominees with the highest equal number of votes.
- ~~(f) or in~~ In the case of a vacancy arising in the position of Vice-Chair during the inter-sessional period, an election shall take place during the next meeting of the Council. The nominations for the position shall be closed ten weeks before the opening day of the meeting of the Council and the Secretary-General shall submit the list of nominees to the Members together with the supporting documents for the meeting at least two months prior to the opening day of the meeting.

Proposed revised version:

RULE 8

The provisional agenda of meetings of the Council shall include:

- (a) adoption of the Agenda;
- (b) any item the inclusion of which has been requested by the Assembly;
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RULE 11

The Chair and Vice-Chair shall be elected by the Members for a period of about three years, until the end of the next ordinary session of the Assembly.

RULE 12

- (a) Members shall elect the Chair and Vice-Chair by correspondence as soon as is practicable after each ordinary session of the Assembly.
- (b) The Secretary-General shall be responsible for conducting the election **and act as interim Chair of the Council during the election process**. The election shall be held by secret postal ballot. Under normal circumstances, the following timetable shall apply:

(A = last day of the ordinary session of the Assembly)

A + five weeks	Nominations for the positions of Chair and Vice-Chair of the Council closed
A + ten weeks	Voting closed

- (c) The candidates receiving the largest number of votes for each position shall be elected with the minimum number of votes being at least two-third of the Members.
- (d) In the event of a tie for the position of Chair, a second round run-off will take place by postal ballot between those nominees with the highest equal number of votes. The following timetable shall apply:

(A = last day of the ordinary session of the Assembly)

A + fifteen weeks	Voting closed
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- (e) In the event of a tie for the position of Vice-Chair, a second round run-off will take place during the next meeting of the Council between those nominees with the highest equal number of votes.
- (f) In the case of a vacancy arising in the position of Vice-Chair during the inter-sessional period, an election shall take place during the next meeting of the Council. The nominations for the position shall be closed ten weeks before the opening day of the meeting of the Council and the Secretary-General shall submit the list of nominees to the Members together with the supporting documents for the meeting at least two months prior to the opening day of the meeting.