



COUNCIL
105th session
Agenda item 16

C 105/16
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APPOINTMENT OF THE SECRETARY-GENERAL

Existing practices and procedures for the selection and conditions of service of the Secretary-General

Note by the Secretary-General

SUMMARY

Executive summary: This document responds to the request at the Council's 104th session, for a document on the existing practices and procedures for the selection and conditions of service of the Secretary-General

Strategic direction: 4

High-level action: 4.0.5

Planned output: No related provisions

Action to be taken: Paragraph 20

Related documents: C 104/15(b) and C 105/16/1

Background

1 This document responds to the request, at the Council's 104th session, for a document on the existing practices and procedures for the selection and conditions of service of the Secretary-General in response to the Joint Inspection Unit report entitled "Selection and Conditions of Service of Executive Heads in the United Nations System Organizations (JIU/REP/2009/8)". The JIU made 13 recommendations in total, of which three do not require action by IMO (2, 3 and 8). Where appropriate, existing practices and procedures are compared with the 10 recommendations addressed to legislative bodies, and relevant comments made thereon.

TIMETABLE FOR SELECTION AND APPOINTMENT OF THE SECRETARY-GENERAL

Existing practice

2 In the year preceding the expiration of the Secretary-General's second and final term of office, a document is submitted to the November session of the Council outlining background information concerning the procedures for the appointment of the Secretary-General.

3 In that document, the Chairman of the Council informs Council Members that the Secretary-General would inform all Member States, via a Note Verbale, that:

- (i) the post of Secretary-General will become vacant on the expiration of the contract of the current Secretary-General;
- (ii) the Council, in accordance with Article 22 of the IMO Convention, intends to take the necessary action at its subsequent June session with regard to the appointment of a Secretary-General, for submission to the Assembly for approval at its next regular session;
- (iii) nominations for candidates for the position of Secretary-General are invited, to reach IMO by a determined date in March of the subsequent year at the latest;
- (iv) the Secretary-General is requested to circulate to Members of the Council any candidacies received, or any other communications received in response to the invitation referred to above; and
- (v) the Council will be invited to elect the new Secretary-General (in the immediately following case, for the period 1 January 2012 to 31 December 2015) at the subsequent June session of the Council.

4 Subject to the Council, at its forthcoming session, making decisions as outlined above, a Note Verbale will be issued to Member States immediately thereafter following the November session of the Council inviting nominations for candidates and setting a deadline for their receipt.

5 Any nominations received within the stipulated deadline will be circulated to Member States, by means of a Note Verbale, attaching the candidate's curriculum vitae.

Relevant JIU Recommendations

6 This existing practice at IMO fully addresses JIU Recommendation 4 on timelines and partially meets Recommendation 5 on medical fitness. The JIU recommends that candidates submit, with their curriculum vitae, a certificate of good health, whereas, under the IMO procedure, candidates are required to undergo a medical examination before taking up office. In considering the contents of the Note Verbale inviting nominations in the future, the submission of a certificate of good health with the nomination might be included and reference also made to Council resolution C.74(86) on the term of office for Secretaries-General.

APPOINTMENT PROCEDURE

7 The appointment process takes place at the following June session of the Council, in two parts. Firstly, there is an open session in which each of the candidates is invited to address the Council. This is followed by a private session at which only Council Member States' and non-Council Member States' representatives are present, in accordance with Rule 52 of the Rules of Procedure of the Council. The serving Secretary-General has, however, also been present in accordance with past practice. Only Council Members have the right to vote. The voting procedures follow those relating to a secret ballot and include the provision that the successful candidate requires a simple majority of Council Members present and voting. Before the voting takes place, representatives of Member States nominating candidates, who wish to make statements, are invited to do so (in alphabetical

order of the nominees). The Chairman then proposes nominations of two scrutineers from Members of the Council. Once the Council has decided on this, Council Members are invited to deposit their ballot paper in a ballot box.

8 Once the voting process is complete, the scrutineers are requested to count the votes and report the result to the Council Chairman.

9 If there is a simple majority for one candidate, the Chairman invites the Council to appoint the candidate for a term of four years commencing from 1 January of the subsequent biennium, which may be renewed for one further term of four years (in accordance with resolution C.74(86) adopted on 22 June 2001), and recommends that the Assembly be invited to approve the appointment (in accordance with Article 22 of the IMO Convention) at its next regular session.

10 If no candidate has obtained a clear majority, the Chairman will announce that a second ballot will take place between the two candidates with the most votes. The voting process is repeated. If the votes of the second ballot are equal, the vote will go to a third ballot. If the third ballot also results in a tie, the Chairman "shall decide between the candidates by drawing lots".

11 When the name of the successful candidate has been drawn, the Chairman announces the name and seeks the Council's agreement to the appointment (as in paragraph 9 above).

Relevant JIU Recommendations

12 The existing appointment procedure at IMO fully addresses Recommendation 1 on hearings/meetings with candidates and Recommendation 6 on limiting appointments to two successive terms.

CONDITIONS OF SERVICE

13 Following approval of the appointment by the Assembly, a draft contract is submitted as a restricted document, for Council Members only, to the regular session of the Council, which is convened immediately following the Assembly. This determines the terms and conditions of service of the Secretary-General and should conform, as far as possible, with those of the United Nations and its specialized agencies. Once the Council has approved the contract, it authorizes the Council Chairman to sign it on behalf of the Organization, together with the Secretary-General elect. The selected candidate is required to undergo a medical examination by the Organization's medical adviser or a UN recognized medical adviser before he/she takes up office.

Provisions of the contract

14 The Secretary-General's remuneration level is based on that of the Under-Secretary-General level in the UN salary scale.

Entitlements

15 The Secretary-General receives the allowances available to staff members generally under the Staff Regulations plus a representation allowance, which is renewed annually by the Council, through the budget approval process, and paid in two instalments (January and July) each year.

Benefits

16 The Secretary-General may participate in the UNJSPF or make private arrangements. The Organization may pay the employer's share of the contribution (which would have been paid to the UNJSPF) to the Secretary-General monthly to enable him to make alternative arrangements.

Relevant JIU Recommendations

17 Recommendation 12 requires the establishment of rigorous policies regarding the acceptance of gifts, honours, decorations, etc., by executive heads. A clause exists in the Secretary-General's contract whereby the incumbent may not "accept any honour, decoration, favour, gift or remuneration from any source external to the Organization unless approved by the Council". In practice, it is not practicable to seek prior Council approval in these situations, so this clause in the contract might be modified in line with the current practice such that all gifts are photographed, catalogued and recorded in an inventory, and information on honours and decorations made publicly available on the IMO website. Alternatively, this policy might be adopted and endorsed by the Council but omitted from the contract and reference made only to applicable policies relating to ethical conduct.

18 There is currently no specific policy to "condemn and prohibit unethical practices such as promises, favours, invitations, gifts, etc., provided by candidates for the post of executive head or their supporting governments during the selection/election campaign, in return for favourable votes for certain candidates" (Recommendation 7), or to address Recommendation 9, which requests organizations to "adopt provisions comprehensively addressing conflicts of interest pertaining to, and/or wrongdoing/misconduct allegedly committed by, executive heads". IMO does not presently have a financial disclosure statement policy applicable to the Secretary-General (Recommendation 11), or a provision for a possible termination allowance based on ICSC standards (Recommendation 13).

RECOMMENDATIONS

19 As the existing IMO conditions of service for the Secretary-General already largely address recommendations 1, 4, 5, 6 and 12, no further action is proposed. In respect of the remaining recommendations addressed to Governing Bodies, the Council may wish to consider action as follows:

Recommendation	Text	Proposal
7	"... organizations should condemn and prohibit unethical practices ... provided by candidates for the post of executive head or their supporting governments during the selection/election campaign, in return for favourable votes for certain candidates."	Suitable text to be included in the Note Verbale inviting nominations for candidates
9	"... organizations should adopt provisions comprehensively addressing conflicts of interest pertaining to, and/or wrongdoing/misconduct allegedly committed by, executive heads ..."	A provision to be included under Article I of the Staff Regulations making the Standards of Conduct for International Civil Servants also applicable to the Secretary-General
10	"... organizations should direct the internal oversight or ethics office/function, as appropriate, or JIU, to conduct investigations into alleged cases of wrongdoing or misconduct ... allegedly committed by executive heads ..."	A provision to be included under Article X of the Staff Regulations
11	"The legislative bodies of ... IMO ... should establish a financial disclosure statement policy applicable to their executive heads"	A provision (e.g., reference to a policy) to be included in the contract of future incumbents
13	"... organizations should include in the term of appointment of their executive heads a provision for a possible termination allowance based on ICSC standards ..."	A provision (e.g., reference to a policy) to be included in the contract of future incumbents

Action requested of the Council

20 The Council is requested to consider the information and proposals contained in this document and to comment or decide as appropriate.