

COUNCIL
First Special Session*

DRAFT REPORT ON THE FIRST SPECIAL SESSION
OF THE COUNCIL

Geneva
30 June 2016
Rapporteur: Mr M. Auajjar (Morocco)

* In accordance with document C/106/INF/10 of 8 September 2015, the numbering of special sessions of the Council has been modified and will start at 1 for the Special Session held in June 2016.

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DRAFT REPORT ON THE FIRST SPECIAL SESSION OF THE COUNCIL

Opening of the session

1. The Council convened for its First Special Session at the Centre International de Conférences Genève (CICG) on 30 June 2016, at 10.15 a.m. Two meetings were held, chaired by Mr B. de Crombrughe (Belgium).

Attendance¹

2. The following Member States were represented:

Afghanistan	Democratic Republic	Luxembourg	South Africa
Algeria	of the Congo	Madagascar	South Sudan
Angola	Denmark	Mali	Spain
Argentina	Djibouti	Malta	Sudan
Australia	Dominican Republic	Mauritius	Swaziland
Austria	Ecuador	Mexico	Sweden
Azerbaijan	Egypt	Montenegro	Switzerland
Bahamas	El Salvador	Morocco	Thailand
Bangladesh	Estonia	Mozambique	The former
Belarus	Ethiopia	Myanmar	Yugoslav
Belgium	Finland	Namibia	Republic of
Benin	France	Nepal	Macedonia
Bolivia	Gabon	Netherlands	Togo
(Plurinational	Georgia	New Zealand	Trinidad and
State of)	Germany	Niger	Tobago
Botswana	Ghana	Nigeria	Turkey
Brazil	Greece	Norway	Turkmenistan
Bulgaria	Guatemala	Pakistan	Tuvalu ²
Burundi	Haiti	Panama	Uganda
Cabo Verde	Holy See	Peru	Ukraine
Cambodia	Honduras	Philippines	United Kingdom
Cameroon	Hungary	Poland	of Great Britain
Canada	India	Portugal	and Northern
Central African	Iran (Islamic	Republic of Korea	Ireland
Republic	Republic of)	Republic of Moldova	United States of
Chile	Ireland	Romania	America
China ²	Israel	Rwanda	Uruguay
Colombia	Italy	Senegal	Venezuela
Congo	Jamaica	Serbia	(Bolivarian
Costa Rica	Japan	Sierra Leone	Republic of)
Côte d'Ivoire	Jordan	Slovakia	Yemen
Croatia	Kazakhstan	Slovenia	Zambia
Cyprus	Kenya	Solomon	Zimbabwe
Czech Republic	Latvia	Islands ²	
	Lesotho	Somalia	
	Lithuania		

¹ The list of participants is contained in document C/Sp/1/13/Rev.1. Unless otherwise indicated, all documents are available on the IOM website.

² See paragraph 5.

Credentials of representatives

3. The Council took note that the Director General had examined the credentials of the representatives of the Member States listed in paragraph 2 and found them to be in order.

Adoption of the agenda

4. The Council adopted the agenda set out in document C/Sp/1/1/Rev.1.

Applications for membership in the Organization

5. The Council adopted by acclamation Resolutions No. 1314, No. 1315 and No. 1316 of 30 June 2016 admitting Solomon Islands, Tuvalu and the People's Republic of China, respectively, as members of IOM.

6. The representative of Solomon Islands thanked the Council for admitting his country to membership of the Organization and thus enabling it to learn how to plan, manage and share resources with other countries in addressing migration challenges, in particular those relating to human trafficking and border management and control. Solomon Islanders were particularly vulnerable to human trafficking; they were scattered over 900 tiny islands and miles of ocean, preventing concentrated human settlement, making transportation, communication and service delivery difficult, and hamstringing economic development. His Government had taken steps to address the problem, adopting legislation and working with non-State actors to establish a policy framework and promote human-trafficking awareness, victim protection and prosecution. It was grateful for the capacity-building support its Immigration Division had received from the IOM Country Office for Australia to that end. It planned to engage in regular consultation and dialogue with IOM with a view to developing long-term plans to combat human trafficking, ensuring those plans were aligned with global practices, and arranging workshops intended to make sure that the criminal justice system adopted a robust and coordinated approach to trafficking in persons.

7. The representative of Tuvalu said that membership of IOM was of particular importance to the citizens of his country for several reasons. Tuvalu, a low-lying atoll nation, was directly and immediately threatened by climate change, forcing his Government to anticipate events and carefully execute an appropriately paced voluntary migration plan. Approximately one out of every three Tuvaluans had already migrated, and the Government was in search of solutions and assistance to sustain the people's social, cultural and economic connections, ensure their political representation, improve their working conditions and enhance the diaspora's contributions to economic and political processes at home and abroad. Membership of IOM promised access to the expertise and experience that were vital to Tuvalu's successful transition to a nation in climate exile.

8. The representative of China paid tribute to the Organization's steadfast efforts to promote international dialogue, orderly human mobility and cooperation on border control management, and to help migrants return home and receive health care and humanitarian assistance. Migration had to be approached openly, inclusively and fairly. The important role of migrants in their countries' economic, social and cultural development had to be fully recognized, and migration policies incorporated into national development strategies, so as to

harness the positive energy generated by migration for global social and economic development and further achievement of the 2030 Agenda for Sustainable Development. China, once a country of origin, was fast becoming a country of transit and destination as well; it had the world's largest diaspora. Its Government attached great importance to migration management and to the orderly movement of migrants. China nevertheless faced challenges in terms of migrant integration, irregular migration and human trafficking and smuggling. In becoming the 165th Member State of IOM – auspiciously during the Organization's 65th anniversary year – it hoped to intensify its cooperation with the Organization and the other Member States in those and other fields.

9. The Director General welcomed the three new Member States. Their admission brought the Organization closer to universality and placed it in a stronger position to continue providing solutions to the increasingly complex challenges posed by migration. The admission of Solomon Islands and Tuvalu brought the number of Pacific Island States that were members of IOM to ten, an appropriate development as calls grew for a regional approach to their vulnerability in the face of natural disasters and climate change. The Organization looked forward to intensifying its cooperation with them and with China in several fields.

10. The membership also extended a warm welcome to the new Member States, and looked forward to working closely with them to improve the welfare of migrants and overcome the daunting challenges they faced.

IOM–UN relationship

11. The Council had before it the document entitled Improved legal arrangements between IOM and the United Nations (C/Sp/1/9), draft resolution C/Sp/1/L/10, on the agreement concerning the relationship between the United Nations and the International Organization for Migration, and draft resolution C/Sp/1/L/11, on the cost implications of a strengthened relationship between the United Nations and the International Organization for Migration.

12. The Director General observed that Council Resolution No. 1309 of 24 November 2015 had requested him to approach the United Nations with a view to improving the legal basis of the relationship between IOM and the United Nations based on specific essential elements. The Resolution had further requested him to develop proposals for improved legal arrangements with the United Nations which the Council could evaluate and upon which it could act at a future session. The discussions in which he and members of the Administration had consequently engaged had resulted in a draft document shared with, commented on and enriched by Member States during several meetings of the Working Group on IOM–UN Relations and the IOM Strategy. Following the Working Group's seventeenth meeting, on 24 June 2016, a final consolidated version of the draft agreement had been circulated to all Member States. The Director General strongly recommended approval of that agreement.

13. The Director General and his staff were commended by numerous speakers for their tireless work to ensure that Member States were kept informed and their comments and suggestions taken on board.

14. Deep appreciation was also expressed to the Chairperson of the Working Group, for his dedicated and able leadership of the transparent, inclusive and participative process started by the previous Chairperson.

15. Several representatives noted that IOM was at a historic crossroads. They considered the agreement a landmark achievement at a time of unprecedented levels of migration and displacement worldwide and amid growing awareness of the critical nexus between migration and issues such as development and climate change.

16. Many representatives fully endorsed the draft agreement set out in document C/Sp/1/9. It would result in a stronger relationship between IOM and the United Nations, which would be good, not only for the two organizations, but also for the migrants who were at the heart of IOM's work. It reflected the Member States' determination to safeguard IOM's unique characteristics and ensure a cooperative relationship that did not lead to duplication of efforts or undermine operational effectiveness. More specifically, the draft agreement reflected the membership's expressed desire, set down in Resolution No. 1309, that IOM's position as the global lead organization for migration be acknowledged, that it remain an intergovernmental, non-normative organization with its own constitution and governance system, featuring a predominantly projectized budgetary model and a decentralized organizational structure, and that it retain its essential characteristics of responsiveness, efficiency, cost-effectiveness, independence and flexibility. The agreement would enable IOM to participate in all discussions – to have a voice at the table. It would strengthen IOM–UN coordination and partnership on the ground, while retaining IOM's many unique features, all of which were vital to maintaining its operational effectiveness in the field, where it mattered most. By forging a closer institutional relationship with the United Nations, it would fill a potential institutional gap in the international governance of migration.

17. Other representatives, while acknowledging that the agreement was a satisfactory compromise that would serve as a good basis for IOM's relationship with the United Nations and for the global governance of migration, nevertheless considered that it fell short in various respects. One felt that it did not properly acknowledge IOM's lead role in the field of migration, another that it was far from optimal and left IOM as the weaker half of what would be a difficult partnership. Some representatives regretted the absence of stronger wording on IOM's role to promote and protect the human rights of migrants, although they did not believe IOM would therefore be precluded from continuing to act in that field. Another considered that Article 2.5 did not sufficiently safeguard IOM's independence.

18. One delegate, referring to Article 5.2 of the draft agreement, proposed that the scope of the sentence beginning “The Director General may, at the invitation of the Security Council, attend its meetings ...” be expanded to cover other United Nations bodies and that it be clearly stipulated that the Director General's presence had to be duly mandated by IOM's governing bodies. Similar provisions were contained in the relationship agreements between the United Nations and other organizations, such as the Organisation for the Prohibition of Chemical Weapons (OPCW).

19. The Chairperson noted that the point had first been made at the Working Group meeting of 10 June 2016 and that it had been explained at that time that the Director General was in any event at all times bound by Article 6 of the IOM Constitution. The point had not been raised at the Working Group meetings of 17 and 24 June 2016. In order to resolve the concern raised, he proposed the addition of a new operative paragraph 4 to draft resolution C/Sp/1/L/10, to read as follows:

4. *Calls upon* the Director General, in his cooperation with the United Nations, to act in full conformity with the mandate as well as the provisions of the IOM Constitution, and the policies and decisions of the Council and the rules and regulations established by it;

20. Several representatives were satisfied that the provisions of the agreement, including Article 5, gave IOM and its Member States sufficient control over the Organization's participation in United Nations bodies, including in the Security Council, especially when considered in the light of Article 6(c) of the IOM Constitution. They were not in favour of re-opening the agreement for discussion. Other organizations, such as the OPCW, had specific arrangements because of their unique role in referring matters to and from the Security Council.

21. Many delegates expressed support for both draft resolutions and called on all Member States to endorse them. Two asked specifically that they be adopted as they stood, while others were willing to approve the amended version of C/Sp/1/L/10, if required.

22. Several delegates expressed support for draft resolution C/Sp/1/L/11 specifically and for the cost increases implicit in the closer relationship between the United Nations and IOM. IOM had to be adequately staffed to take up its new tasks. Some delegates applauded the gradual increase in staffing, which had been reduced to one extra staff member in New York and one in Geneva in the final text of the resolution, and encouraged the Administration to take advantage of the synergies and efficiencies afforded by its closer relationship with the United Nations to limit cost increases. One delegate called for a functional audit to be conducted and for fact-based evidence to be produced of the need for extra staff. Others supported the Administration's original request for two extra staff members each in New York and Geneva, noting that IOM's increased responsibilities within the United Nations system would demand a further investment of resources if the Organization were to have the capacity to take a leadership role on migration issues. Several delegates trusted that the resource need would be addressed as a priority in the course of the regular budget process during the second half of the year.

23. Several delegates pointed out that the Member States were now responsible for ensuring that the Agreement was approved by the United Nations General Assembly and swiftly implemented, enabling IOM to pursue its excellent work on behalf of migrants around the world in close cooperation with the United Nations system.

24. A number of delegates, noting that the agreement would be signed at the high-level plenary meeting on addressing large movements of refugees and migrants, on 19 September 2016 in New York, observed that this was perfectly in line with the meeting's purpose to tackle the long-standing issue of displacement on an unprecedented scale. The meeting was not, however, an end point but a beginning, presenting the international community with an opportunity to work together in support of safe, orderly and regular migration. Given its experience, expertise, responsiveness and integration into the United Nations system, IOM was well-placed to play a leadership role in the work that would flow from the meeting.

25. Summing up the discussion, the Chairperson noted that the Member States had overwhelmingly reiterated their support for the essential characteristics of IOM. While some of them still had reservations concerning some aspects of the draft agreement in its present form, all agreed that it represented a reasonable compromise and would serve as a sound basis for further developing relations between IOM and the United Nations. He therefore concluded that

there was no call to introduce any other amendments to the agreement, and that there were no objections to the introduction of the proposed new operative paragraph to draft resolution C/Sp/1/L/10, which said in essence the same thing as Article 6(c) of the IOM Constitution.

26. The Council adopted by acclamation Resolution No. 1317 of 1 July 2016, as amended, on the agreement concerning the relationship between the United Nations and the International Organization for Migration, and also Resolution No. 1318 of 1 July 2016 on the cost implications of a strengthened relationship between the United Nations and the International Organization for Migration.

Other business

27. The Chairperson reported on his visits to IOM operations in Niger and Mali from 30 March to 5 April 2016. In Niger, he had been personally received by the President of the country, who had thanked him for the invaluable support IOM had provided for the repatriation to Niger of migrants who were stranded in Libya and had fallen into the grips of organized criminal networks. He had visited Agadez, a well-known transit site for West African migrants on their way to North Africa and beyond, where he had witnessed the opening of a facility aimed at providing information, counselling and referral services to migrants returning from or going to North Africa and Europe. He had also visited two border posts along the Niger–Burkina Faso border, and ascertained first-hand how IOM was building the capacity of border officials.

28. In Mali, the Chairperson had met with the Deputy Special Representative of the Secretary-General, who had told him that IOM was to all intents and purposes already part of the United Nations family. Because of its flexibility and thanks to its local staff, IOM was the only organization able to carry out projects throughout the country.

Closure of the session

29. The Chairperson thanked all those who had contributed to the success of the First Special Session of the Council and declared the session closed at 4.05 p.m. on 30 June 2016.