

COUNCIL

Fourth Special Session

**ADJUSTED PROPOSAL BY THE DIRECTOR GENERAL FOR THE APPOINTMENT OF
TWO DEPUTY DIRECTORS GENERAL
AND CONSEQUENTIAL AMENDMENTS TO THE IOM CONSTITUTION**

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The Director General made a proposal for the appointment of two Deputy Directors General and consequential amendments to the IOM Constitution, which was initially communicated to all Member States on 24 May 2019. This initial proposal was subsequently discussed at informal regional consultations with Member States held in October and November 2019.

At the 110th Session of the Council, Member States adopted Resolution No. 1383 of 29 November 2019, by which they decided to establish a working group, under the chairmanship of the Chairperson of the Council, to formulate recommendations regarding the proposal of the Director General and to present them for consideration and decision at a special session of the Council. The working group was compelled to continue its work beyond the original time frame established in Resolution No. 1383 owing to the extraordinary circumstances stemming from the coronavirus disease 2019 (COVID-19) pandemic.

The working group held six meetings and, during its discussions, considered a consolidated proposal presented by the Director General, as contained in document WG/1383/2020/1 of 8 January 2020, as well as several compromise proposals, including a revised Chairperson's proposal circulated to Member States on 2 October 2020. The present document contains the adjusted proposal of the Director General which was updated at the request of the Chairperson based on his proposal circulated to Member States on 2 October and, as such, takes into account the discussions and recommendations of the working group, and fully reflects those elements contained within said Chairperson's proposal.

MAIN ELEMENTS

1. Increase in number of positions

The number of Deputy Directors General to increase from one to two.

2. Specific specialization of incumbents

A Deputy Director General for Operations and a Deputy Director General for Management and Reform are required, and specific terms of reference will be issued for each position (Annex I and Annex II).

3. Appointment rather than election

A selection and appointment process will be followed. Candidates will not be elected to the two Deputy Director General positions.

4. Objective selection process

- (a) The Director General will issue terms of reference for each position as set out in Annexes I and II, indicating the functions to be performed as well as the qualifications, experience and skills required.
- (b) Member States will be invited to nominate individual candidates.

- (c) For each position, a technical assessment of applicants against requirements will be carried out by a consultant firm on behalf of the ad hoc commission (Annex III). This consultant firm will be engaged by IOM in line with the Organization's procurement rules and procedures. The Director General shall provide the terms of reference of the chosen consultant firm to be validated by the IOM Bureau. IOM will bear the cost associated with the use of the consultant firm. The consultant firm will conduct a technical review of the fulfilment of the requirements by the candidates stipulated in the terms of reference for each position as set out in Annexes I and II, as well as the qualifications, experience and skills required. Additionally, the consultant firm will perform a due diligence assessment on each candidate's profile to ensure the highest level of integrity. This vetting of each candidate's good standing should include background research, checking academic qualifications, reference checks and conflict of interest assessments. The consultant firm will present all candidates to the ad hoc commission accompanied by an assessment against the terms of reference and the objective criteria mentioned above together with its assessment of each candidate, ensuring full transparency with the ad hoc commission. The consultant firm will have a set deadline to carry out this task based on the number of applications received and in consultation with IOM.
- (d) An ad hoc commission appointed by the Bureau on behalf of the Council, consisting of representatives of Member States ensuring adequate participation from all regions (Annex III), will interview at least five candidates for each position, based on the requirements in the terms of reference and the technical assessment carried out by the consultant firm without modifying the assessment, and prepare a shortlist of at least three and up to five candidates for each position for the Director General's consideration, taking into account gender balance and geographical diversity.
- (e) The Director General will conduct personal interviews with the shortlisted candidates to make a final decision. The Director General will guarantee that the selected candidate for each position meets the necessary technical, gender and geographical criteria.
- (f) The Director General will submit to the Council her or his preferred candidate(s) in order to inform Member States before making the appointment(s). The Council will take note of this submission.

5. Tenure

- (a) To safeguard the need for the Director General and the two Deputy Directors General to act as a team, the tenure of the Deputy Directors General will be linked to that of the Director General. Deputy Directors General shall be limited to two five-year terms in office in total.
- (b) If a Director General is elected for a second term, she or he can choose to retain one or both Deputy Directors General for such second term or can make new appointments, following the same process as outlined in section 4.
- (c) A new Director General could appoint two new Deputy Directors General following the procedure in section 4 or could retain one or both Deputy Directors General for a period of time. To ensure continuity while respecting the spirit of Article 13 of the IOM Constitution, a period of no more than six months would be appropriate to ensure continuity at the top management level. A new Director General could reappoint one or both Deputy Directors General according to the process outlined in section 4, provided that the overall tenure limit for Deputy Directors General is respected, in the spirit of Article 13 of the IOM Constitution.

- (d) In the event that a Director General is unable to perform his or her duties, the Bureau, in consultation with the Director General when possible, will decide which Deputy Director General will assume the role of acting Director General.

6. Costs

- (a) Other than a special adviser (P-5 grade) and an administrative assistant (G-7 grade), no additional structure is needed to support an additional Deputy Director General.
- (b) The estimated cost is CHF 759,000 per year.
- (c) This additional cost will be absorbed within the current budget, and there will be no increase in the assessed contributions of the Member States for this purpose.
- (d) The financial implications of this will be part of the overall discussion of IOM's core structure needs in the Working Group on Budget Reform.

**ADJUSTED PROPOSAL BY THE DIRECTOR GENERAL FOR THE APPOINTMENT OF
TWO DEPUTY DIRECTORS GENERAL
AND CONSEQUENTIAL AMENDMENTS TO THE IOM CONSTITUTION**

1. To respond to the challenges faced by the Organization, there is a need for a specialized focus on operational matters, as well as on management and reform. Two Deputy Directors General with the relevant expertise and experience who operate in close cooperation with, and have the full confidence of, the Director General are required, one for operations and one for management and reform. The Director General therefore proposes to add one Deputy Director General to the current structure with the aim to ensure that he can count on the necessary support and assistance to carry out the mandate of the Organization with the highest standards of efficiency, transparency and accountability.
2. For IOM to successfully deliver its mandate and meet the high expectations of all its stakeholders, it needs equally solid leadership and authority in operations and in management and reform. The two Deputy Director General positions have thus to be equal in the organizational hierarchy for effective management across all functional areas. Both should also report directly to the Director General to maximize a trusted and coordinated approach to all issues. For this reason, it is critical to create a second Deputy Director General position and for both Deputy Directors General to be appointed by the Director General at the same level and with the same authority and legitimacy within the Organization.
3. Annexes I and II contain the relevant terms of reference for the two Deputy Director General positions, a Deputy Director General for Operations and a Deputy Director General for Management and Reform.
4. Other alternative or “easier” options, such as establishing this dedicated expertise and experience as a third layer at the Assistant Director General level, below that of the elected Deputy Director General position, do not offer an appropriate solution to the needs and challenges the Organization faces today; neither do they offer a clear added value because they risk altering the crucial equilibrium in the leadership team required at this critical juncture. As the functions and responsibilities of these positions will be broad and cross-cutting, they need to be at the same level and with the same authority. Having a strong senior leadership team with a clear and common agenda and set of priorities under the authority of the Director General is essential to advance the reform process in IOM.
5. In order to ensure that these positions are filled by individuals with the necessary skills and experience, the candidates must be evaluated through an objective review process against the relevant terms of reference and other relevant criteria setting out the required specificities of the two positions.
6. Once the candidates who best meet the requirements are identified they should be appointed by the Director General, establishing the necessary trust and close relationship between them and creating a top leadership group that will be stronger as a team rather than as individuals.

Objective selection process

7. The following objective selection process will be undertaken:
- (a) The Director General will issue terms of reference for each position as set out in Annexes I and II, indicating the functions to be performed as well as the qualifications, experience and skills required.
 - (b) Member States will be invited to nominate individual candidates.
 - (c) For each position, a technical assessment of applicants against requirements will be carried out by a consultant firm on behalf of the ad hoc commission (Annex III). This consultant firm will be engaged by IOM in line with the Organization's procurement rules and procedures. The Director General shall provide the terms of reference of the chosen consultant firm to be validated by the IOM Bureau. IOM will bear the cost associated with the use of the consultant firm. The consultant firm will conduct a technical review of the fulfilment of the requirements by the candidates stipulated in the terms of reference for each position as set out in Annexes I and II, as well as the qualifications, experience and skills required. Additionally, the consultant firm will perform a due diligence assessment on each candidate's profile to ensure the highest level of integrity. This vetting of each candidate's good standing should include background research, checking academic qualifications, reference checks and conflict of interest assessments. The consultant firm will present all candidates to the ad hoc commission accompanied by an assessment against the terms of reference and the objective criteria mentioned above together with its assessment of each candidate, ensuring full transparency with the ad hoc commission. The consultant firm will have a set deadline to carry out this task based on the number of applications received and in consultation with IOM.
 - (d) An ad hoc commission appointed by the Bureau on behalf of the Council, consisting of representatives of Member States ensuring adequate participation from all regions (Annex III), will interview at least five candidates for each position, based on the requirements in the terms of reference and the technical assessment carried out by the consultant firm without modifying the assessment, and prepare a shortlist of at least three and up to five candidates for each position for the Director General's consideration, taking into account gender balance and geographical diversity.
 - (e) The Director General will conduct personal interviews with the shortlisted candidates to make a final decision. The Director General will guarantee that the selected candidate for each position meets the necessary technical, gender and geographical criteria.
 - (f) The Director General will submit to the Council her or his preferred candidate(s) in order to inform Member States before making the appointment(s). The Council will take note of this submission.

Tenure

8. With regard to the tenure of the two Deputy Directors General, the following parameters will apply:
- (a) To safeguard the need for the Director General and the two Deputy Directors General to act as a team, the tenure of the Deputy Directors General will be linked to that of the Director General. Deputy Directors General shall be limited to two five-year terms in office in total.

- (b) If a Director General is elected for a second term, she or he can choose to retain one or both Deputy Directors General for such second term or can make new appointments, following the same process as outlined in paragraph 7.
- (c) A new Director General could appoint two new Deputy Directors General following the procedure in paragraph 7 or could retain one or both Deputy Directors General for a period of time. To ensure continuity while respecting the spirit of Article 13 of the IOM Constitution, a period of no more than six months would be appropriate to ensure continuity at the top management level. A new Director General could reappoint one or both Deputy Directors General according to the process outlined in paragraph 7, provided that the overall tenure limit for Deputy Directors General is respected, in the spirit of Article 13 of the IOM Constitution.
- (d) In the event that a Director General is unable to perform his or her duties, the Bureau, in consultation with the Director General when possible, will decide which Deputy Director General will assume the role of acting Director General.

Costs

9. Strengthening the senior leadership team is part of the broader and more comprehensive effort IOM has already started to ensure a modern and fit-for-purpose internal governance system centred in efficiency, effectiveness, accountability and transparency.

10. As part of this effort, a dialogue between the Administration and the Member States is starting, including in the frame of the Working Group on Budget Reform to discuss IOM's core structure needs and agree on potential measures to address them.

11. With regard to the present proposal, other than an office consisting of a special adviser (P-5 grade) and an administrative assistant (G-7 grade), no additional structure is needed to support an additional Deputy Director General position within IOM.

12. The estimated annual costs for the addition of one Deputy Director General to the Organization are as follows:

	Costs in CHF
Deputy Director General	344 000
One Professional category position (P-5)	250 000
One General Service position (G-7)	165 000
Total	759 000

13. The Organization will absorb the costs relating to an additional Deputy Director General within its current budget, and therefore there will be no increase in the assessed contributions of the Member States for this purpose.

Amendments to the IOM Constitution

14. With regard to the system currently in place at IOM, Article 13, paragraph 1, of the IOM Constitution provides for the election of the Director General and of one Deputy Director General. To achieve the above proposed outcomes, it would be necessary for the Council to amend the Constitution to provide for two Deputy Directors General and to delete the provision for the election of a Deputy Director General. The required amendments to the IOM Constitution are contained in Annex IV.

15. Article 25, paragraph 2, of the IOM Constitution provides that amendments that involve *fundamental* changes in the Constitution or new obligations for Member States shall come into force when adopted by two thirds of the Members of the Council and accepted by two thirds of the Member States in accordance with their respective constitutional processes. Other amendments, namely those not decided to involve a fundamental change and those that do not involve new obligations for Member States, shall come into force when adopted by a two-thirds majority vote of the Council. In accordance with the same provision of the Constitution, the question of whether an amendment involves a fundamental change in the Constitution is to be decided by the Council by a two-thirds majority vote.

16. As elaborated in the legal opinion distributed previously,¹ the Director General is of the view that the proposed amendments do not involve either fundamental changes in the Constitution or new obligations for Member States and can thus be adopted by a two-thirds majority vote of the Council.

Changes to basic texts

17. In addition to the necessary changes to the IOM Constitution, a structure with two Deputy Directors General would need to be reflected in two of the Organization's basic texts, namely the Rules of Procedure of the Council and the Rules of Procedure for the Standing Committee on Programmes and Finance. The changes to these texts are shown in Annexes V and VI.

¹ The legal opinion by the IOM Legal Counsel, dated 24 September 2019, was sent to Member States in advance of the informal consultation held on 2 October 2019.

Annex I

Terms of reference

Deputy Director General for Operations

The Deputy Director General for Operations reports directly to the Director General and is part of IOM's senior management team, driving executive leadership, management and strategy development. She/he assists and advises the Director General in the development and promotion of IOM's vision and strategic orientations. Following the terms of the delegation of powers by the Director General, the Deputy Director General for Operations exercises oversight responsibility for IOM's global programmes and operations, and for the implementation of effective programme delivery throughout the Organization. In particular, she/he will:

- Advise and assist the Director General, as a member of IOM's senior management team, in the formulation and interpretation of policy and strategies to ensure IOM programmes and operations are implemented consistently and effectively, and in a results-based framework;
- Ensure that operational effectiveness and technically sound approaches receive the necessary priority in the overall policy formulation, strategic planning and resource allocation of the Organization, and are integrated into all aspects of the management and delivery of operations and activities;
- Oversee implementation of the IOM Strategic Vision and related policy frameworks at field level, ensuring IOM activities are conceived and implemented in a coherent manner;
- Maintain regular dialogue with Headquarters-based Directors and Regional Directors to provide guidance and advice on IOM thematic areas and accompanying frameworks, and ensure regional offices and field operations obtain timely and sound technical support and advice, as required;
- Oversee, in consultation with the regional offices and Headquarters thematic areas, selective reviews of IOM field operations, with particular focus on situations spanning several countries/regions;
- Direct the development of a clear management and accountability framework for the performance of IOM operations in the field;
- Pursue effective partnerships in support of the effective delivery of IOM operations and programmes, including within the United Nations system, with other international organizations, international financial institutions and non-governmental entities;
- Provide functional guidance to all Regional Directors as pertains to external relations and resource mobilization;
- As delegated by the Director General, represent the Director General vis-à-vis external parties, including governments, the United Nations system (including the High-level Committee on Programmes), international and intergovernmental organizations, non-governmental organizations and other actors, and attend relevant multilateral and bilateral forums;
- Take part in relevant IOM governing body meetings, as directed by the Director General.

Annex II

Terms of reference

Deputy Director General for Management and Reform

The Deputy Director General for Management and Reform reports directly to the Director General and is part of IOM's senior management team, driving executive leadership, management and strategy development. She/he assists and advises the Director General in the development and promotion of IOM's vision and strategic orientations. Following the terms of the delegation of powers by the Director General, the Deputy Director General for Management and Reform exercises oversight responsibility for IOM's approach to resources management and related institutional reform processes, including the application of its Internal Governance Framework. In particular, she/he will:

- Advise and assist the Director General, as a member of IOM's senior management team, in the formulation and interpretation of policy and strategies related to resource management functions, including the oversight of budget, accounting and treasury functions; human resources management; information and communications technology; results-based and risk management; monitoring and evaluation; supply chain and procurement processes; transparency and accountability;
- Chair and oversee the IOM Internal Governance Framework, and related senior-level interdepartmental task forces and working groups established with a view to implementing elements of the Internal Governance Framework;
- Maintain regular dialogue with Headquarters-based Directors, Regional Directors and Directors of the Manila and Panama Administrative Centres in relation to business transformation and institutional reform processes, and ensure regional offices and field operations obtain timely and sound support and advice, as required;
- Maintain a general overview of the Organization's funding situation, including resource mobilization efforts and budget consumption, with a view to ensuring that IOM programmes and activities are adequately financed and that related activities are implemented in a timely and effective manner, with a view to enhancing IOM's transparency and accountability;
- Undertake regular reviews of IOM's resource management systems and processes, and propose institutional changes and reform processes in order to ensure the Organization remains effective and efficient;
- Assist the Director General in institutional efforts towards budget reform;
- Provide functional guidance to all Regional Directors as pertains to external relations and resource mobilization;
- As delegated by the Director General, represent the Director General vis-à-vis external parties, including governments, the United Nations system (including the High-level Committee on Management), international and intergovernmental organizations, non-governmental organizations and other actors, and attend relevant multilateral and bilateral forums;
- Take part in relevant IOM governing body meetings, as directed by the Director General.

Annex III

Ad hoc commission: general aspects

1. The ad hoc commission will be appointed by the Bureau on behalf of the Council with the sole purpose to interview the eligible candidates that meet the requirements to fulfil the vacancies for two Deputy Directors General, assessed previously by a consultant firm; and to prepare a shortlist of at least three and up to five candidates for each position to be submitted for the Director General's consideration.

Composition

2. The ad hoc commission will be composed of representatives of IOM Member States from all regions, one principal and one to two alternate(s), according to the regional groups of the United Nations General Assembly, i.e. the African Group, the Asia-Pacific Group, the Eastern European Group, the Latin American and Caribbean Group, and Western European and Others Group. This composition will allow for an adequate number of representatives and ensures that all countries and regions are duly represented. Such arrangement shall not be considered as a precedent for the composition of regional groups within IOM.

3. The members of the ad hoc commission will serve in their personal capacity. The alternate member(s) will substitute the principal member in the event of his or her unavailability or conflict of interest.

4. Members of the ad hoc commission should recuse themselves from participating in the process in circumstances where the member knows personally a candidate, or if the candidate under consideration has the same nationality as such member. In that case, the alternate representative of such region will participate during the process.

5. The Bureau, in coordination with the IOM Secretariat, will invite the above-mentioned regional groups (either via their pre-existing coordinators or where appropriate via the relevant Bureau member) to appoint the members for the ad hoc commission, at least one month before the publication of the call for candidates to fill the positions of the two Deputy Directors General.

6. Current members of the IOM Bureau may assist Member States to coordinate the nomination of the regional representatives for the ad hoc commission.

Mandate and working methods

7. The ad hoc commission will be appointed by the Bureau on behalf of the Council to interview a list of eligible candidates – nominated by Member States and previously assessed by a consultant firm – who possess the highest qualifications for the positions of the Deputy Director General for Operations and the Deputy Director General for Management and Reform.

8. The ad hoc commission will determine its working methods, such as identify its Chairperson. It will have one month to complete its task. The members of the ad hoc commission can solicit technical input from IOM. The ad hoc commission will work towards consensus. To ensure transparency, a list of all candidates assessed by the ad hoc commission will be shared with all IOM Member States. To further ensure transparency, the list of candidates shortlisted by the ad hoc commission will be shared with all IOM Member States.

9. All candidates for the same vacancy will be asked the same questions. Additionally, each member of the ad hoc commission will assess the relevant supporting documentation.
10. The ad hoc commission will consider, in a transparent and objective manner, all the candidates for each vacancy under the following criteria: (a) educational qualifications; (b) relevant experience in the field of the mandates; (c) independence and objectivity; (d) motivation and vision; and (e) personal integrity. Due consideration should be given to gender balance and equitable geographical representation.
11. Each member of the ad hoc commission will rank the candidates by assigning points to each of them, based on the said criteria. For example, five points to the first choice, four to the second choice, and so on.
12. The total points individually assigned by all members to each candidate will serve as a basis for the ranking. The ad hoc commission will present a shortlist of at least three and up to five candidates for each position for the Director General's consideration.
13. The Director General will submit to the Council her or his preferred candidate(s) in order to inform Member States before making the appointment(s). The Council will take note of the submission.
14. The mandate of the ad hoc commission will conclude once the Director General has decided on and appointed the selected candidate(s).

Annex IV

Text of amendments to the IOM Constitution

Article 12

The Administration shall comprise a Director General, ~~a~~ **two** Deputy ~~Directors~~ General and such staff as the Council may determine.

Article 13

1. The Director General ~~and the Deputy Director General~~ shall be elected by a two-thirds majority vote of the Council and may be re-elected for one additional term. ~~Their~~ **The** term of office ~~of the Director General~~ shall normally be five years but may, in exceptional cases, be less if a two-thirds majority of the Council so decides. ~~They~~ **The Director General** shall serve under ~~a~~ **contracts** approved by the Council, which shall be signed on behalf of the Organization by the Chairman of the Council.

2. ...

Article 15

1. In the performance of their duties, the Director General, the Deputy **Directors** General and the staff shall neither seek nor receive instructions from any State or from any authority external to the Organization. They shall refrain from any action which might reflect adversely on their position as international officials.

2. Each Member State undertakes to respect the exclusively international character of the responsibilities of the Director General, the Deputy **Directors** General and the staff and not to seek to influence them in the discharge of their responsibilities.

3. ...

Article 16

The Director General shall be present, or be represented by ~~the~~ **a** Deputy Director General or another designated official, at all sessions of the Council and any subsidiary bodies. The Director General or the designated representative may participate in the discussions but shall have no vote.

Article 23

1. ...

2. Representatives of Member States, the Director General, the Deputy **Directors** General and the staff of the Administration shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. ...

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Annex V

Amendments to the Rules of Procedure of the Council

Rule 18

The Director General shall be present, or be represented by ~~the~~ ***a*** Deputy Director General or another official designated by him, at all sessions of the Council and any subcommittees. He or his representative may participate in the discussions but shall have no vote.

Rule 38

...

6. (g) elect the Director General ~~and Deputy Director General~~;

...

Rule 46

...

4. The provisions of paragraphs 2 and 3 shall not apply to the election of the Director General ~~and Deputy Director General~~.

[Key: ~~**Bold strikethrough**~~ – delete existing text; ***Bold italic*** – insert new text]

Annex VI

**Amendments to the Rules of Procedure for the
Standing Committee on Programmes and Finance**

Rule 12

1. The Director General shall be present, or be represented by ~~the a~~ Deputy Director General or another designated official, at all sessions of the Standing Committee. The Director General or the representative of the Director General may participate in the discussions but shall have no vote.
2. ...

[Key: ~~**Bold strikethrough**~~ – delete existing text; ***Bold italic*** – insert new text]