

NOTE CONCERNING DOCUMENT MC/2137

At its Eighty- eighth Session the Council, by Resolution No. 1108 (LXXXVIII), approved the Report on its Eighty-seventh (Special) Session without amendment.

To save the cost of reprinting the whole report, it is requested that the attached cover page be added to the original document MC/2137 dated 12 July 2004.

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EIGHTY-EIGHTH (SPECIAL) SESSION

**REPORT ON THE
EIGHTY-SEVENTH (SPECIAL) SESSION OF THE COUNCIL**

Geneva

4 June 2004

Rapporteur: Mr. J. Chika Ejinaka (Nigeria)

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**DRAFT REPORT ON THE
EIGHTY-SEVENTH (SPECIAL) SESSION OF THE COUNCIL**

INTRODUCTION

1. The Council convened for its Eighty-seventh (Special) Session on Friday, 4 June 2004, at 10.25 a.m. in the Palais des Nations. One meeting was held, chaired by H.E. Mr. J. Karklins (Latvia).

ATTENDANCE¹

2. The following Member States were represented:

Afghanistan ²	Congo	Kyrgyzstan	Rwanda
Albania	Denmark	Latvia	Senegal
Algeria	Dominican	Liberia	Serbia and
Angola	Republic	Libyan Arab	Montenegro
Argentina	Ecuador	Jamahiriya ²	Sierra Leone
Armenia	Egypt	Lithuania	Slovakia
Australia	El Salvador	Luxembourg	Slovenia
Austria	Finland	Madagascar	South Africa
Azerbaijan	France	Mali	Sri Lanka
Bangladesh	Gambia	Malta	Sudan
Belgium	Georgia	Mauritania	Sweden
Belize	Germany	Mexico	Switzerland
Benin	Greece	Morocco	Thailand
Bolivia	Guatemala	Netherlands	Tunisia
Bulgaria	Guinea	New Zealand	Uganda
Burkina Faso	Guinea-Bissau	Nicaragua	Ukraine
Canada	Haiti	Niger ²	United Kingdom
Cape Verde	Honduras	Nigeria	of Great Britain
Chile	Hungary	Norway	and Northern
Colombia	Iran (Islamic	Pakistan	Ireland
Congo	Republic of)	Paraguay	United Republic
Costa Rica	Ireland	Peru	of Tanzania
Côte d'Ivoire	Israel	Philippines	United States
Croatia	Italy	Poland	of America
Cyprus	Japan	Portugal	Uruguay
Czech Republic	Jordan	Republic of	Venezuela
Democratic	Kazakhstan	Moldova	Yemen
Republic of the	Kenya	Romania	Zambia

¹ See List of Participants (MC/2136).

² See paragraph 9.

Zimbabwe

3. Belarus, Bhutan, Bosnia and Herzegovina, Brazil, Burundi, China, Cuba, Estonia, Ethiopia, Ghana, Indonesia, Holy See, Nepal, Russian Federation, Spain, The former Yugoslav Republic of Macedonia and Turkey were represented by observers.

4. The Office for the Coordination of Humanitarian Affairs, United Nations Development Programme, United Nations Population Fund, International Bank for Reconstruction and Development, African Union, *Organisation internationale de la Francophonie*, Southeast European Cooperative Initiative (SECI) – Regional Center for Combating Transborder Crime, League of Arab States and the Organization of the Islamic Conference were represented by observers.

5. The International Committee of the Red Cross, the Sovereign Military and Hospitaller Order of Malta and the following international non-governmental organizations were represented by observers: World Confederation of Labour, International Islamic Relief Organization and the Paulino Torras Domènech Foundation.

CREDENTIALS OF REPRESENTATIVES AND OBSERVERS

6. 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, and that he had been advised of the names of the observers for the non-member States and the governmental and non-governmental organizations listed in paragraphs 3 to 5.

ADOPTION OF THE AGENDA

7. The Council adopted the agenda set out in document MC/2128/Rev.1.

ELECTION OF A FIRST VICE-CHAIRMAN

8. Ambassador de Alba (Mexico) was elected First Vice-Chairman on the proposal of the delegate of Nicaragua, speaking on behalf of the Latin American and Caribbean Group, and seconded by the delegate of Algeria, speaking on behalf of the African Group.

APPLICATIONS FOR MEMBERSHIP IN THE ORGANIZATION

Applications by the Socialist People's Libyan Arab Jamahiriya, the Republic of the Niger and Afghanistan for membership in the Organization

9. The Council adopted Resolutions Nos. 1098, 1099 and 1100 (LXXXVII) admitting the Libyan Arab Jamahiriya, the Niger and Afghanistan as Members of IOM.

10. The representative of the Libyan Arab Jamahiriya thanked the Council for admitting his country at a time when migrants were facing greater restrictions, when tighter legal constraints were being imposed on migration and when racism and xenophobia were spreading in many of the countries where migrants tended to settle. The closing of borders had led to an upsurge in clandestine migration, which often placed the lives of would-be migrants in jeopardy.

11. Because of its strategic situation, size and prosperity, his country was not only the destination of millions of migrants, but also the transit point from sub-Saharan Africa to Southern Europe. His Government held that police action, penal procedures and coercive measures aimed at halting migration were a waste of money and resources; the solution lay in furthering agriculture, infrastructure, small businesses and education in African countries and transferring modern technology to them, so that their inhabitants could improve their economic status and fully exploit local resources.

12. The Libyan Arab Jamahiriya looked forward to cooperating with IOM with a view to collecting information, undertaking research into migration trends and their causes and devising migration policies and programmes that would promote and protect human rights and fundamental freedoms in keeping with international law. It also welcomed the possibility of assisting in the formulation of development plans to combat poverty, marginalization and economic underdevelopment in migrants' countries of origin. IOM support would be helpful in the legal domain with a view to drafting agreements on migration.

13. While his country utterly rejected trafficking in human beings and called for penalties that would act as a deterrent against such practices, it believed in the necessity of protecting legal migration, integrating legal migrants in recipient countries' societies, guaranteeing migrants' complete equality with the host country's citizens with regard to work, adequate housing, education and social security and safeguarding migrants' economic, social, cultural, civil and political rights. His Government was committed to full cooperation with the Organization and with all of its Members.

14. The representative of the Niger expressed his Government's deep gratitude for being allowed to join IOM and its determination to strengthen the Organization's universality and uphold its ideals. The Niger was already a member of several regional and subregional organizations that dealt with the free movement of persons and goods, including the Community of Sahel-Saharan States (CEN-SAD). During his term of office as Chairman of the Conference of Heads of State of CEN-SAD, President Tandja had explored practical solutions to migration problems in the CEN-SAD region and his endeavours had been rewarded by the announcement at the Community's Sixth Summit in Bamako of the forthcoming establishment of an Institute of Migration Studies and Analyses.

15. His country's geographical situation, which made it a place where many different peoples intermingled and a transit point between black Africa and the Maghreb, meant that it faced the multiple challenges of complying with regional agreements on the free movement of persons, ensuring the safety of migrants and monitoring their transit through the country, while at the same time preventing terrorists from taking advantage of permeable borders. IOM and all other bodies concerned with migration issues must therefore work out policies which addressed governments' security worries, guaranteed access to a skilled workforce, protected migrants and turned to good account the enormous benefits that carefully managed migration could offer in

terms of development. His Government hoped that expert advice from IOM would help it to reconcile the demands placed on it as a country of reception and transit with security requirements and the need to control migratory flows.

16. Since all States involved in migration processes had to play complementary roles – some countries had to display a firm political will, while others should be prepared to supply the resources for implementing migration control strategies – his Government particularly welcomed the Migration for Development in Africa programme and was itself on the point of launching a migration for development project. Furthermore, it was committed to the Organization's guiding principles and therefore accepted the financial obligations stemming from membership.

17. The representative of Afghanistan announced that his country wished to play an active part in meeting the challenges of migration in order to promote development, especially in the developing countries. He entirely agreed with the Director General that migration was an essential, inevitable and potentially beneficial component of the economic and social life of every State and every region.

18. The post-conflict reconstruction of Afghanistan's economy was being spurred on by the growing number of returnees in all sectors of the economy. As the return of skilled professionals was crucial to the process of rebuilding infrastructure and the administration and as capacity-building projects were also needed to enhance the national ownership and effective implementation of programmes, his Government appreciated IOM participation in projects and programmes to build and refurbish clinics and schools. He trusted that technical cooperation and capacity-building would bear fruit in the near future.

19. The Director General warmly welcomed the new Members to the Organization. He was convinced that the membership of the Libyan Arab Jamahiriya would add strength and vitality to the regional dialogue on migration in the Western Mediterranean and to cooperation with African countries, particularly as the country was actively engaged in addressing its migration dynamics in a comprehensive manner. In the immediate future, IOM would be organizing a training session for 50 Libyan officials on various migration and border management issues and a technical seminar on irregular migration that would bring together about 30 officials from the interior ministries of nine Western Mediterranean countries within the framework of the 4 plus 5 consultations among interior ministers.

20. Migration issues particularly affected the Niger, because population movements frequently occurred throughout the Sahel region, partly on account of the traditional nomadic way of life there, but unfortunately also as a result of famine, crises and natural disasters. At the Summit of Heads of State of CEN-SAD, President Tandja had encouraged the Community's 22 Member States to pay closer attention to migration by taking charge of borders and training national migration officials, so that peace and stability could prevail in the region. The establishment of the Institute of Migration Studies and Analyses was therefore a good idea and, by way of support, IOM would be happy to pass on the technical experience it had acquired in Africa and in other parts of the world.

21. The accession of Afghanistan reflected the fast-growing relationship between IOM and that State, where IOM was playing a very important role in areas such as humanitarian assistance, post-conflict rehabilitation, reconstruction in the interests of speedy normalization and long-

range programmes to manage the migration flows that would inevitably be part of the country's future, given its geography, economy and society. The Return of Qualified Afghans programme was a success in Afghanistan. Work would continue on the project, because it could contribute substantially towards rebuilding the country and ensuring that its Government speedily acquired the capacity to guide the country's future. Afghanistan's successful application for membership of IOM was a step towards the full reintegration of the country in the multilateral community, which was good for everyone.

22. The delegate of Algeria, speaking on behalf of the African Group, congratulated the three new Members on their accession. He was very happy to welcome Afghanistan as it emerged from its recent trials and tribulations and he hoped that it was on the road to success and prosperity. Africa's standing within IOM had been strengthened by the arrival of the Niger and the Libyan Arab Jamahiriya, which were likewise members of the African Union. Their inclusion in IOM would be conducive to a better balance in the north-south dialogue.

23. Thanks to the action of the Director General and Deputy Director General, the Organization was gradually taking in all the countries of the world. The Organization's efforts to be present wherever it was needed were commendable, because migration had always been part of human history and could be a wellspring of progress if it was well managed. Indeed in the recent past, the developed countries had benefited greatly from migrant labour and migrants had become bridges between peoples and cultures, yet negative stereotypes and suspicion still existed in some places.

24. IOM was an ideal forum for seeking consensus on migration problems caused by regional disparities in trade and development that were being exacerbated by globalization. The African Group therefore urged the Organization to strengthen its migration for development activities and to devote special attention to programmes aimed at improving the image of migrant workers.

25. The delegate of Nicaragua likewise welcomed the new Members on behalf of the Latin American and Caribbean Group. Many other delegates who took the floor endorsed those good wishes. It was suggested that IOM should step up its activities in Afghanistan and that its membership should be widened still further, especially in Asia, because that region had a huge diaspora of migrants who were scattered all over the world.

ELECTION OF A DEPUTY DIRECTOR GENERAL

26. The Chairperson informed the Council that Mrs. Ndioro Ndiaye (Senegal) had been proposed for a second term of office as Deputy Director General and was the sole candidate, because the candidature of Ms Ana Catalina Soberanis Reyes (Guatemala) had been withdrawn.

27. He reminded the Council that Article 18 of the Constitution specified that the Deputy Director General should be elected by a two-thirds majority vote of the Council, normally for a five-year term of office. He outlined the contents of Article 29, paragraph 2 of the Constitution, which laid down that majorities provided for in the Constitution, or rules made by the Council or the Executive Committee, should refer to members present and voting and explained that under Rule 38, paragraph 4 of the Rules of Procedure for the Council the phrase "members present and voting" meant members casting an affirmative or negative vote. Members which abstained from

voting were considered not to have voted. Rule 45 of the Rules of Procedure for the Council stipulated that a secret ballot should be taken on decisions relating to individuals. However, Rule 45 could be suspended by the Council, provided that that was consistent with the Constitution. He had been informed that an election by consensus or acclamation was consistent with the Constitution and had been applied in the past in the majority of similar elections held since the creation of the Organization. He understood that there was a consensus in favour of an election by acclamation. He therefore proposed that the Council proceed accordingly.

28. Mrs. Ndioro Ndiaye was re-elected Deputy Director General by acclamation.

29. The Council adopted Resolution No. 1101 (LXXXVII) concerning the Election of a Deputy Director General, completed with the name of Mrs. Ndioro Ndiaye in the second preambular paragraph and in the operative paragraph.

30. On behalf of the Council, the Chairperson congratulated Mrs. Ndiaye on her re-election for a second term of office.

31. He then invited the Council to approve the contract to be concluded with the Deputy Director General, in accordance with Article 18 of the Constitution.

32. The Council adopted Resolution No. 1102 (LXXXVII) concerning the contract of the Deputy Director General.

33. The Deputy Director General expressed her sincere thanks to all Members of the Council for electing her to a second term of office as Deputy Director General of IOM. She was proud to be part of the excellent IOM team. Over the past five years, she had done all that she could, as a woman from black Africa, to honour the trust that had been placed in her and in her continent. Her first term of office had been a period of learning, when she had been greatly assisted by the support of IOM staff but, at the same time, she had tried to build on the enormous amount of knowledge and expertise that already existed within the Organization by adding a new perspective. She had done so with the blessing of the Director General and together they had managed to win acceptance for a new perception of migration. She was sure that, in the years to come, that new approach would become firmly established.

34. She would strive to link migration with development and to demonstrate that migration could be a boon for developing and developed countries. In that connection, she paid tribute to “new” Europe’s special effort to maintain a dialogue and adjust to inevitable population movements. She also paid tribute to Latin America and thanked the Latin American and Caribbean Group for withdrawing its candidate, thus permitting her re-election by consensus. Much could be learned from Latin America, which was making a very significant contribution to the Organization’s work. In the coming years she would therefore endeavour to strengthen cooperation with that region.

35. She welcomed the accession of Afghanistan because, although only a few Asian countries were Members of the Organization, that part of the world had a wealth of experience in all sectors of international migration. That was why the Director General had made that region one of his priorities in his own second term of office. She was likewise prepared to do all that she could to move forward with the Asian countries. Having also welcomed the Libyan Arab

Jamahiriya and the Niger as new Members, she drew attention to the fact that Africa was a continent where all the problems that could arise from voluntary or involuntary migration were encountered. If Europe, Asia, Latin America and the Caribbean wished to hold a proper dialogue with Africa, a certain amount of training and information would have to be provided for their African interlocutors. Lastly, she promised to redouble her efforts to lend momentum to the Organization's work.

36. The Chairperson thanked the Deputy Director General for accepting a second term of office and pledged the Council's full support and cooperation.

37. All delegates who subsequently took the floor congratulated the Deputy Director General on her re-election and commended her personal and professional qualities. Several speakers drew attention to her advocacy of women's rights and her concern to safeguard human dignity of migrants, while others particularly welcomed her dynamism and the new vision and efficiency she had introduced to IOM. Her endeavours to bring people closer together, which were predicated on the principles of solidarity and sharing and her commitment to projects linking migration and development were greatly appreciated. Her re-election would therefore enable IOM to consolidate its recent achievements, diversify its activities and meet the challenges that lay ahead through innovative, coherent programmes.

38. It was noted that IOM had reached a crucial juncture; the growth in membership was, however, a sign of vitality and IOM assistance to migrants and governments in the form of services tailored to meet new requirements was proof that the Organization was indeed the appropriate forum for dealing with all aspects of the increasingly complex issue of migration.

39. The Organization was urged to adopt a proactive stance, to strengthen and retain its offices in Central and Latin America and to engage in closer cooperation with the South American Forum on Migration and with MERCOSUR, because south-south cooperation might prove vital to the implementation of new initiatives by IOM. The Organization should also devote more attention to Africa where some countries had to contend with a brain drain and a critical health situation and it should strive to improve synergy between Missions with Regional Functions and permanent missions in Geneva.

40. The sensitive question of Islamophobia was raised by one delegate who said that steps should be taken to check the phenomenon before it could spiral out of control, since it could have serious implications for both host and sending States.

41. A number of delegates thanked IOM for its assistance to migrants in and from their countries and stressed that continued help was still essential. The Organization was encouraged to maintain its focus on migration and development, managed migration and forced migration. It should likewise pursue its efforts to eliminate the disparity in standards protecting migrants and to improve the compilation, updating and application of international migration law.

42. The delegate of Côte d'Ivoire announced that, although the ongoing crisis had depleted his country's financial resources, his Government was on the point of submitting a plan providing for the payment of its arrears over a period of several years. Similarly, the First Lady of Liberia stated that, in the very near future, her country would be sorting out its financial obligations to

the Organization. She also thanked the Deputy Director General for her good offices in securing a substantial contribution from the United States of America towards support for the reintegration of internally displaced persons.

43. Numerous delegations commended the Director General for his brilliant leadership, energy and perspicacity.

44. The Director General acknowledged that IOM was facing enormous pressure because its workload was constantly growing. Nevertheless he was sure that he and the Deputy Director General formed a winning team. He was therefore grateful for the support that all delegations had given them.

45. The Deputy Director General thanked Côte d'Ivoire and Liberia for their payment pledges and hoped that, in the future, all Member States would pay their assessed contributions on time. Lastly she voiced her gratitude to the Director General and other members of the senior management for the excellent team spirit that prevailed within the Administration.

ANY OTHER BUSINESS

46. There was no other business.

CLOSURE OF THE SESSION

47. The Chairperson congratulated the Deputy Director General on her re-election and thanked all those who had contributed to the success of the Eighty-seventh (Special) Session of the Council.

48. The Eighty-seventh (Special) Session of the Council of the International Organization for Migration closed on Friday, 4 June 2004, at 1.10 p.m.