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NINETY-THIRD (SPECIAL) SESSION

**DRAFT REPORT ON THE
NINETY-THIRD (SPECIAL) SESSION OF THE COUNCIL**

Geneva

7 June 2007

Rapporteur: Ms. M. Sato (Japan)

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**DRAFT REPORT ON THE
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OPENING OF THE SESSION

1. The Council convened for its Ninety-third (Special) Session on Thursday, 7 June 2007, at 3.30 p.m. in the Palais des Nations. One meeting was held, chaired by H.E. Ms. N. Al-Hajjaji (Libyan Arab Jamahiriya).

ATTENDANCE¹

2. The following Member States were represented:

Afghanistan	Democratic	Latvia	Slovenia
Albania	Republic of the	Libyan Arab	South Africa
Algeria	Congo	Jamahiriya	Spain
Argentina	Dominican	Lithuania	Sri Lanka
Armenia	Republic	Madagascar	Switzerland
Australia	Denmark	Mali	Thailand
Austria	Ecuador	Malta	Tunisia
Azerbaijan	Egypt	Mexico	Turkey
Belarus	Estonia	Morocco	Ukraine
Belgium	Finland	Moldova	United Kingdom
Benin	France	Nepal	of Great Britain
Bolivia	Georgia	Netherlands	and Northern
Bosnia and	Germany	New Zealand	Ireland
Herzegovina	Ghana	Nigeria	United Republic
Bulgaria	Guinea	Pakistan	of Tanzania
Cambodia	Haiti	Panama	United States
Canada	Hungary	Paraguay	of America
Chile	Iran (Islamic	Peru	Uruguay
Colombia	Republic of)	Philippines	Venezuela
Congo	Ireland	Poland	(Bolivarian
Costa Rica	Israel	Portugal	Republic of)
Croatia	Italy	Republic of Korea	Yemen
Cyprus	Jamaica	Romania	Zimbabwe
Czech Republic	Japan	Rwanda	
	Jordan	Serbia	
	Kazakhstan	Slovakia	

¹ See List of Participants (MC/2219).

3. Bahrain,² China, Cuba, Ethiopia and the Holy See were represented by observers.
4. The United Nations Conference on Trade and Development, United Nations Population Fund, African Union, Council of the European Union, European Commission, League of Arab States, *Organisation internationale de la Francophonie*, Organization of the Islamic Conference and Ibero-American General Secretariat² were represented by observers.
5. The International Committee of the Red Cross and the Sovereign Military Order of Malta, as well as the following international non-governmental organizations, were represented by observers: Africa Humanitarian Action,² Amnesty International, Human Rights Watch, International Islamic Relief Organization, International Trade Union Confederation² and Islamic Relief.

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/2212/Rev.2.

APPLICATIONS FOR REPRESENTATION BY AN OBSERVER

- (a) Kingdom of Bahrain
 - (b) Ibero-American General Secretariat (SEGIB)
 - (c) Africa Humanitarian Action (AHA)
 - (d) International Trade Union Confederation (ITUC)
8. The Kingdom of Bahrain, the Ibero-American General Secretariat (SEGIB), Africa Humanitarian Action (AHA) and the International Trade Union Confederation (ITUC) were granted observer status at meetings of the Council, in accordance with the terms of Resolutions Nos. 1146, 1147, 1148 and 1149 (XCIII).
 9. The representative of the Kingdom of Bahrain expressed his country's appreciation to the Council for having approved its application for observership, which marked the beginning of a new era of partnership and international cooperation with IOM. Bahrain was committed to IOM's Constitution and would be an active participant in its activities and services.

² See paragraph 8.

10. Over the years Bahrain had opened its labour markets to hundreds of thousands of temporary labourers, men and women, from various nationalities and cultural and ethnic backgrounds. The experience had been a success both for Bahrain as a destination country and for the workers' countries of origin. It was also a model in terms of respect for human rights and dignity of workers.

11. As befitted its status as an observer, Bahrain would apply a policy based on dialogue and positive interaction between countries of destination and origin. Rights and obligations would be governed by the principles of equity and justice, and the labour market would be regulated and strictly controlled by the Labour Fund and the Ministries of Labour, the Interior, Justice and Foreign Affairs through a joint governmental commission established for that purpose. Indeed, the movement of temporary labour was a two-way street of mutual benefit: workers' remittances contributed to development, poverty reduction and increased living standards in the country of origin, and their labour generally promoted development projects, construction and progress in the receiving State.

12. Bahrain had established an active labour market policy that extended to foreign workers as well. It had set up administrative mechanisms to regulate visas, manage borders and ports of entry, draw up residency requirements and combat trafficking in human beings. It had acceded to the relevant international conventions, including the United Nations Convention against Transnational Organized Crime and its Protocols. At the same time, Bahrain's social policy provided a safety net for all workers on temporary contracts, affording them health and social services and setting the legal framework for the establishment of social and cultural clubs.

13. In addition, Bahrain had made arrangements enabling temporary workers to transfer money at affordable prices. It had concluded bilateral and regional agreements with the workers' countries of origin in sectors such as health, domestic employment, construction and services. The comprehensive e-government programmes it had just launched across all State sectors would have a direct impact on the demand for trained national and non-national temporary workers. It hoped one of the future areas of cooperation with IOM would relate to the training and technical assistance those programmes would require.

14. The representative of the Ibero-American General Secretariat (SEGIB) thanked the Council for having approved its application for representation by an observer. SEGIB was a young organization, but its 23 member countries had a shared 500-year history of migration of various origins and for various purposes. It was therefore only logical that the Ibero-American Conference, the mechanism for political dialogue and development cooperation born of the 1991 Ibero-American Summit of Heads of States and Government (Guadalajara, Mexico) and for which SEGIB provided institutional and technical support, should recognize the need to discuss migration, an issue that would remain high on the international agenda in the coming decades.

15. The Ibero-American Conference considered that migration posed four challenges: acceptance of diversity, socio-economic integration, human resource development and the handling of remittances. Those challenges had to be dealt with on the basis of four fundamental principles: a multilateral focus promoting cooperation between countries of origin, destination and transit, a comprehensive approach to migration, full respect for human rights and civil

society participation. SEGIB's task in that context was to devise an Ibero-American framework for channelled and orderly flows of regular migrants, cooperation against people trafficking and smuggling and acceptance by each country of its responsibility to develop public policy. To that end, it had organized the first Ibero-American Meeting on Migration and Development in July 2006. In addition, migration had been a key subject at the 16th Ibero-American Summit (November 2006), which had produced the Montevideo Commitment on Migration and Development, an innovative document that would be developed at forthcoming meetings and in regional processes.

16. SEGIB had another essential task: to conclude negotiation of an Ibero-American social security convention guaranteeing pension portability and social security rights for millions of migrants and their families as they moved among the countries making up the Ibero-American community. In all its endeavours, SEGIB had been grateful to rely on the cooperation and experience of other organizations, in particular IOM and its Director General. It looked forward to strengthening the joint action of the two organizations.

17. The representative of Africa Humanitarian Action (AHA) thanked the Director General and his team of dedicated field staff for giving his organization the opportunity to work with them to help the growing number of refugees, internally displaced persons and irregular migrants. Africa Humanitarian Action was a pan-African non-governmental organization that provided humanitarian assistance to alleviate human suffering, building on the strength of African people to deal with African problems. It had been founded in 1994 in response to the Rwanda genocide and had so far helped over 9 million people in 16 African countries regain their health, dignity and well-being. It sought to work with agencies like IOM because this enabled it to ensure that cooperation and coordination, rather than duplication and competition, were the order of the day, and was thus particularly gratified to have been granted observer status by the Council.

18. The representative of the International Trade Union Confederation (ITUC) thanked the Council for accepting its application. The ITUC had been founded in Vienna in November 2006, when the International Confederation of Free Trade Unions and the World Confederation of Labour had merged. It was composed of 304 affiliated member organizations with a total membership of some 168 million workers in 153 countries. The ITUC focused on ensuring and defending the material and moral interests of its members. Migration was a key concern in that regard, and closely bound up with respect for the fundamental and intangible human rights every individual was entitled to enjoy in both sending and receiving countries. Most States should refocus their approach to migration on respect for those rights, rather than on security concerns.

19. The Council welcomed the four new observers to the Organization. The Director General in particular looked forward to working with them as partners. The Kingdom of Bahrain was a significant addition to the IOM family, as it boasted some of the most progressive employment management policies for contract workers in the Gulf region and was the first member of the Gulf Cooperation Council to join the Organization as an observer. SEGIB dealt with topics of interest to IOM such as pension portability and the integration of long-term migrants and temporary workers. Africa Humanitarian Action, a leading African international non-governmental organization, was doing excellent work in Africa, and the ITUC was a strong advocate of respect for the human rights of migrants and overseas workers.

IOM STRATEGY

20. The Council considered the following documents: IOM Strategy: Report of the Chairperson (MC/2216 and MC/2216/Corr.1/Rev.1), draft resolution on IOM Strategy (MC/L/1113) and draft resolution on the Establishment of the Standing Committee on Programmes and Finance (MC/L/1114).

21. The Chairperson introduced her report on IOM strategy, which marked the conclusion of a process that had started at the Eighty-fourth Session of the Council in December 2002 and had occupied several subsequent sessions of the Council and two of her predecessors as Chairperson. The IOM Strategy Document on which a consensus had been reached on 24 May 2007 was the outcome of nine further consultations she had held with Members over the past six months and was presented in the Annex to her report. Part I concerned strategy *per se* and was based on 12 activities aimed at facilitating the orderly and humane management of international migration, which was the Organization's primary goal. The consultations had underscored the importance attached by the membership to the Constitution and Council resolutions as the legal framework for IOM action.

22. Part II, Institutional Framework: Governing Bodies, discussed the means of streamlining IOM's governance structure without affecting its flexibility and responsiveness or deviating from the spirit of the 1998 amendments to the Constitution. It reaffirmed the Council's role as the main governing body for policy, strategy and governance discussions and decisions, and reflected the membership's wish that the Executive Committee be neither reinforced nor enlarged pending its abolition when the 1998 amendments to the Constitution entered into force. It also recognized that informal consultations had a role to play in facilitating dialogue and understanding, but were not decision-making bodies. Lastly, it proposed the creation of the open-ended Standing Committee on Programmes and Finance, whose terms of reference were also laid out in the Strategy Document.

23. Part III of the Strategy Document dealt with programme and budget issues. The informal consultations had furthered understanding of those issues, in turn facilitating discussion of a key matter for the membership: how to identify additional resources for activities in developing Member States. Two options had been identified, both hinging on the enhancement of the 1035 Facility through the creation of a separate funding line: one stipulated a fixed amount of funding, the other a percentage of Discretionary Income. The latter had been chosen by consensus.

24. The following delegations commented on the Chairperson's report: African Group, Albania, Australia, Canada, the European Union, Mexico, Morocco, the Organization of the Islamic Conference (OIC), Spain, Thailand, the United States of America, Venezuela (Bolivarian Republic of) and Yemen. In addition, wide support was voiced for the adoption of draft resolutions MC/L/1113 and MC/L/1114.

25. All those who took the floor were unanimous in their admiration of and appreciation for the tireless efforts, dedication and leadership of the Council Chairpersons from Mexico, Pakistan and particularly the Libyan Arab Jamahiriya, who had been successively involved in the strategy process from the outset.

26. Several delegations lauded the excellent cooperative and constructive spirit of the strategy discussions, while others emphasized the consensual nature of the approach and willingness to compromise. The outcome - the IOM Strategy Document - was a significant accomplishment. Having reached a consensus, however, it was now incumbent upon all Member States to apply the strategy. Indeed, this was the greatest challenge lying before the Organization, and several speakers pledged their support to that end. The strategy was not an end in itself, but an opportunity for the membership to review how best to help the Organization adapt to new internal and external needs. The Strategy Document was coherent and tailored to the membership's needs; it reflected the full breadth of IOM activities and would enable the Organization to continue to deliver a wide range of projects for Member States and respond flexibly to the challenges of a changing migration environment.

27. Many speakers referred to key components of the strategy. It was important to maintain the link between migration and development, as illustrated by the United Nations High-Level Dialogue on International Migration and Development and the Global Forum on Migration and Development, and to continue such multilateral consultations on international migration. IOM should provide greater support to countries dealing with irregular migration by helping them tackle the root causes of poverty. The strategy was aimed at promoting better understanding, facilitating movement of people and skilled workers more effectively and thereby contributing to regional economic and social development. One speaker said that his government had adopted, with IOM support, a new national migration policy through 2010 based on the Organization's migration strategy. IOM's role as the lead international migration agency and its holistic approach to migration, a focus on a managed approach to migration, capacity building and regional dialogue and the recognition that IOM activities contributed to the protection of human rights by protecting persons involved in migration - although IOM had no legal protection mandate but a protection role through its activities - were also considered to be important. The Organization should focus on its core responsibilities and partnerships, in order to avoid duplication of work and ensure complementarity.

28. Three delegations expressed satisfaction with the streamlined governance structure, which reflected the spirit of the 1998 amendments to the Constitution.

29. The soon-to-be-established Standing Committee on Programmes and Finance was welcomed by several speakers, as it would strengthen and streamline the governance structure, making it more responsive and effective, help enhance the transparency of the Organization's work as a whole and facilitate the Council's endeavours. Two delegations said that the Standing Committee should have an active bureau assisted by a broad range of States that would work with the Administration to develop substantive informative agendas on the most pressing policy and financial issues facing IOM. The ongoing involvement of States was essential.

30. Favourable comments were made on Part III, on programme and budget issues, and on the expanded 1035 Facility. The latter would provide increased financial capacity to help developing Member States improve their ability to derive maximum benefits from international migration and enable them to take advantage in particular of migration management capacity-building projects. It was gratifying that Resolution No. 1110 (LXXXVIII) on project-related overhead income would continue to be applied.

31. One Member State found that efforts should be made to provide greater opportunities to secure funding for national and regional projects for developing Member States, ensuring that States with financial difficulties would not be disadvantaged by the new funding arrangements. Another considered that the budget lines were not sufficient, as they were short-term arrangements. Additional project resources should come from administrative funds and the regular budget; new avenues such as the promotion of partially earmarked contributions and the securing of regional commitments should be explored. He praised the allocation of 25 per cent of Discretionary Income to the expanded 1035 Facility as a constructive link between IOM's general operations and the services it provided in developing countries.

32. The representative of the Bolivarian Republic of Venezuela stated his Government's reservation with respect to specific terms and activities listed in Part I of the IOM Strategy Document: it objected to the use of the words "protection" in point 9 and "refugees" and "displaced persons" in point 10. Protection was not part of the Organization's mandate, but rather a State responsibility, and IOM did not have a legal mandate for protection. IOM assistance constituted *de facto* - not *de jure* - protection; protection was simply not one of the Organization's formally recognized objectives. His Government's wish to delete the word "protection" from the IOM Strategy Document did not, however, mean that it objected to protection for migrants' human rights; indeed, it ensured, protected and safeguarded those rights at all times.

33. IOM strategy should focus on migrants, which was its area of specialization. No reference should be made to refugees and displaced persons, because the former were a matter of domestic security and fell within the mandate of the United Nations High Commissioner for Refugees; the latter term applied only to persons moving within a territory and did not cover migrants. In addition, all duplication of efforts should be avoided: IOM should refrain from protection work, just as other organizations should not deal with migration issues.

34. The representative of Mexico said that his delegation would have liked to receive information throughout the negotiating process on the focus, content and scope of the activities to be carried out under each of the strategic goals, and had requested such information on various occasions. It was to be hoped that the information - in particular as to how the strategy would be implemented, which was closely related to financing - would be available once the process of institutional reform had been launched. It was important to keep within IOM's constitutional mandate, in particular in relation to flexibility, responsiveness, project identification and the adoption of resolutions. The Organization's leading role in migration now and in the future depended on transparency, open-mindedness, effective interaction and the ability to reach a consensus on migration issues. It was to be hoped that guidelines would emerge from international forums such as IOM and the United Nations. It was regrettable that the first paragraph of the Strategy Document did not refer to the protection of human rights in the same terms as point 9 of Part I.

35. Regional concerns were also expressed. The African Group hoped that Africa's share of the Operational Part of the Budget would more accurately reflect the migration challenges facing the continent. The representative of Thailand expressed satisfaction that the Regional Representative and Head of the Mission with Regional Functions would henceforth be two separate posts and hoped that IOM would strengthen its cooperation with the Thai Government as well as its role in migration management in South-East Asia.

36. The Council adopted Resolution No. 1150 (XCIII) on IOM Strategy and Resolution No. 1151 (XCIII) on the Establishment of the Standing Committee on Programmes and Finance by acclamation.

37. The Director General expressed great pleasure at the adoption of the Strategy Document, which would provide guidance for the Organization's work. The Standing Committee on Programmes and Finance would allow even greater participation by Member States and preserve the consensus that had been achieved. The expanded 1035 Facility was also very promising. He was confident that the Administration and Member States would work together in the same spirit that had allowed them to reach a consensus on the strategy.

38. The Deputy Director General thanked the three Chairpersons concerned for their outstanding leadership and work throughout the lengthy strategy process, the governments and their representatives for their support during the discussions and IOM staff for their availability and help. The Standing Committee on Programmes and Finance would be an excellent forum for cooperation and dialogue and provide guidance for the Administration as it sought to perform its tasks and respond effectively to Member States' needs.

39. The Chairperson expressed her deep appreciation to all those who had taken part in the informal consultations on IOM strategy over the past six months and to the Administration, in particular the Deputy Director General, for their support and for having facilitated the process by which the Member States had crafted a strategy document that would serve the Organization well in the years to come.

CLOSURE OF THE SESSION

40. The Chairperson declared the Ninety-third (Special) Session of the Council closed on Thursday, 7 June 2007, at 5.40 p.m.