

**NINETY-EIGHTH SESSION**

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**REPORT ON THE  
NINETY-SIXTH SESSION OF THE COUNCIL**

**NOTE CONCERNING DOCUMENT MC/2266**

At its Ninety-eighth Session the Council, by Resolution No. 1189 of 26 November 2009, approved the Report on its Ninety-sixth Session without amendment.

To save the cost of reprinting the whole report, it is requested that this cover page be added to the original document MC/2266 dated 16 February 2009.

Geneva

2 to 5 December 2008

Rapporteur: Mr. M. Weidinger (Austria)

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## DRAFT REPORT ON THE NINETY-SIXTH SESSION OF THE COUNCIL

### INTRODUCTION

1. Pursuant to Resolution No. 1162 of 30 November 2007, the Council convened for its Ninety-sixth Session on Tuesday, 2 December 2008, at the Palais des Nations, Geneva. The session was opened by the Chairperson of the Ninety-fifth (Special) Session of the Council, H.E. Mr. Javier Garrigues (Spain) at 10.20 a.m. Eight meetings were held and the session ended on Friday, 5 December 2008 at 5.10 p.m.

### ATTENDANCE <sup>1</sup>

2. The following Member States were represented:

Afghanistan	Denmark	Latvia	Sierra Leone
Albania	Democratic Republic	Libyan Arab Jamahiriya	Slovakia
Algeria	of the Congo	Lithuania	Slovenia
Angola	Dominican Republic	Luxembourg	South Africa
Argentina	Ecuador	Mali	Spain
Armenia	Egypt	Malta	Sri Lanka
Australia	El Salvador	Mauritania	Sudan
Austria	Estonia	Mauritius	Sweden
Azerbaijan	Finland	Mexico	Switzerland
Bangladesh	France	Mongolia	Thailand
Belarus	Gabon	Morocco	Tunisia
Belgium	Georgia	Nepal	Turkey
Benin	Germany	Netherlands	Uganda
Bolivia	Ghana	New Zealand	Ukraine
Bosnia and	Greece	Nicaragua	United Kingdom
Herzegovina	Guatemala	Nigeria	United Republic
Brazil	Haiti	Norway	of Tanzania
Bulgaria	Honduras	Pakistan	United States
Burkina Faso	Hungary	Panama	of America
Cambodia	India	Paraguay	Uruguay
Cameroon	Iran (Islamic Republic of)	Peru	Venezuela
Canada	Ireland	Philippines	(Bolivarian
Chile	Israel	Poland	Republic of)
Colombia	Italy	Republic of	Viet Nam
Congo	Jamaica	Korea	Yemen
Costa Rica	Japan	Republic of Moldova	Zimbabwe
Croatia	Jordan	Romania	
Cyprus	Kazakhstan	Senegal	
Czech Republic	Kenya	Serbia	

<sup>1</sup> See List of Participants (MC/2265).

3. China, Cuba, the Holy See, Indonesia, Qatar,<sup>2</sup> the Russian Federation and Saudi Arabia<sup>2</sup> were represented by observers.

4. The United Nations, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the United Nations Conference on Trade and Development, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the Office of the United Nations High Commissioner for Human Rights, the United Nations Institute for Training and Research, the United Nations Office on Drugs and Crime, the United Nations Population Fund, the World Bank, the African Union, the Council of the European Union, the European Commission, the African, Caribbean and Pacific Group of States, the Intergovernmental Authority on Development,<sup>2</sup> the International Labour Organization, the League of Arab States, the *Organisation internationale de la Francophonie*, the Organization of the Islamic Conference, the Ibero-American General Secretariat, the United Nations Industrial Development Organization and the World Health Organization were represented by observers.

5. The International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, the Sovereign Order of Malta as well as the following international non-governmental organizations (NGOs), were represented by observers: American Jewish Joint Distribution Committee, Amnesty International, *Caritas Internationalis*, Center for Migration Studies of New York, December 18,<sup>2</sup> *Femmes Africa Solidarité*, *Fondation Hassan II pour les Marocains résidant à l'étranger*, Friends World Committee for Consultation, Paulino Torras Domènech Foundation, International Catholic Migration Commission, International Islamic Relief Organization, International Social Service, Islamic Relief, Jesuit Refugee Service and the Refugee Education Trust.

## **OPENING OF THE SESSION**

6. The outgoing Chairperson, Ambassador Javier Garrigues, opened the proceedings.

## **CREDENTIALS OF REPRESENTATIVES AND OBSERVERS**

7. The Council noted 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 international governmental and non-governmental organizations listed in paragraphs 3 to 5.

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<sup>2</sup> See paragraph 11.

## **ELECTION OF OFFICERS**

8. The Council elected the following officers:

Chairperson:	Mr. G. Mundaraín Hernández (Bolivarian Republic of Venezuela)
First Vice-Chairperson:	Mr. S. Kitajima (Japan)
Second Vice-Chairperson:	Mr. I. Jazaïry (Algeria)
Rapporteur:	Mr. M. Weidinger (Austria)

9. Assuming the Chair, Mr. Mundaraín congratulated the newly elected Bureau and thanked the delegations that had nominated him for the chairmanship. He would be relying on the membership's support and cooperation throughout the year as they worked together to ensure respect for the human rights of migrants and to deal effectively with the impact of the global financial crisis on migration.

## **ADOPTION OF THE AGENDA**

10. The Council adopted the agenda as set out in document MC/2253/Rev.1.

## **APPLICATIONS FOR REPRESENTATION BY AN OBSERVER**

### **Applications by the Kingdom of Saudi Arabia, State of Qatar, Intergovernmental Authority on Development and December 18 for observership**

11. The Council adopted by acclamation Resolutions Nos. 1169, 1170, 1171 and 1172, admitting the Kingdom of Saudi Arabia, State of Qatar, Intergovernmental Authority on Development and December 18 to the Organization as observers.

12. The representative of the Kingdom of Saudi Arabia expressed great appreciation for IOM's vital humanitarian role and efforts to deal with the consequences of labour movements worldwide. His country looked forward to working with the Organization in a spirit of cooperation and friendship.

13. The representative of the State of Qatar said that his Government also looked forward to working and cooperating with the Organization.

14. The representative of the Intergovernmental Authority on Development thanked IOM for the support provided by its Special Liaison Mission in Addis Ababa. Migration, in particular human trafficking and irregular migration, posed various challenges that affected the Horn of Africa's economic and social development and human security. However, repressive measures and control would serve no purpose in the absence of a coherent development policy that met the needs of Africans.

15. The representative of December 18 said that the organization looked forward to joining forces with IOM to further the cause of migrants' rights and to sharing its experience and expertise. December 18, had two main objectives: to disseminate information on migrants' rights throughout the United Nations system and to promote International Migrants' Day on 18 December.

16. The Director General welcomed the observers and said that he would, in line with IOM tradition, continue to foster an active relationship with the Middle East. He would work closely with the Intergovernmental Authority on Development to address its migration challenges and was eager to expand partnerships with States and the non-governmental observer community.

### **STATEMENTS BY THE DIRECTOR GENERAL AND THE DEPUTY DIRECTOR GENERAL**

17. The Director General gave his first report to the Council, which is reproduced as Annex I to this report.

18. The Deputy Director General delivered the statement reproduced as Annex II to this report.

### **PRESENTATION OF THE *WORLD MIGRATION REPORT 2008: MANAGING LABOUR MOBILITY IN THE EVOLVING GLOBAL ECONOMY***

19. The Administration introduced the *World Migration Report 2008: Managing Labour Mobility in the Evolving Global Economy*. The report had been made possible thanks to the generosity of Australia, Denmark, Switzerland, the United States of America, the MacArthur Foundation and the *Agence intergouvernementale de la Francophonie*. Many people had contributed to the report, including all members of the Global Migration Group, which would be a particularly useful resource for migration policymakers and programme managers.

20. Part A of the report was a survey of contemporary migratory patterns linked to economic purposes and contained a mosaic of independent studies by specialist researchers. Part B was a working tool consisting of an inventory of policy tools for the development of strategic responses. The two parts were complemented by a set of regional overviews showing regional migration trends and dynamics, and by a series of vignettes in which migrants recounted their experiences.

21. The report could be summarized in five key points. First, human mobility was a characteristic of today's globalized world. Second, in the past, the concept of migration referred predominantly to permanent movement from a country of origin to a country of destination. Now, however, many different types of migration were recognized, including short- and long-term, internal and international, unidirectional and circular, regular and irregular. People migrated for a variety of reasons, which could be personal, social or work-related.



22. Third, work was central to most types of migration. Fourth, labour market dynamics increasingly operated across international borders, leading to a higher demand for labour mobility. Fifth, policies were needed that were flexible, adaptable and responsive to countries' individual needs, while also being regional or global in outlook and scope. That would require cooperative efforts involving all stakeholders in migration.

23. Many policy considerations emerged in the report, such as the importance of the relationship between migration and development. While countries of origin and destination had different objectives, they were now gradually coming together to establish a common platform for partnership, best seen in the inception of the Global Forum on Migration and Development. Other considerations included the relationship between migration and elements such as trade, employment, health and security. Such cross-cutting issues deserved attention and study, particularly the issue of human rights and the status of migrant workers. In the present financial climate, it was of particular concern that migrants should not be treated like commodities.

24. The report also covered the interaction between migrants and local communities, security, gender and migrant health. In short, it served as a reminder that countries could not afford to be isolated when dealing with mobility and presented an opportunity to take a more collaborative approach.

## **GENERAL DEBATE**

### **Statements by members and observers**

25. Statements were made by the following Member States listed in alphabetical order:<sup>\*</sup> Algeria, Angola, Argentina, Armenia, Australia, Azerbaijan, Bangladesh, Belarus, Benin, Brazil, Canada, Chile, Colombia (on behalf of GRULAC), Congo, Costa Rica, the Dominican Republic, Ecuador, Egypt, France (on behalf of the European Union), Germany, Ghana, Guatemala, Honduras, India, Iran (Islamic Republic of), Italy, Japan, Kenya, Lithuania, Mauritius, Mexico, Moldova, Morocco, Nepal, New Zealand, Nigeria (on behalf of the African Group), Norway, Pakistan, Panama, Paraguay, Republic of Korea, Senegal, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Turkey, United Kingdom, United States of America, Venezuela (Bolivarian Republic of) and Yemen.

26. Statements were made or submitted by the following observers:<sup>\*</sup> China, Indonesia, the African Union, the European Commission, the Organization of the Islamic Conference, the Ibero-American General Secretariat (SEGIB), the International Federation of Red Cross and Red Crescent Societies, the Sovereign Order of Malta and the Paulino Torras Domènech Foundation.

27. The membership welcomed the new observers to IOM and congratulated the Director General on his election and remarkable start after just 10 weeks in office.

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<sup>\*</sup> Texts of the above statements, as and if received from the Members and observers, are accessible to Member States on the IOM website at [www.iom.int](http://www.iom.int).

28. The membership also thanked the Deputy Director General for her diligent service through two terms in office, during which she had spoken in ardent defence of the developing country point of view. Her in-depth knowledge of migration issues, innovative programming ideas and promotion of and concern for the challenges facing migrant women and their families had been of significant benefit to IOM and migrants worldwide. Two Member States expressed appreciation for the recommendations she had outlined in her statement to the Council.

29. The Director General's three priorities – increased consultation with Member States so as to enhance their sense of ownership of the Organization, the development of partnerships and the professionalization of IOM staff - were widely welcomed. The establishment of the Standing Committee on Programmes and Finance had already given the Member States a stronger sense of ownership, as had the process of delocalization and the more transparent approach to budget and administrative matters.

30. Many Member States and several observers agreed with the Director General on the need to remain alert to the impact of the global financial crisis in terms of reduced remittances, more limited opportunities for legal migration and the danger of stigmatization of migrants. They praised the *World Migration Report 2008* and its focus on labour mobility at this critical juncture. The problems of countries faced with rising unemployment as returnee numbers increased sharply were also evoked.

31. Concern was expressed by some that years of expansion in terms of both membership and scope of programming may have resulted in a form of “mandate creep”, and the Organization was urged to consolidate its work in line with the 12 strategic activities defined in the Strategy. Particular disquiet was expressed about the possibility that IOM would stray from helping Member States formulate migration policy and take on a normative role.

32. The Director General agreed that there should be no “mandate creep”. He pledged that IOM would always provide compelling evidence of linkages between its work and the 12 strategic activities. This would sometimes necessitate tough choices, as offices might have to be closed, albeit always in agreement with the government concerned, in the absence of work relating to IOM's mandate. He would ensure that IOM did not become the “international organization for miscellaneous”, but did feel that there was room for honest disagreement about the relevance of certain activities to migration. Furthermore, policy coherence could not be achieved without reference to standards of practice and norms.

33. Several representatives applauded the fact that each project and programme in the Programme and Budget had been clearly linked to one or several strategic activities. One pointed to the need for more projects related to labour migration (strategic activity 12).

34. The human rights of migrants were clearly identified as a priority by many Member States and observers, and several welcomed the fact that the International Dialogue on Migration would focus on the topic in 2009. In the same vein, several delegations described human trafficking as a dehumanizing crime that resulted in a violation of the human rights of migrants and urged IOM to take action in that field.

35. The Director General agreed that the human rights of all migrants should be respected, no matter what their status, and that restrictions on entry fuelled irregular migration. Migration should not be addressed as a criminal issue, but rather as a political, economic and social one. He pointed out that IOM had only two staff members assigned to counter-trafficking activities, which was obviously not enough. More had to be done in terms of international burden-sharing, a point he would take up in the course of his meetings with the various regional groups.

36. The Programme and Budget for 2009 was another topic raised by numerous delegations, a substantial number of which spoke out in support of zero real growth in the Administrative Part of the Budget. In the view of several delegations, the recurring debate on zero real growth versus zero nominal growth reflected structural shortcomings in the Programme and Budget, and they therefore welcomed the establishment of the Open-ended Working Group on Discretionary Income and looked forward to discussing the restructuring of the Programme and Budget.

37. The Director General repeated that he remained committed to ensuring transparency, integrity and accountability in all budget matters, and felt that the issue was not one of money per se but of principle. IOM was obliged to use Discretionary Income to make up for shortfalls in the Administrative Part of the Budget; a solution would have to be found to that problem.

38. Several delegations welcomed the provision made for a Mission with Regional Functions for Central Africa and a capacity-building centre in Africa. The Director General assured them that a decision on the location of both centres would be made soon.

39. A number of delegations suggested that IOM required more equitable geographical distribution of staff, with developing country candidates having priority during the recruitment process.

40. The Council adopted Resolution No. 1173 thanking the outgoing Director General, Mr. McKinley.

#### **SPECIAL PANEL: GLOBAL MIGRATION GROUP (GMG)**

41. The Director General said that the special panel discussion would focus on the impact of the global financial crisis on migrants and migration as well as the Global Migration Group's work to date and priority areas of focus. He introduced the members of the special panel, representatives of the Global Migration Group:

- **SUPACHAI PANITCHPAKDI**, Secretary-General, United Nations Conference on Trade and Development (UNCTAD) - current Chair of the GMG
- **ERIKA FELLER**, Assistant High Commissioner for Protection, Office of the United Nations High Commissioner for Refugees (UNHCR)
- **SIRI TELLIER**, Director, United Nations Population Fund (UNFPA)

- **CECILE MOLINIER**, Director, United Nations Development Programme (UNDP)
- **DILIP RATHA**, Lead Economist, Development Prospects Group and Task Manager, Africa Migration Project, the World Bank
- **BACRE NDIAYE**, Director, Human Rights Council and Treaties Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)
- **IBRAHIM AWAD**, Director, International Migration Programme, International Labour Office (ILO)
- **PAUL DE GUCHTENEIRE**, Chief, International Migration and Multicultural Policies Section, Division of Social Sciences, Research and Policy, United Nations Educational, Scientific and Cultural Organization (UNESCO)
- **TIM LEMAY**, Chief, Governance, Human Security and Rule of Law Section, United Nations Office on Drugs and Crime (UNODC)
- **JOCELYN FENARD**, Chief, Partnerships and Resources Mobilization Section, United Nations Institute for Training and Research (UNITAR)

42. Mr. Supachai, Chairperson of the Global Migration Group, said that UNCTAD had been involved in numerous discussions on the financial crisis, and had called for international governance of the global financial system with an independent oversight body, but without excessive regulation that would stifle development. The scale of the current crisis was such that it would have considerable repercussions on employment worldwide. There would be particular problems in Asia, where large numbers of young people needed to be mobilized into the labour force. The Middle East had been seriously affected by the crisis, despite predictions to the contrary, in part as a result of its banking system and borrowing commitments, and also owing to large-scale investment in real estate and the recent dramatic drop in oil prices. ILO had predicted that the crisis would lead to 20 million newly unemployed in 2009, which would bring the world's total unemployed to 210 million. All sectors and societies would be affected, albeit to different degrees. The number of poor living on less than one or two dollars per day would increase by 40 million and 100 million respectively, which would have a major impact on progress towards attainment of the Millennium Development Goals. Half of the East European migrant workers resident in the United Kingdom had already returned to their countries of origin. In China, factories were closing and internal migrant workers were returning to their villages. Income inequality would expand everywhere.

43. Remittances, a major, predictable source of income for developing countries, would decrease by at least 10 per cent in 2009. Support for the international movement of workers was waning, with 50 per cent of Americans and 30 per cent of Europeans believing that migration took employment opportunities away from local populations. Migration was generally considered to be a problem rather than an economic opportunity. The time was right to ensure that migration was used as a tool to help lift the world out of economic crisis by seeing that the right skills reached the right places at the right times. To that end, home and host country governments should raise awareness of the potential role of migration in economic growth and

development and of the rights of migrant workers, priority attention should be given to facilitating remittances by having governments cooperate on money transfers and establishing mobile banks in rural areas, and home and host governments should help migrant workers who had lost their jobs as a result of the financial crisis, for instance by allowing them to retain their migration status and developing return and employment schemes. He noted that the financial crisis would be the topic of the Global Migration Group's meeting taking place the following week.

44. Ms. Tellier said that the Global Migration Group's recent report, *International Migration and Human Rights: Challenges and Opportunities on the Threshold of the Sixtieth Anniversary of the Universal Declaration of Human Rights*, had been initiated by UNFPA during its tenure as Chair of the Group. All the member agencies of the Group had contributed to the report on the basis of their own expertise and mandates. The report addressed the international legal frameworks underpinning the human rights of migrants and set out the major challenges to the enjoyment of those rights, especially for vulnerable groups such as child victims of trafficking and women in irregular migration situations. States had an obligation to protect migrants as humans, irrespective of their migration status. The report also noted the important role of human rights in the migration and development discourse.

45. Two Member States saluted the Group's timely focus on the global financial crisis, which could have a potentially devastating impact on migration and remittance flows.

46. Mr. Ratha presented World Bank data indicating that while the crisis was unlikely to have an impact on the existing stock of migrants in 2009, new migration flows would be seriously affected, and remittances – of growing importance to developing countries at a time of falling capital flows – would flatten out rather than rising at their usual rate of 15 to 25 per cent per year. Tighter immigration policies did not always lead to less migration, quite the contrary: borders tended to create the development gaps that drove migration. More generally, the Global Migration Group should focus on substantive aspects, such as migration-related data, the root causes of migration, regulatory barriers and market failings that impeded migration and remittance flows.

47. Mr. Lemay added that at times of financial crisis, the desperation that drove people into the arms of traffickers or smugglers tended to worsen. In the face of that situation, UNODC had taken action not only to prevent crimes from taking place but also to help States deal with the human rights abuses that people smuggling and trafficking inevitably gave rise to.

48. Ms. Molinier said that the current financial crisis had brought to light the extent of worldwide interdependency. The Global Migration Group and the international community as a whole should engage in far-sighted discussions on how to renew multilateralism and balance the interests and concerns of developing and developed countries. UNDP viewed migration as beneficial for human development in both host countries and countries of origin; indeed, the theme of the 2009 Human Development Report would be migration and human development. Like other agencies, UNDP was concerned that tighter immigration policies resulting from the current financial crisis would increase the number of irregular as opposed to regular migrants and thus also the number of human rights abuses.

49. Mr. de Guchteneire noted that the financial crisis was already being used by countries to cut back their support for social development, particularly education systems in developing countries. UNESCO believed that would only widen the development gap. In addition, according to a number of studies the crisis had unleashed discrimination, xenophobia and other forms of intolerance towards foreigners, and this posed a threat to social integration and peace in general.

50. One delegation, pointing to the ways in which migrants contributed to their host communities, said that there was an urgent need for the international community to promote awareness of migrants as people who provided key services in countries of destination. Another spoke of the socio-economic problems the crisis would engender for countries of transit. As countries of destination tightened their border controls, migrants would tend to settle in transit countries. Those countries would need international solidarity to deal with the situation, which would also require global and comprehensive management in the form of development aid in countries of origin. Consideration should also be given to the fact that the plight of migrants in host countries and migration routes were increasingly being exploited by terrorist networks.

51. Several representatives highlighted the threat the global financial crisis posed to the human rights of migrants. One wondered how those rights were to be upheld in the absence of a proper legal framework - the International Convention on the Rights of all Migrant Workers and Members of their Families, adopted in 1990, had yet to be ratified by a substantial number of States.

52. Mr. Ndiaye replied that although relatively few States had ratified the International Convention on Migrant Workers (40 to date), the Convention had been in force since 2003. The Committee on the Rights of Migrant Workers had been established to monitor States' implementation of the Convention and, where relevant, provide information on country situations for consideration under the Human Rights Council's Universal Periodic Review procedure. In addition, even countries that had not ratified the Convention had obligations under other core human rights treaties, all of which contained provisions that were relevant to migrants.

53. Ms. Feller agreed that migrant protection had to be anchored in a legal framework, in the rule of law. UNHCR worked on the basis of the 1951 Convention relating to the Status of Refugees and its Protocols, and of regional refugee protection instruments. There was a link between migrant protection instruments and refugee protection instruments. For example, in an important and imaginative development, the Economic Community of West African States (ECOWAS) had adopted a protocol extending the rules and regulations governing the status and rights of ECOWAS citizens, such as the right to move and work freely within the ECOWAS region, to persons who had moved as refugees within the region. This showed that refugees could at some point change their status to that of migrants.

54. Asked by one delegation whether such a change was not inconsistent with the refugee's protected status and the principle of *non-refoulement*, Ms. Feller added that traditionally, refugees were eventually able to do one of three things: return home on a voluntary basis (the preferred outcome); resettle in a third country if they were unable to return home or to stay where they had found asylum; settle in the country in which they had found asylum. In recent

years, however, regions such as West Africa and Southern Africa had explored a halfway solution for refugees who did not wish to settle in their new country in the long term but did want to contribute as valuable migrant workers to society. That solution was not for the majority of refugees, but it was coming to be recognized as the best alternative in some cases, not only for individuals but also for host States.

55. Mr. Awad added that the legal framework protecting migrant workers also included two ILO conventions: the 1949 Migration for Employment Convention (Revised) and the 1975 Migrant Workers (Supplementary Provisions) Convention. Each country's domestic legislation, labour code, etc., provided additional protection.

56. The Director General pointed out that the theme of the 2009 International Dialogue on Migration was the human rights of migrants. IOM was committed to furthering government understanding of all relevant instruments through its international migration law training programmes. It also stood ready to help States develop their national legislation.

57. In response to one representative's suggestion that the Global Migration Group launch a campaign to promote ratification of the International Convention on Migrant Workers, Mr. de Guchteneire pointed out that several of the Group's members were already on the International Steering Committee for the Campaign for Ratification of the Migrants' Rights Convention. In that context, UNESCO would shortly be issuing its first publication on the Convention.

58. One Member State spoke of a frequently neglected aspect of migrants' rights, namely protection from people smugglers. Greater thought should be given to effectively fighting smuggling in countries of origin, which would automatically curtail irregular migration.

59. The representative of the Philippines thanked the Global Migration Group for the support it had provided to the second Global Forum on Migration and Development held in Manila in November 2008. Although the Global Forum had to remain State-led, there was scope for cooperation with the Global Migration Group at three levels: (a) in the preparatory work for Global Forum meetings, especially with regard to the drafting of technical working papers; (b) via participation in the Forum itself and in meetings of the Friends of the Forum; (c) in post-Global Forum activities, where the Group's members could make use of their strategic strengths and promote project implementation by providing expert advice, financial support, coordination between governments and agencies, and evaluations and impact assessments.

60. Mr. Fenard pointed out that UNITAR, with the support of IOM, UNFPA and the MacArthur Foundation, had launched a series of seminars, the Migration and Development Series, to further the political process initiated by the United Nations High-level Dialogue on International Migration and Development in 2006 and continued with the Global Forum on Migration and Development. The seminar topics were chosen with regard to current United Nations and Global Forum agendas, and in 2009 were likely to include migration and new global care chains, aligning international migration and development goals and the role of diasporas in peace-building.

61. Several delegations proposed practical improvements to the way the Global Migration Group functioned. One suggested that the Group issue annual work plans detailing what the two six-month chairmen hoped it would accomplish during their tenure. Two suggested that the Group heighten its effectiveness and visibility by issuing collective rather than individual agency reports; one also suggested it hold an annual conference. Ms Feller agreed that the production of annual work plans would help the Group become an entity that was greater than the sum of its parts.

62. Since numerous delegations had expressed appreciation for the opportunity to discuss matters of shared concern with the members of the Global Migration Group, the Director General suggested that such a discussion feature regularly on the agenda of the autumn session of the Council.

## **INTERNATIONAL DIALOGUE ON MIGRATION**

### **(a) Return Migration: Challenges and Opportunities**

63. The Director General said that two intersessional workshops, which each had some 200 representatives of governments, intergovernmental and non-governmental organizations in attendance, had been held in 2008 on the overarching theme of Return Migration. The first, a capacity-building workshop held on 21–22 April, had looked at return as an integral part of migration management with a view to managing return in a safe, dignified and sustainable manner that was respectful of migrants' human rights. The second, held on 7–8 July, had explored ways of enhancing potential contributions of returning migrants to the development of their home countries. He thanked the Governments of Australia, Italy and the Netherlands for making the workshops possible through their financial contributions.

64. Introducing the topic, the Administration said that return migration presented many opportunities and challenges; it was a sensitive issue that needed to be treated carefully by all stakeholders. Return was a life-altering process involving complex decision-making by the migrant. Most return is "spontaneous", meaning it is initiated and implemented by the migrant voluntarily and without the involvement of States or other national or international actors. However, there were many opportunities for stakeholders in migration management to facilitate that process and to cooperate with one another. Information was available to help plan return migration and make it effective for returnees and their countries of origin and destination. Interestingly, most returns occur within the first three years, while relatively fewer returns occur after five years, with a slight increase as migrants approach retirement. To be effective, migration management had to be comprehensive, covering all stages of the migration process: pre-departure, transit, entry, stay, integration and reintegration. Managing return migration was about reducing the risks facing returnees, helping them overcome obstacles and ensuring that there were opportunities for reintegration at home. It also involved ensuring policy coherence between development, trade and health – areas linked to return migration – and consideration of the needs, human rights and aspirations of migrants.

65. The main reasons behind return migration were the failure to integrate in the host country, a preference for the home country, achievement of a monetary savings objective in the



host country, the emergence of new employment opportunities in the home country, the inability to regularize the stay in the host country and perhaps now the global financial crisis.

66. Assisted voluntary return and reintegration required policy coherence between national policies and international standards. Key practices included taking into account the migrants' decision whether or not to return, ensuring respect for their human rights and dignity, and taking into consideration their vulnerabilities. Successful assisted voluntary return and reintegration avoided the legal and social stigma associated with forced return, took into account the home country's reintegration capacity and encouraged migrants to make effective contributions upon their return. Of particular importance is the need to ensure equal partnerships between countries of origin and of destination in return migration policy development.

67. In short, return could be made effective, sustainable and humane by careful planning that involved migrants, governments and other stakeholders, and by putting in place policies that fostered sustainability, such as improving political, economic and social conditions, providing skills training for returnees and favouring voluntary over non-voluntary return.

68. The panellists were:

- **Vandi C. Minah**, Deputy Minister, Ministry of Foreign Affairs and International Cooperation, Sierra Leone
- **Alfonso López Araujo**, Under-Secretary for Consular Affairs, Ministry of Foreign Affairs, Ecuador
- **Lolita Maguigad**, Development Communications Officer, Unlad Kabayan, the Philippines

69. Mr. Minah said that the principal aim of the Government of Sierra Leone was to have a return migration policy that was transparent, fair, respectful of human rights and predictable. Establishing such a return migration policy would involve actively listening to and collaborating with external partners and government institutions since, in an interconnected world, there was a need for coherence. In the past, certain aspects of migration had been taboo, but much progress had been made in the meantime and he welcomed the new openness and transparency.

70. Sierra Leone had been seriously affected by a civil war, which was referred to as the "lost decade". The process of outmigration, which had perhaps started before the civil war, had accelerated dramatically during the conflict.

71. The Government wanted its nationals to return, either physically or virtually, especially those with appropriate skills, but first it had to create the conditions so that returnees could prosper and reintegrate into society. It was committed to providing accurate information to returning migrants and making clear the challenges, since returning migrants would have to be as committed to national development as the Government. It would involve its missions abroad in providing such information. He recognized the benefits of remittances, particularly their

possible contribution to national development. National development plans had to factor in migration and return migration. The Government hoped that its poverty reduction strategy, Vision 2025, reflected its commitment to ensuring a safe and productive environment for people to return.

72. Given the many challenges the world was faced with, the most recent being the financial crisis, any assistance had to be effective and targeted. He looked forward to hearing new ideas, not only from IOM, but also from other countries that had been through a similar process. Sierra Leone sought to ensure regional security through the Mano River Union and ECOWAS. Efforts were being made through the African Union to ensure that Africa was seen as a continent of opportunities rather than problems. At the national level, the Government endeavoured to do what was right, not only by those who had remained, but also by those who had left. Sierra Leone sought to learn from others, but also wanted to put its own ideas into practice. It sought donor support and yet hoped that it would not be dependent on such support forever.

73. Mr. López Araujo said that one of the main challenges of migration was to promote and ensure respect for the human rights of migrants, especially the most vulnerable, and that it was the responsibility of States, civil society and international organizations to do this.

74. Migration held a special meaning for Ecuador, as it was a country of origin, transit and destination. Since 2000, over one million Ecuadorians had left the country, which had opened its doors to large numbers of Colombian and Peruvian migrants. A coherent, holistic migration policy, based on respect for the human rights of all migrants, regardless of origin, was in the making: the National Secretariat for Migrants had been established, national human development migration and return migration plans had been launched, absentee voting had been authorized and many Peruvian migrant workers' situations had been regularized. Under such a policy, migration could become a vehicle for development, and the Ecuadorian Government would strive to protect the rights of migrants and work towards offering nationals and foreign residents alike a decent standard of living.

75. Return migration had multiple dimensions: it could be political or cultural (sense of feeling Ecuadorian and taking part in the country's development), economic (through investments or start-ups and transfer of acquired resources) or physical (linking actions between countries of origin and destination in circular migration).

76. With a view to recognizing the contributions of migrants in destination countries and expressing opposition to the European Union's return directive, the Government of Ecuador had proposed a frank, constructive dialogue with countries of origin, transit and destination aimed at adopting common policies that featured a comprehensive approach to migration dynamics. The Member States of IOM should craft a joint strategy targeted at developing sustainable policies for countries of origin and destination alike and at addressing the challenges of migration.

77. Ms. Maguigad introduced the NGO Unlad Kabayan, which had been set up in response to the need of migrant workers to plan their eventual return. The Philippines relied heavily on the remittances of the more than 8 million Filipinos working overseas to fuel the economy.

However, as a result of the global economic crisis, many Filipinos working overseas were expected to lose their jobs. There were many cases of abuse, exploitation and trafficking of Filipino workers, but there were only 83 consulates and embassies covering 203 countries. Furthermore, because of weaknesses in domestic and international law, these problems were not effectively addressed.

78. Many government agencies and NGOs attended to the needs of Filipino migrant workers. Unlad Kabayan focused on helping returnees to reintegrate and build a sustainable local economy. It promoted social entrepreneurship and social enterprises by mobilizing migrant workers, marginalized members of the community and their resources. There were imbalances between the private, public and social sectors of the economy, and Unlad Kabayan wanted the social sector to have equal access to the country's assets and resources.

79. The NGO's Migrant Savings and Alternative Investments Strategy promoted community development and reintegration. It prepared migrants for a planned, dignified and opportune return, facilitated the earliest possible reunification of families, reduced vulnerability to abuse and psychosocial dislocation, recognized migrants' potential to create jobs and wealth at home, and provided them with the choice to either migrate or stay in the Philippines. It offered various programmes and services, for example, information was provided on social enterprise investment opportunities in the Philippines, and community entrepreneurship was fostered. Unlad Kabayan also offered technical skills training, technology transfer and credit services, and worked on building partnerships in order to expand its services.

80. Under the strategy, community-based projects were owned by Filipinos working abroad but employed people from poor communities. The main benefits included the creation of financial value for the overseas workers, their families and communities, the generation of new jobs and income, particularly for poorer households, which in turn gave them higher purchasing power, skills and knowledge transfer, and better access to education and health services. The strategy empowered migrant workers and their families, while also contributing to poverty reduction and structural development policies.

81. It was difficult to encourage overseas workers to invest their savings in social enterprises; education strategies were therefore needed. Migrant investors should be given preferential treatment, for example, tax incentives and opportunities to access capital. They should have access to technology and local resources, and local infrastructure should be in place so that businesses in rural areas were accessible. A strong local economy would ensure that the gains of migration were fully maximized, that going abroad to work was a choice, not an act of desperation, and that returning home was a viable option. Unlad Kabayan's message, therefore, was "save, invest and build your livelihood in your home country".

82. Two Member States stressed that those who left their home countries to seek a better life elsewhere received far less assistance than returnees. National investment had to be increased to stimulate development and keep nationals at home, although it would be costly to deal with the root causes of poverty. Another Member State said that adequate salaries were an important incentive to keep nationals from leaving their home countries; managerial staff returning to their countries of origin should be provided with good conditions and with follow-up assistance.

83. Several delegations addressed return as part of the migration-development nexus. Return meant development and co-development, with voluntary return a top priority. One Member State was exploring innovative ways to promote it, such as look-and-see visits enabling prospective returnees to see the conditions in the home country for themselves before reaching a decision, and the involvement of members of the diaspora in understanding the decision to return and designing return policy. Voluntary return should be coupled with skills training and incentives for start-ups in the home country. Promoting the maintenance of dual nationality that allowed migrants to come and go as they pleased and programmes to encourage highly skilled members of the diaspora to return and participate in the development of their country of origin were also means of favouring voluntary return. Dialogue, in particular among regions and all stakeholders in migration, was essential, as was the establishment of reintegration policies.

84. Because of the human factor, the challenges of return migration, such as social reintegration and respect for family integrity, were difficult to quantify and categorize. To be successful, migration should be viewed within the migration-development context and should respect the principle of voluntary return. Return migration should benefit not only migrants and their families, but society as a whole. Overall, return migration was positive because it was an answer to problems such as brain drain, migrants' isolation and unemployment.

85. One Member State said that migrants had shown keen interest in a programme for the temporary return of qualified nationals that gave nationals with legal status the possibility of returning home and receiving help to transfer skills and rebuild their country of origin, primarily in post-conflict countries. They also valued the opportunity to contribute to the development of their country, which gained them respect in the host country and facilitated their integration. It nevertheless wondered how those who chose not to leave their home countries perceived their governments' special measures for returnees. Another Member State suggested that those who had stayed behind might be compelled to leave in order to enjoy the same conditions as returnees.

86. The global financial crisis was at the heart of several delegations' concerns. Because the crisis would have an impact on migrants, in particular the most vulnerable, it was imperative that origin and destination countries be prepared to deal with large flows of returnees and work together in a spirit of cooperation to coordinate returns in a dignified manner with respect for human rights. One country's experience had brought to light the need to enhance and further support the capacity of countries of origin to manage returns, especially when their social, political and economic conditions did not lend themselves to promoting return migration or, more importantly, to addressing the reasons behind difficult migration. That country's government had consequently pursued development projects in the region to promote sustainable development in neighbouring countries, thereby dealing with the root causes of migration.

87. One Member State said it would be worthwhile to examine the effect of the global financial crisis on migrants' capacity for productive return, consider the best practices of countries that had set up return migration programmes, explore ways to promote national policy coherence to minimize the impact of the crisis and recognize the need for greater international

collaboration in sharing expertise. It would be willing to share its national contingency programme, based on its study of the effects of the crisis, with others.

88. One representative asked whether the workers who had lost their jobs as a result of factory closures had been employed under a bilateral labour agreement. If so, such an agreement could be used as a model by other regions that received large numbers of migrants. There was a clear link between migration and development and it was necessary to develop policies that recognized the shared responsibility of countries of origin, transit and destination, as well as the international community, private individuals and civil society. Indeed, migration could be described as a global responsibility. Several other speakers also referred to the need for cooperation and dialogue. In the face of significant South-South migration, developing countries needed to collaborate and establish systems that promoted voluntary return in order to foster development.

89. One representative said that the voluntary, orderly, dignified and sustainable return of migrants was an ideal situation, which countries should promote in their policies. Family reunification was one positive aspect of return. The difficulty was not in recognizing the need for skilled workers to return to contribute to national development, but in identifying what States could do to encourage them to do so. IOM was a useful forum as it could collect the information the speakers had provided on their national situations and make it available to other countries.

90. Another representative suggested that consideration also be given to non-voluntary return migration, and asked what programmes were in place in the panellists' countries for rejected asylum-seekers and irregular migrants and ensuring the protection of their human rights. The Administration noted that concern. The question of migrants' rights had been raised throughout the discussion and would be discussed to a greater extent during the International Dialogue on Migration in 2009.

91. A third representative said that his country had become a destination country not only because of its high income, but also because of its openness towards foreigners. Various programmes, including education and health care, were free for all, including migrants. Some of the information provided by the panellists could be used to improve his country's domestic policies. He called for the treatment of migrants, including during their voluntary return, to be based on respect for human rights, and rejected any form of return that was not voluntary.

92. One observer said that it was important to ask where the line was between assisted voluntary return and forced return, as many assisted voluntary returns were related to enforcement. He asked how voluntary return programmes involving highly skilled migrants compared to those involving less skilled migrants, and how sustainable the return was in each case. With regard to the role of governments and civil society in planning for returns, the dislocation of families and communities and the reintegration of the migrant were the most difficult issues to deal with. He suggested that the rights of returnees and their special vulnerabilities could be looked at during the 2009 International Dialogue on Migration intersessional workshops.

93. One Member State said that his country had two categories of returnees: those who were forced to return and those who returned willingly. Many in the first category were stranded in transit countries and IOM was helping to bring them back. However, the real dilemma involved those who returned voluntarily and was purely economic. Comprehensive financial aid must be available to returnees to help them reintegrate into society as they often felt isolated and lacked knowledge of the local market. He proposed that a joint programme be established to provide technical and financial assistance to returnees.

94. Ms. Maguigad said that the global economic crisis posed a real challenge to her organization and that she would like to know more about her Government's contingency plan, in order to work together to address the issue.

95. Mr. López Araujo said that in 1999 Ecuador had suffered the worst financial crisis in its history and many of its nationals had been forced to go abroad. At that time the Ecuadorian Government had been unable to provide aid to Ecuadorians to enable them to stay. Now Ecuador was rebuilding so that its people would be able to return. It should be borne in mind that those who migrated were not always the poorest or the least prepared.

96. Mr. Minah highlighted the complexity of the issue of people leaving because they had no support, but receiving support on their return. The present focus was on what could be done to help those who decided to return. That would be a challenge for everyone and he was pleased with the good will shown at the Second Euro-African Ministerial Conference on Migration and Development held on 25 November 2008 in Paris. He had received solid support from his fellow ministers in Sierra Leone, who had recognized that migration should be at the heart of all government policies.

97. Mr. López Araujo said that countries were quick to refer to the benefits of receiving remittances, but forgot about the loss they suffered through brain drain. It was not yet possible to quantify how much States lost by investing in training people who then went abroad, but efforts should be made to study that question. In Ecuador, it was still too early to say how people felt about the incentives and aid offered to returnees because the number of people returning was still small, but it was an interesting question.

98. Mr. Minah said that the packages offered to returnees to Sierra Leone were usually quite modest and supported by the country of destination, and that so far the number of returnees had been quite small, so no ground-swell of jealousy had been noted. People from the border communities who had left for Guinea and Liberia had spontaneously returned and reintegrated into their communities with little rancour, partly because of a feeling of national forgiveness resulting from the truth and reconciliation process. He would discuss with his fellow panellists how their countries had attracted highly skilled professionals to return to contribute to critical areas of development, such as health care. He would also look at the Nigerian model and see how it encouraged nationals who were not intending to return to create and support sustainable projects there. Institutions, such as trust banks or commercial banks, offering preferential rates to migrant investors would be welcome.

99. The Administration, summing up the discussion, said that return was an integral part of the migration process that had to be prepared for in order to ensure that it was beneficial and

sustainable. The migrant must be the central concern of all migration policies and migrants' rights had to be respected at all stages of the migration process. The responsibility for return started with the country of origin - which under international law has a responsibility to accept the return of its nationals - but creative suggestions had been made as to how host countries, non-governmental and intergovernmental organizations could assist in making the return migration process a safe, humane and productive one. The importance of dialogue, whether bilateral, regional or interregional, had been emphasized, and cooperation and coordination were essential.

100. Laws that sanctioned employers who employed irregular migrants, such as the directives currently being drawn up by the European Union, were logical and could be accompanied by measures that took into account the rights of workers, even if they were in an irregular situation. It was important for migrants, even those in an irregular situation, to have access to justice so that they could receive any compensation for which they were eligible, even though irregular migrants could be forced to leave the country after receiving that compensation.

101. As Mr. López Araujo had emphasized, the return process began as a result of feeling connected to the country of origin and that reconnection could take place through economic, social or cultural engagement. The role of the diaspora in creating such connections was increasingly important.

102. The preferred option was, without a doubt, assisted voluntary return. Whether that assistance was financial or social, it reduced the risks associated with return and improved the chances for sustainable return.

**(b) Migration Highlights**

103. The panellists were:

- **Erlinda Basilio**, Permanent Representative of the Philippines, Geneva, speaking on behalf of **Esteban B. Conejos Jr.**, Under-Secretary for Migrant Workers Affairs, Department of Foreign Affairs, the Philippines, and **Athanassios Nakos**, Deputy Minister of the Interior, Public Administration and Decentralization, Greece, on the Global Forum on Migration and Development (joint presentation)
- **Mauricio Hernández Ávila**, Under-Secretary for Prevention and Promotion of Health, Ministry of Health, Mexico, on HIV/AIDS and mobile populations
- **Jean-Christophe Peaucelle**, Head, Office of European Affairs, Ministry of Immigration, Integration, National Identity and Solidarity Development, France, on migration as a priority of the French EU Presidency
- **Fathia Alwan**, Programme Manager for Social Development, Intergovernmental Authority on Development (IGAD), Djibouti, on the IGAD Regional Consultative Process on Migration

104. Ms. Basilio reported on the second Global Forum on Migration and Development in Manila, which had been attended by 1,130 participants from 163 Member States and Observers of the United Nations, 33 international organizations and 220 participants from civil society. Substantive debates had been held on migrants' rights, managing migration, empowering migrants and diasporas for development, and promoting policy and institutional coherence, under the general theme "Protecting and Empowering Migrants for Development". Three roundtables had been held: Migration, Development and Human Rights; Secure, Regular Migration Can Achieve Strong Development Impact; and Policy and Institutional Coherence and Partnerships. A special session on the Future of the Forum had agreed to establish a support unit, which would be responsible for basic administrative matters, hosted by IOM. The Manila Global Forum had continued the interactive and comprehensive process that had started during the first Global Forum in Brussels.

105. The Global Forum was a highly participatory, State-led process, which took an informal, interactive approach to issues in order to enable constructive dialogue to enhance partnerships. The need for a wider donor base had been pointed out. Interaction with civil society had broadened to include a two-day meeting, with contributions from migrants, NGOs, trade unions and faith-based organizations. The Global Forum had resulted in 17 proposed outcomes, including follow-up working groups, studies, compendia of good practices, pilot projects and assessments. Ad hoc follow-up working groups would be created to keep the spotlight on the central issues and encourage governments to implement the outcomes. The report of the second Global Forum was being finalized and would be published in the first quarter of 2009. The Global Forum enabled governments to understand the important connections between migration and development, and to discuss important emerging issues, such as the global financial crisis.

106. Mr. Nakos said that as the host and organizer of the third Global Forum on Migration and Development, Greece was committed to respecting transparency and ensuring the continuity and institutional memory of the Forum and building on the substantive achievements of previous meetings. As both a country of origin and destination, Greece considered migration to be a tool for growth. Managing the impacts of migration required interdependence among all policies and countries. Careful consideration should be given to how to respond to the migration impact of the global financial crisis. The Global Forum on Migration and Development could offer an appropriate platform for that. The European Pact on Asylum and Migration referred to the establishment of a global partnership between countries of origin, transit and destination and foresaw the enhancement of the relationship between migration and development.

107. Greece proposed that the theme of the third Global Forum should be "Integrating migration policies in development strategies for the benefit of all and especially countries of origin". The key to the success of the third Global Forum would be to define practical solutions to specific problems. Greece would strive to strengthen the link between the Global Forum and the United Nations. A Memorandum of Understanding would be signed between the Chair of the Global Forum and the IOM, which had agreed to host the Global Forum support unit. The third Global Forum would be held in Athens in November 2009 and would be preceded by two civil society days.



108. Several delegates acknowledged the importance of migration for development, particularly in the context of the current global financial crisis, and welcomed the proposal to use the link between migration and development as an overall theme for the third Global Forum. One delegate said that while he welcomed the quality of the conclusions and recommendations of the Global Forum in Manila, he doubted whether they would actually lead to the development of public policies. Consideration should be given to the impact of workplace digitalization on migration. An observer welcomed the extension of the civil society days introduced during the Global Forum in Manila. He suggested that in the forthcoming Global Forum in Athens, the Government Meeting and Civil Society Days could be coordinated further by using the same speakers and introducing shared papers on shared subjects.

109. Ms. Basilio said that governments must take responsibility for implementing the recommendations of the Global Forum by developing appropriate policies and programmes. The Global Forum was an opportunity to draw lessons from the good practices that abound in other countries. In the Philippines, the use of information technology had resulted in the creation of new industries, and the digitalization of work processes had led to outsourcing, which had provided employment for many young people in the Philippines.

110. Mr. Nakos added that the Global Forum was an important mechanism for exchanging views and experiences. The key to its success would be to define practical solutions to specific problems and to identify policy gaps.

111. Mr. Hernández Avila said that Mexico had taken some time to recognize the significance of the link between migration and health at all stages in the migration process: departure, transit, stay and return. It was affected by migration in two ways: half of all undocumented persons in the United States were Mexican (approximately 6 million people), and roughly 400,000 undocumented migrants, 20 per cent of whom were women, transited through Mexico every year on their way to the United States. For the United States, the costs incurred for the irregular migrant population (USD 10.5 billion, essentially for education and medical care, in the state of California alone) were not offset by increased tax revenues (USD 8.8 billion). Mexico, for its part, benefited greatly from the remittances migrant workers sent home every year (USD 23.9 billion in 2007). It was concerned, however, by the fact that half of all migrant workers in the United States had no access to social security. Furthermore, while most Mexican migrants to the United States were young (between 18 and 34 years old) and therefore in good health, there was always the possibility that they would return home with health problems (migrants were more likely than the rest of the population to contract HIV/AIDS or to suffer from alcohol or drug abuse).

112. Migration had proven to be a strong determinant of vulnerability to HIV/AIDS, for various reasons: women migrants were often subjected to sexual violence en route to the United States; sex was used as a means of survival or to escape a conflict situation; in Mexico itself, migrants did not have access to the universal health care system; migrants were reluctant to consult doctors and seek treatment for fear of deportation. As a result, Latin Americans had the second highest AIDS case rate in the United States, where the AIDS prevalence among Latin American women was five times that among women in other groups. Moreover, areas in Mexico with the highest numbers of expelled returnees were also those most affected by

HIV/AIDS. The problem was compounded in the United States by a network of NGOs whose activities were poorly coordinated with those of government health services.

113. Mexico had tackled the problem in a number of ways.

- It had set up a telephone support programme for Mexican migrants to the United States (01-800 SALUD MX).
- It had established a series of shelters in border states in northern Mexico. The shelters provided primary medical services to a floating population made up of Mexicans and others who were suffering from various addictions, mental health problems, chronic diseases and AIDS.
- It had instituted the yearly Binational Health Week in 2001, during which the Mexican Government, all Mexican consulates in the United States, academic institutions and NGOs mobilized to open the doors of health centres and provide free information on health practitioners, vaccinations, and early screening for cancer and diabetes.
- It convened the Binational Policy Forum on Migration and Health every year to afford key stakeholders the opportunity to discuss health challenges and explore opportunities to work together to improve the health and well-being of migrants. One of the Policy Forum's outcomes was the *ventanillas de salud pública* (public health booths) opened at 28 Mexican consulates.

114. In two further developments, the Global Fund to Fight AIDS, Tuberculosis and Malaria was financing a Mesoamerican project for HIV prevention among mobile groups in Central America, which would be run out of 15 "transit stations" at Central American borders, and the Mesoamerican Development Project endorsed by the Presidents of Mexico, the Central American countries and Colombia in June 2008 paved the way for a Mesoamerican public health system.

115. Last but not least, Mexico was promoting a binational insurance scheme to extend health coverage to Mexicans in the United States who did not have coverage there.

116. One Member State expressed keen interest in the idea of health insurance that was valid in two countries. Another asked to what extent IOM had been involved in facilitating the steps taken by the Governments of Mexico and the United States.

117. The representative of the World Health Organization (WHO) said that, more broadly speaking, migration and health issues affected entire population groups moving from one country to another and the health status of whole populations, whether migrants or not. They cut across the entire range of health concerns, from primary health care, sexual and reproductive health, health security in outbreak control, mental health and chronic disease, to health system dynamics such as health workers, health care finance and access, including the need for culturally and linguistically competent professionals and services.

118. Two recent developments would have an impact on the issue of migration and health. The first was the renewed emphasis on the primary health care approach to health system development, which would affect how countries provided services and their ability to plan. The second was the establishment of the independent Commission on Social Determinants of Health, which had made a number of recommendations of interest to governments looking at migration and health issues.

119. The representative of the Joint United Nations Programme on HIV/AIDS (UNAIDS) discussed joint IOM-UNAIDS efforts against HIV-related restrictions on entry, stay and residence. IOM was an active and supportive member of UNAIDS' International Task Team on HIV-related Travel Restrictions, whose goal was to eliminate policies and practices that restricted travel for HIV-positive people. In its October 2008 *Report of the International Task Team on HIV-related Travel Restrictions: Findings and Recommendations*, the Task Team had found that there was no evidence that HIV-related travel restrictions protected public health, that HIV-specific travel restrictions were discriminatory and served to stigmatize people living with HIV, and that such restrictions were even more inappropriate in an age of globalization, increased travel, improved access to HIV treatment and commitments to universal access to HIV prevention, treatment, care and support. It had urged all States with HIV-specific restrictions to review and eliminate them and to ensure that no one living with HIV/AIDS was excluded, detained or deported because of their status.

120. UNAIDS called on States imposing restrictions on entry and stay relating to HIV, or indeed to any other condition, to adopt non-discriminatory laws and regulations so as to achieve their valid objectives through the least restrictive means possible, to rescind HIV-specific restrictions and to take steps to ensure universal access to HIV prevention, treatment, care and support for mobile populations. It viewed the latter as much more effective in protecting public health and reversing the HIV epidemic.

121. Mr. Hernández Ávila agreed entirely with the points of view expressed by WHO and UNAIDS, adding that Mexico had no health-related travel restrictions. IOM had not been involved in the activities carried out by the Mexican and United States Governments, but Mexico was currently fostering ties with the Organization with a view to obtaining assistance in its role as a migrant-destination country.

122. Mr. Peaucelle said that under the French presidency of the European Union, migration had been made a priority for the first time. The European Union had been founded on the principle of freedom of movement between Member States, which meant that Member States must have a sense of solidarity and joint responsibility in respect of migration. Considerable progress had been made in that regard, with the adoption of a common visa policy and border controls and the establishment of a community fund for solidarity between Member States in respect of refugee-related issues such as integration, returns and family reunification for refugees. Much remained to be done, however, to harmonize the application of those common regulations, particularly those relating to asylum, since it was still easier to obtain asylum in some Schengen countries than in others.

123. In a relatively short time, there had been considerable change in the spirit of migration policies, the consensus being that despite the broad diversity among European Union Member

States in respect of geographic position, history and culture, all Member States shared the same challenges: first, to organize legal migration, since many European economies needed migrants, particularly in view of their aging populations; second, to combat illegal immigration, which disrupted public order, increased xenophobia, and led to the exploitation of migrants who were extremely vulnerable in respect of housing, employment, access to justice and exercising their rights; and third, to ensure sustainable migration in order to contribute to receiving economies and to the development of origin countries. Those three challenges must be addressed together, through a closer, more trusting partnership between countries of origin, transit and destination.

124. During its presidency of the European Union, France had worked to develop a clear, intelligible, coherent policy on migration. Priority had been given to the adoption of the European Pact on Immigration and Asylum. The Pact was not legally binding, and did not constitute an international agreement, but rather was a political commitment defining European Union policy on migration and setting goals and principles for the future. It set out five commitments: on legal migration and ensuring a balance between the rights and obligations of migrants and those of host countries; on conveying the message that illegal migration was not acceptable; on strengthening border controls; on constructing a Europe of asylum; and on ensuring synergy between migration and development. Each chapter of the Pact contained commitments for States, including the conclusion of agreements on a bilateral or joint basis to ensure the protection of each country's interests, and commitments to develop legislation to facilitate the transfer of migrants' savings to their countries of origin.

125. The Pact was beginning to be implemented through legislative and political decisions at the national and European Community levels. It was balanced in its approach to the interests of the Member States of the European Union, the diversity of States' situations, the need to prevent irregular immigration, and the need to be open to legal migration.

126. One delegate asked what practical measures France was taking to ensure integration for immigrants. Another wished to know what capacity-building measures were under way to ensure that commitments under the European Pact could be fulfilled effectively, and how international organizations could assist in that regard. A third welcomed the adoption of the Pact, which demonstrated the European Union's acceptance of the need for migration and would have a positive impact on migratory flows. Efforts should be made to ensure that from the time migrants left their country of origin, mechanisms were in place to facilitate their return.

127. Mr. Peaucelle said that on the question of integration, States must discuss best practices and experiences and learn from each other. Although integration had been relatively successful in France, much remained to be done. Some immigrants remained underprivileged, and efforts were therefore being made to provide them with French language lessons and education in French values. Efforts were also being made to find work on the French labour market for family members of immigrants, who came to France in the context of family reunification. Capacity-building was a key issue, and the Council of Europe had issued conclusions on that subject. He agreed that the adoption of the Pact marked the beginning of a new era for migration in Europe.

128. Ms. Alwan said that IGAD, as one of the seven Regional Economic Communities on which the African Union relied for the implementation of African instruments at regional,

subregional and national level, had only recently started giving priority to the issue of migration. It had established the IGAD Regional Consultative Process for Migration (IGAD-RCP) together with IOM and the AU in the context of the African Union's Strategic Framework for Migration Policy in Africa and in order to promote regional integration. In the IGAD region – comprising Sudan, Uganda, Kenya, Ethiopia, Eritrea, Djibouti and Somalia – political instability, armed conflicts and environmental upheaval had resulted in the world's largest population of refugees and displaced persons. Many of the region's States were also Least Developed Countries. The IGAD-RCP was intended to harmonize migration policy within the region, and specifically to serve as a platform for dialogue between IGAD Member States and with countries of transit such as the Libyan Arab Jamahiriya, Niger and Egypt, with a view to enhancing knowledge and understanding of the causes, scope, characteristics, tendencies and consequences of migration within the region among decision makers, the authorities and all stakeholders.

129. The process would emphasize the priority areas identified by IGAD Member States, namely technical competence, capacity-building, data collection and distribution, information sharing and the preparation and harmonization of national and regional immigration and labour policies. Particular attention would be paid to migration and development.

130. One Member State, noting the importance of regional integration to coherent migration policies, asked whether free circulation already existed between the IGAD Member States or whether that was one of the IGAD-RCP's ambitions. How did IGAD handle multiple regional processes and entities, given that Uganda and Kenya were also involved, together with Tanzania, in the regional cooperation platform of the Eastern African Community. Another Member State underscored the role of the African Union in the management of migratory flows and recalled that migration and development and the need to tackle the root causes of migration had been deliberated at the European Union-Africa Ministerial Conference on Migration and Development held in Tripoli in November 2006.

131. Ms. Alwan pointed out that the numerous conflicts in the subregion made it much more difficult to promote integration there than in other regions, but that the Member States were determined to do so.

132. Ms. E.Y. Egorova, Assistant Director of the Russian Federal Migration Service, took the floor as a special guest of the Director General. She pointed out that the Russian Federation received more labour migrants than any other country in the post-Soviet space and had the highest migratory flows in Europe. Like its partners in the Commonwealth of Independent States (CIS), it therefore attached great importance to the development of regional cooperation on migration management. That process had received fresh impetus in October 2007 with the adoption of the Declaration on the Coordinated Migration Policy of the CIS Member Nations and the establishment of the Council of Directors of Migration Services in CIS countries. The Council's main goals were to coordinate interaction, set priorities, draw up shared methodologies and standardize migration legislation; it attached paramount importance to the protection of the rights and legitimate interests of migrants.

133. The Council had played an active part in the drafting of the CIS Convention on the Legal Status of Migrant Workers and Members of Their Families, adopted on

14 October 2008. Together with the CIS Executive Committee and the Interparliamentary Assembly of the Commonwealth of Independent States, it planned to inventory the existing legal rules on cooperation and draft new agreements and model laws on migration. It also planned to produce a concept for the organized recruitment of migrant workers in the CIS countries, whereby migrants would receive initial training, including language instruction, in their country of origin and travel abroad with a guaranteed workplace and a signed work contract. Employers were to be given a heightened sense of responsibility and discipline, and migrant workers provided with information on legislation and inculcated with a respectful attitude towards the law, culture and language of their country of destination.

134. The Council further planned to foster a climate of tolerance towards migrant workers among host populations. It would be working to that end with national diasporas, government services and the media. It sought closer cooperation with IOM, which was already running effective programmes and activities within the CIS space.

135. The current financial crisis presented a serious challenge to the international labour market. Only States that used modern economic and labour management tools would be able to rise to that challenge. One such tool was constructive international dialogue on migration and development of the kind fomented by mechanisms such as the Council of Directors of Migration Services.

**(c) Addressing Mixed Migration Flows**

136. The panellists were as follows:

- **António Guterres**, High Commissioner, Office of the United Nations High Commissioner for Refugees
- **Trygve Nordby**, Chairperson, Reference Group on Migration, International Federation of Red Cross and Red Crescent Societies
- **Johan Ketelers**, Secretary-General, International Catholic Migration Committee

137. The Administration opened the panel by saying that migration was and always had been mixed, requiring differentiated approaches. In the first instance, it was important to put current migratory dynamics into context, stating that although the number and types of migrants had increased and were at all time record levels, migration rates had remained relatively constant at some three per cent of the population worldwide over the past four decades. The trend was towards greater mobility, however, with significant increases in shorter-term migration, multiple destinations and temporary circular migration. Moreover, contrary to common perception, South–South migration had become as significant as South–North migration. Irregular migration, again contrary to common perception, representing only 10 per cent of total migration flows, was not at all the most common form of migration.

138. Irregular migration - including mixed migration flows – poses specific challenges for managing migration, for dealing with the phenomenon and for meeting the needs of the persons involved. At national and regional level, in an inter-State and inter-agency context, mixed

populations in irregular migration flows are an issue of concern, but also a subject of collaboration. Approaches to mixed flows based on law enforcement alone did not sufficiently take into account the rights, responsibilities, needs and vulnerabilities of migrants and would therefore be inadequate. The international community had to move beyond ad hoc emergency responses to isolated events towards a comprehensive, systematic approach to migration management that considered the full migration life cycle, including the roles, responsibilities and experiences of countries of origin, transit and destination, migrants and the communities involved in each stage. There should be a differentiated approach - a needs-based approach - targeting the specific needs of the different types of migrants involved in irregular migration and mixed flows (i.e. victims of trafficking, unaccompanied minors, refugees, etc.) and ensuring respect for their human rights. This required inter-agency and inter-State cooperation in gathering and sharing information, enhanced compatibility and coordination among national, regional and interregional legislation and mechanisms, and greater regional and interregional dialogue. Ensuring effective protection of the rights of migrants and meeting governments' migration management objectives, including the use of regular migration channels and awareness of the link between migration and development, were also essential components of such an approach.

139. Mr. Guterres said that all stakeholders needed to work together, first to distinguish between the different migrant groups and then to address their protection needs in a way that respected their human rights. Experience had shown that when there was sufficient political will people's protection needs could be properly addressed; in Lampedusa, for example, different organizations and the State had worked together. Other examples included the Canary Islands and Yemen. There had been strong cooperation between UNHCR and IOM on many different fronts, including the Puebla Process and the Mixed Migration Task Force in Somalia.

140. It was strange that the international community found it difficult to discuss the protection of migrants' rights, given how easily it discussed the economic and social dimensions of migration. Attempts to address the specific protection needs of people on the move were at times limited, including by things such as physical access to territories, access to protection procedures, namely refugee status determination, and the fair treatment of their claims.

141. The increase in forced displacement was a concern and could be the result of a number of factors: conflict, climate change, loss of the capacity to sustain livelihoods, extreme poverty and the financial crisis. It had to be recognized that the capacity of the international community to address those problems was limited. Legal instruments offered protection to people in very specific situations, but it could be difficult to categorize people because they sometimes moved for a combination of reasons. A serious discussion, led by States, was needed within the international community on how to face the new challenges of forced displacement and what types of protection instruments were required.

142. With regard to the management of migration flows, any policy based solely on border control would fail. A comprehensive approach was needed that went far beyond the movement of people. Prevention was key: preventing conflicts, making adaptations for climate change, promoting economic development so that migration became a choice and not the only option. Political will in the international community was lacking because prevention efforts did not

receive media coverage; the attention of politicians was focused on addressing crises. In recent years, development cooperation policies had favoured urbanization, which had been a trigger of displacement – when communities urbanized they partly lost their roots and moved on more readily.

143. Further trade liberalization was the preferred response to the financial crisis. The importance of labour mobility for world economic growth and poverty reduction should be recognized. The best way to guarantee the protection of all those involved in the mixed flows of migration was to have a global environment in which labour mobility took place in a more regular and managed way. As United Nations High Commissioner for Refugees, the best way for him to fulfil his mandate to protect refugees was to guarantee that migration policies were adopted that were fully compatible with human rights, the needs of economic growth and the fight against poverty.

144. Mr. Nordby said that the imperative to act on the basis of humanitarian need without discrimination of any kind was now widely accepted and that a declaration had been unanimously adopted at the International Conference of the Red Cross and Red Crescent the previous year acknowledging “the role of National Societies, based on the principles of humanity and impartiality, to provide humanitarian assistance to vulnerable migrants, irrespective of their legal status”.

145. Many migrants in need of protection and humanitarian assistance were not covered by refugee law. The very term “mixed flows” hid the fact that in any group of migrants there were likely to be individuals in need of protection or assistance. The human rights of migrants were recognized in a variety of instruments and could not be ignored, even if the migrants were irregular under national law. Governments’ fear of being perceived as “soft” on migration was not a valid reason to disregard the needs of those individuals.

146. While the International Federation’s work with migrants needed to be developed further, there were five target groups with whom National Societies already played an important role, in partnership with others: (1) migrants in humanitarian crises; (2) particularly vulnerable migrants such as children, the elderly, the sick; (3) migrants in need of legal protection, whether or not they had the correct documents; (4) socially excluded groups, and (5) irregular migrants.

147. Irregular migration posed tremendous humanitarian challenges. Too many States accepted the logic of humane deterrence and kept ever-increasing numbers of unsettled migrant cases in limbo, which was unacceptable from a humanitarian point of view. In a number of States detention camps were said to be severely overcrowded, with inadequate supplies and facilities. Detainees were sometimes denied access to legal procedures. It had therefore become a priority for many National Societies to offer visits to detainees and monitor facilities, under the guidance of the International Committee of the Red Cross. National Societies were trusted by both migrants and public authorities to provide support in most countries and had to carefully avoid giving the impression that they were responsible for governments’ migration policies.

148. It was difficult to establish a policy on how to deal with the humanitarian needs linked to the forced return of rejected asylum-seekers and irregular migrants. While there was



consensus that return and reintegration should take place in a safe and humane fashion, there were different views regarding the extent to which and on what conditions National Societies should be involved without compromising the International Federation's basic principles. National Societies had to be able to perform their humanitarian functions in an enabling atmosphere and it was unacceptable that in some countries the provision of even basic humanitarian assistance to irregular migrants was criminalized. He suggested that a set of guiding principles for the treatment of irregular migrants should be developed.

149. Introducing his presentation, Mr. Ketelers said that migration was a responsibility to be shared by various societal players and that there were gaps in migration discourse and action affecting the lives of millions of people: access to protection by refugees and other migrant victims arriving in distress, organizing safe and fair labour migration, preserving family unity and crafting solution-oriented approaches and policies to reduce forced and irregular migration. Those gaps had been summarized in the International Catholic Migration Commission's 2008 publication, *Dignity Across Borders*. Faith-based organizations such as his own worked to fill those gaps. The time had come to "unmix" migration by acknowledging that there were different types of migrants – refugees, trafficking victims, unaccompanied children, for example – whose particular needs required special attention.

150. Mindful of the need for sound mechanisms to fill gaps in migrant protection, the International Catholic Migration Commission had brought together some 23 international and non-governmental organizations to survey and exchange best practices in Africa, Europe and the Gulf countries and had recommended policies for first aid, recovery and referral for all migrants arriving in distress. The project had been funded by the Council of Europe and partners were being sought.

151. Solution-oriented approaches to forced and irregular migration included organizing safe and legal channels of migration, the integration of irregular migrants and the development of decent jobs and opportunities in home countries to give people a choice whether or not to migrate. Although these approaches would not be the ultimate panacea, they would help manage migration in an orderly, humane manner, with respect for migrants' rights.

152. The global financial crisis could very well spawn a wave of xenophobia that could be avoided through vigilance and proactive measures undertaken in a spirit of shared responsibility and cooperation by all stakeholders in migration.

153. In summary, the Director General said that a coherent approach to migration management was lacking in the globalization process. Migration was indeed mixed, requiring a needs-based approach to protection. It was therefore fitting that the theme of the 2009 International Dialogue on Migration would be migrants' human rights. With regard to the need for inter-State and inter-agency cooperation, it was heartening to witness the spirit of cooperation within the international community. The threat of xenophobia rearing its ugly head in the wake of the global financial crisis, however, was a matter of deep concern to IOM. Negative stereotyping of migrants was a risk to be avoided at all costs.

154. South–South migration was a concern of many delegations. One representative said that armed conflict was, sadly, still a catalyst for migration, and a problem faced by some African

States bordering conflict zones. He emphasized the need to tackle the root causes of migration, rather than simply focus on implementing emergency measures.

155. Another representative said that irregular migration, a common feature of South–South migration, had not received the attention it deserved. He wished to know more about the phenomenon, such as its geographical distribution. Yet another suggested that the growing trend towards South–South migration was linked to tighter border controls in countries of the North. A two-tier migration system had emerged, with skilled workers and professionals gaining entry to the North, and the unskilled being denied such entry because they had less to offer and having to migrate within the home country or to neighbouring countries in the South. As a result, there tended to be an influx of poor people in the same region, affecting the national poverty reduction plans of countries struggling to combat widespread poverty in their own backyards. To be effective, therefore, poverty reduction plans should be not only national, but bilateral and regional in scope.

156. According to some speakers, it was essential to extend greater legal protection to mixed flows of migrants, in particular before “unmixing” migration. Refugees and asylum-seekers were categories that required special attention, and progress had been made, to wit, through the European Pact on Immigration and Asylum.

157. Organizational mandates were another a topic of concern. One delegation disagreed with Mr. Guterres and said that IOM did indeed have a protection mandate stemming from the IOM Strategy and Constitution. It was, moreover, becoming increasingly difficult to distinguish between refugees and migrants in the field, a factor that could hinder the effective management of mixed migration flows because institutional mandates did not appear to be in sync with reality in the field.

158. The representative of the Czech Republic welcomed the International Dialogue on Migration, especially its focus on return migration, migrant workers and their human rights. A ministerial conference on building migration partnerships to be held during the forthcoming Czech Presidency of the Council of the European Union would promote implementation of the European Union Global Approach to Migration adopted in 2005 and focus on irregular migration, returns and readmission, legal migration, integration, and migration and development.

159. One representative said that he would have liked to have seen a more balanced panel comprising, for example, a representative of a security or border control agency. Very useful exchanges could have resulted from the presence of such an individual. Nonetheless, the quality of the presentations and the debate alone justified continuation of the International Dialogue on Migration. Mr. Ketelers said that it was difficult to see what would be the use of a dialogue between two people with such drastically different ways of seeing migrants. Mr. Guterres added that there was a convergence of interests between the regular movement of persons and the protection of national and citizen security. When there was political will, both goals could be achieved. It should not be forgotten that within the framework of refugee protection there were certain exclusion clauses, which meant that terrorists, for example, would not receive protection. The real problem was that political leaders did not have the courage to stand up to populist ideas and tell the truth about migration. Mr. Nordby said that as former Director

General of the Norwegian Directorate of Immigration he had found that by denying people access they were pushed underground and forced to use the same channels as smugglers and traffickers. He agreed that security was the best argument for regularization.

160. One representative agreed with the panellists that the treatment of migrants, regardless of their status, should be respectful of their human rights and in accordance with the law. All States should be committed to combating any xenophobic ideas that might surface as a result of the global financial crisis.

161. Mr. Guterres said that it was important not to confuse different categories of migrants: refugee status was well defined and the level of protection granted to refugees by law must be maintained. It was sometimes difficult to categorize people and recognize their status, which was why cooperation was called for. The objective was to adapt protection mechanisms so that they covered everyone who needed protection. The European Commission and UNHCR had cooperated on establishing a common European asylum policy because the rates of recognition of refugees were high in some countries and low in others, which made the situation unmanageable.

162. Many countries had gone from being countries of origin to being destination countries. The challenge was to prepare those countries to manage the presence of new immigrants, which required a great effort and political will.

163. Mr. Nordby reiterated that rights needed to be applied and accessible; the legislation of most countries made it necessary to migrate in an irregular manner in order to seek asylum. He applauded the increased cooperation between key agencies such as UNHCR and IOM, on the one hand, and civil society organizations, on the other, but to reach the people who needed to be empowered to claim their rights, it was necessary to work with local authorities, civil society and NGOs in local communities as well.

164. Summing up the discussion, the Administration said that the points made had been remarkably consistent. Migration was, and always had been, mixed, and that would be even more the case in an age of globalization. Migration had to be managed safely, fairly, transparently and humanely, and adequate legal channels created for labour and other forms of migration. All countries had to be prepared to manage the human component of globalization.

165. Migration, as the various speakers had stressed, required a needs-based approach and had to be “unmixed” so as to distinguish the different groups and ensure that people were provided with the assistance and protection they required. The special protection afforded to refugees must not be diluted. To effectively protect migrants’ rights the focus should be on practical, solutions-oriented approaches. It was important to fight xenophobia and the possible re-emergence of negative stereotyping of migrants in the context of the current financial crisis.

166. It was necessary to look beyond migration and focus on prevention, particularly in the context of conflict. Development should not precipitate further displacement. Managing mobility should be seen as a means to facilitate global economic growth and development. The need for cooperation was clear. Migration was a shared responsibility and there was a need for continued dialogue and reflection.

## **DRAFT REPORTS ON THE NINETY-FOURTH SESSION AND THE NINETY-FIFTH (SPECIAL) SESSION OF THE COUNCIL**

167. The Council adopted Resolution No. 1174 of 5 December 2008 approving the reports on its Ninety-fourth Session (MC/2239 and MC/2239/Corr.1 (English and French only)) and Ninety-fifth (Special) Session (MC/2251).

## **REPORT ON THE HUNDRED AND FIFTH SESSION OF THE EXECUTIVE COMMITTEE**

168. Through its Resolution No. 1175 of 5 December 2008, the Council endorsed the decisions taken by the Executive Committee at its Spring Session and took note of the report on the Hundred and fifth Session of the Executive Committee (MC/2256).

169. During his tenure the Rapporteur of the Standing Committee on Programmes and Finance had noticed an inconsistency regarding the responsibility under which the preparation of governing bodies' reports fell. He therefore proposed that at the next session of the Executive Committee, Member States designate on an ad hoc basis the Rapporteur of the Standing Committee on Programmes and Finance as Rapporteur of the Executive Committee, in order to have all governing bodies' reports under the responsibility of Member States.

## **SUMMARY UPDATE ON THE PROGRAMME AND BUDGET FOR 2008**

170. The Rapporteur of the Standing Committee on Programmes and Finance reported that the Standing Committee had examined document MC/2257, in which the Administrative Part of the Budget had remained unchanged at CHF 38,045,000 and that the scale of assessment had been updated to reflect the admission of three new Member States. The Operational Part of the Budget had increased to just over one billion US dollars, and Discretionary Income estimates had consequently been revised upwards. Increased Discretionary Income had been applied to mandatory items of staff security and Line 2 of the 1035 Facility. The remainder had been used mainly for PRISM and other unbudgeted activities. The Standing Committee had recommended that the Council take note of the Summary Update on the Programme and Budget for 2008 (MC/2257), in particular the revised Discretionary Income allocations.

171. The Council took note of document MC/2257.

## **STATUS REPORT ON OUTSTANDING CONTRIBUTIONS TO THE ADMINISTRATIVE PART OF THE BUDGET**

172. The Rapporteur of the Standing Committee on Programmes and Finance said that the Administration had reported that outstanding contributions to the Administrative Part of the Budget amounted to CHF 8.2 million, of which CHF 5.6 million represented arrears of more than two years.

173. The Standing Committee had taken note of the efforts made by some Member States to pay their outstanding contributions and had urged those with contributions outstanding for two or more consecutive years to pay their contributions in full or agree to a repayment plan and report to the Council on their efforts to honour their financial obligations.

174. The matter was one of serious concern to the Administration and the Director General said that he remained committed to working closely and constructively with Member States in arrears to help them pay their contributions in full. The circumstances were right for them to do so considering that under the new scale of assessed contributions, most assessments had decreased and were within the means of virtually every Member State. In addition, IOM would be proposing very flexible repayment plans spanning as much as 15 years. By agreeing to a plan and making an initial payment, even in local currency, Member States in arrears would immediately become eligible for funding under the 1035 Facility.

175. The Administration said that since the Standing Committee session, ten Member States had made payments: the Republic of the Congo, which had paid all its outstanding contributions and made a significant contribution towards future payments, Kyrgyzstan, Mongolia, Paraguay, the Republic of Korea, Slovakia, Uganda, Ukraine, the United Kingdom and Zambia. Sixteen Member States remained subject to Article 4 of the Constitution. The amount outstanding for 2008 and previous years was CHF 7.123 million.

176. One Member State expressed concern at the total amount that remained outstanding and expressed the hope that significant progress would be made towards reducing it in the near future. The representative of the African Group urged all African Member States that remained in arrears to pay their outstanding contributions and thereby facilitate the Group's negotiations with the Organization.

177. The Council took note of the efforts made by some Member States to pay their outstanding contributions and urged those in arrears to settle the outstanding amounts in full or to agree to a repayment plan.

## **PROGRAMME AND BUDGET FOR 2009**

178. The Rapporteur of the Standing Committee on Programmes and Finance reported that a number of delegations had appreciated the fact that the Programme and Budget for 2009 (MC/2258) had introduced a link between projects and the 12 strategic activities. The budget included a proposal for the establishment of a Mission with Regional Functions for Central Africa and a capacity-building centre for Africa.

179. The proposed Administrative Part of the Budget had been drawn up on the basis of zero real growth and amounted to CHF 39.3 million, an increase of about 3.5 per cent, or CHF 1.3 million. A new assessment scale, fully equated to that of the United Nations, had reduced the assessed contributions of over half the membership to less than CHF 1,000. A number of delegations had recognized that the Organization had grown and needed a sustainable budget to support organizational core structures, but others had stood by their position of zero nominal growth. The Standing Committee had decided to engage in informal

consultations with the Administration in an attempt to reach a consensus on the matter. After several rounds of consultation following the SCPF, a consensus had emerged in favour of an Administrative Part of the Budget amounting to CHF 38,806,000, or 2 per cent increase compared to the budget level of 2008.

180. The Operational Part of the Budget for 2009 had been estimated at USD 631 million, an amount that would be revised over the course of 2009 as new projects were launched and additional funding obtained. Discretionary Income was projected to amount to USD 37.0 million in 2009, which included a carry-forward of USD 1.0 million from 2008. That had prompted several questions on the sources, application and approval process of Discretionary Income, with some delegations suggesting that the amount carried forward from 2008 be used to cover the increase in the Administrative Part of the Budget relating to cost and statutory increases. The Standing Committee had decided to establish a working group to examine Discretionary Income in greater detail.

181. Two Member States expressed appreciation for the Administration's untiring efforts to explain IOM's budget structure and to reply to the Member States' queries and concerns. Two stated that their basic position remained zero nominal growth but they and a third Member State had agreed to the increase in the Administrative Part of the Budget for 2009 on the understanding that this would not set a precedent for future budgets.

182. Several representatives thanked the other members of the Council for the spirit of cooperation they had demonstrated in agreeing to the revised Administrative Part of the Budget. Two extended special thanks to the Rapporteur for his efforts in negotiating the consensus.

183. Three Member States felt that the Organization's growth had outstripped its budget structure, which was no longer able to meet current needs and instead posed a number of problems, the biggest of which was the fact that Discretionary Income was starting to exceed the Administrative Part of the Budget. Some delegations indicated the Member States did not wish to micromanage the allocation of Discretionary Income year after year and therefore felt it was appropriate at this juncture to review the budget structure under the leadership of the Director General.

184. The African Group reiterated its satisfaction that the budget proposal for 2009 provided for the establishment of a Mission with Regional Functions in Central Africa and a capacity-building centre in Africa.

185. The Council adopted Resolution No. 1176 of 5 December 2008 on the Programme and Budget for 2009 (MC/2258 and MC/2258/Amdt.1).

## **REVISION OF THE FINANCIAL REGULATIONS**

186. The Rapporteur of the Standing Committee on Programmes and Finance reported that the Administration had explained that the Financial Regulations had been revised at the request of the Member States to (a) incorporate the framework to formalize the application of DI; (b) incorporate International Public Sector Accounting Standards (IPSAS) as the basis for the

preparation of IOM's financial statements and (c) reflect other relevant changes, particularly changes in the governing bodies' structure.

187. The Standing Committee had taken note of the revised version of the Financial Regulations as set out in document MC/2261 and recommended that it be adopted by the Council.

188. The Council adopted Resolution No. 1177 on Amending the Financial Regulations.

#### **OTHER ITEMS ARISING FROM THE REPORT OF THE STANDING COMMITTEE ON PROGRAMMES AND FINANCE**

189. The Rapporteur of the Standing Committee on Programmes and Finance reported on a number of other items discussed by the Standing Committee at its Third Session.

(i) Exchange of views on items proposed by the membership

(a) IOM and UN Reform, including the cluster approach (SCPF/18)

190. The Administration had presented document SCPF/18 to the Standing Committee, which had been invited to examine the implications of the UN "Delivering as One" reform process for IOM. IOM had been involved in six pilot country initiatives and sought to support development efforts in those countries, avoid duplication and make its programmes more cost effective. The difficulties encountered owing to the IOM budget structure and the fact that it was not part of the United Nations should not preclude the development of a closer working relationship with the United Nations to enhance access to shared funds. As the lead agency in the Camp Coordination Camp Management cluster dealing with displacement caused by natural disasters, IOM ensured appropriate deployment of staff in emergencies to build awareness of roles and responsibilities and provide a more effective response for the affected population.

(b) PRISM

191. The Administration had presented document SCPF/19, on the Enterprise Resource Planning tool PRISM, to the Standing Committee. The tool's three main objectives were: to manage human and financial resources more effectively and enhance reporting in a comprehensive and timely manner; to further compliance with IPSAS and thereby enhance the Organization's financial integrity, credibility, oversight and comparability; to increase the Organization's capacity to analyse data and trends, plan effectively and identify financial risks in a timely manner. An update had been provided on the current status of implementation and how the system would enhance resources management when fully implemented.

(c) Labour Mobility

192. The Administration had presented document SCPF/20 highlighting IOM's policy, research and programmatic approach to labour mobility, including the links between these efforts. An effective strategy was required to ensure that labour mobility received the attention

it deserved. The *World Migration Report 2008* showed that almost all contemporary migration was related to labour and employment. The Member States had sought information on IOM's collaboration with other organizations, on its views on the implications of the global financial crisis, and on the steps it was taking to encourage regular migration. The European Commission had pointed to its funding of policy activities as evidence of European Union support for the Organization.

(d) Migration and Environment

193. The document on migration and the environment (SCPF/21) had highlighted the links between climate change, environmental degradation and migration. The Organization was working with the United Nations Environment Programme and other actors to develop the evidence base in this field, identify gaps in law, policy and practice, and, most importantly, develop practical and cooperative approaches to addressing this issue of growing concern.

194. The Standing Committee had taken note of the four presentations by the Administration and the observations by the Member States and observers. The Chairperson of the Standing Committee had indicated that Member States should advise the Administration on future topics for discussion, and a delegation had suggested that the IOM strategy adopted in June 2007 be discussed at the Ninety-sixth Session of the Council with regular follow-up in one of the two annual sessions of the Standing Committee.

(ii) Support for developing Member States and Member States with economy in transition - Status report 1 January to 30 September 2008 (SCPF/23)

195. The Administration had introduced document SCPF/23 on the 1035 Facility. Approximately USD 4.5 million had been earmarked in 2008 for Lines 1 and 2 of the 1035 Facility, and around 80 per cent of those funds had been allocated by the end of the third quarter of 2008 to 33 national and regional projects in 50 countries. The remaining funds would be allocated to projects that were being finalized or awaiting final endorsement. Several delegations had mentioned 1035 projects from which they had benefitted. The African Group had appealed to African countries in arrears to make their payments in order to benefit from Line 2 funding.

196. The Standing Committee had taken note of document SCPF/23.

197. The Administration informed the Council about the funding status of the 1035 Facility and thanked the Member States that had provided substantial contributions in support of its activities.

(iii) Statement by a representative of the Staff Association

198. The Chairperson of the Staff Association Committee had welcomed the new Director General and commended his decision to conduct a staff satisfaction survey. The Staff Association Committee had worked closely with the Administration on a number of issues, including the revision of the Staff Regulations and Rules, and on taxation of IOM staff residing in neighbouring France. The representative of France had announced that discussions were



under way at the ministerial level in France to resolve the tax issue. The Director General had reiterated his commitment to a fair and transparent personnel system to allow staff members to feel that their contributions were valued and recognized.

199. The Standing Committee had taken note of the statement by the Chairperson of the Staff Association Committee and the Director General's response.

(iv) Report on Human Resources Management at IOM (MC/INF/291)

200. The Administration had provided an overview of the key developments in human resources, delocalization and the PRISM system. Several Member States had expressed their concern about the under-representation of certain nationalities or regions in the Organization's administrative structure, and had asked the Administration to translate its promises in that regard into action. The Organization should look to the United Nations as a model for equitable geographic distribution. The Administration had affirmed its commitment to improving that situation.

201. The Standing Committee had taken note of document MC/INF/291.

202. One delegate pointed out that of 39 African Member States, only 13 were represented in the list of candidates for staff positions. Although staffing was a delicate issue, some countries had 20 staff members, whereas others, such as Benin, only had one and yet had been excluded from the list of countries eligible to submit candidatures. Further consideration should be given to enable Africa achieve equitable representation in the Organization without applying rules that could be counterproductive if applied too strictly.

203. The Director General acknowledged the importance of proper geographic representation among staff members for ensuring a fair and just organization. He pledged to keep the question under constant review but was not in a position to make promises. He asked all delegations to remind their governments to look regularly at the Organization's vacancy notices and submit suitable candidatures where possible.

(v) Update on Delocalization (SCPF/22)

204. The Administration had provided information on how the Administrative Centres in Manila and Panama had evolved. Their roles had been clearly defined and efforts were being made to ensure they complemented rather than duplicated each other's efforts. The Manila Administrative Centre hosted a range of administrative functions, provided support for PRISM and supported all Field Offices and Headquarters in the areas of staff security, finance and human resources. The Panama Administrative Centre took advantage of the time zone differences and language capacity to complement the services provided by Manila, mainly to Field Offices in the region and all local staff worldwide.

205. The Standing Committee had taken note of document SCPF/22.

206. The Council took note of the documents and endorsed the recommendations of the Standing Committee.

## **DIRECTOR GENERAL'S PRELIMINARY CONCLUSIONS**

207. The Director General, presenting his preliminary conclusions after the Council's deliberations, said that the Organization would work to consolidate the three priorities identified in his opening statement - Member State ownership, collaborative partnerships and staff professionalism - by following five broad strategic directions: (a) safeguard IOM's comparative advantage; (b) further develop cutting-edge activities and programmes, in particular the regional consultative mechanisms; (c) engage cooperatively and thoughtfully in emerging fields such as elections and climate change; (d) enhance IOM's policy services to its membership; (e) foster partnerships.

208. From the strategy point of view, IOM would focus on its 12 strategic activities listed in the Strategy, in compliance with its mandate and avoiding "mandate creep". It would place particular emphasis on labour migration, counter-trafficking, capacity-building, technical cooperation and emergency response activities.

209. Several topics had been of particular concern to the Member States. The first was the economic and financial crisis and its impact on migration. IOM Field Offices would be monitoring trends in that respect, and the Organization would provide the Member States with a periodic report of their findings and propose appropriate policy response mechanisms and activities. The Global Migration Group would also be focusing on the question.

210. A second topic of concern was the human rights of migrants, which would be the central theme of the 2009 International Dialogue on Migration and the Ninety-eighth Session of the Council. In that connection, IOM would endeavour to do more to prevent the negative stereotyping of migrants and to make host country societies aware of the role and contributions of migrants.

211. An even more sensitive topic had been IOM's Programme and Budget and structural reform. The fact that the Member States had agreed to an increase in the Administrative Part of the Budget was a sign of their growing confidence in the Organization, and the Administration would work with them to make the necessary structural adjustments and to keep the Programme and Budget predictable and transparent.

212. The Director General concluded by highlighting three other points that had struck him in particular: the importance the Member States attached to international dialogue and cooperation in the form of regional and global consultative processes; their assessment of the *World Migration Report 2008* as a useful resource for policymakers, practitioners, academics and civil society; and their constructive discussion on the multifaceted aspects of return migration in the framework of the International Dialogue on Migration.

## **OTHER BUSINESS**

### *Working Group on Discretionary Income*

213. The Chairperson informed the Council that the Open-ended Working Group on Discretionary Income had met on 20 November 2008. He suggested that the Administration continue the discussions in 2009 at the technical level in order to enhance the Member States' understanding of IOM financial and budgetary matters, in particular the sources and application of Discretionary Income.

## **DATE AND PLACE OF THE NEXT SESSIONS \***

214. The Council adopted Resolution No. 1178 concerning its next regular session and inviting the Executive Committee to meet in June 2009. The tentative dates were: 23 to 26 November 2009 for the Council and 23 June 2009 for the Executive Committee. Provisional dates for the Fourth and Fifth Sessions of the Standing Committee on Programmes and Finance were 5 and 6 May 2009 and final week of October 2009 respectively.

215. The Council further adopted Resolution No. 1179 on the Ninety-seventh (Special) Session of the Council. The tentative dates for that session, at which the Member States would elect a Deputy Director General, were 24 and 25 June 2009.

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\* Some of these dates were subsequently changed due to other conflicting meetings or lack of accommodation. Please find hereunder the confirmed dates of all governing body meetings in 2009:

11-12 May 2009	4th Standing Committee on Programmes and Finance
26 June 2009	106th Executive Committee
29-30 June 2009	97th (Special) Council
27-28 October 2009	5th Standing Committee on Programmes and Finance
23-26 November 2009	98th Council

Annex I

**THE DIRECTOR GENERAL'S FIRST REPORT TO THE COUNCIL**

1. It is a distinct honour and pleasure for me, as the new Director General of the International Organization for Migration, to make this introductory report to the Ninety-sixth Session of IOM Council.

A focus on consultation

2. My priority, during my first hectic weeks in office has been consulting, listening and tuning in to the needs, interests and concerns of Member States, our organizational partners and IOM staff.

3. I have had lively bilateral exchanges with Member States in Geneva and in State capitals and have held consultations with regional groupings of Permanent Missions in Geneva. I have had other fruitful encounters in multilateral forums in Montevideo, Dakar, Paris and Manila, to name but a few.

4. At the same time, I have reached out to other international organizations, in particular those in the United Nations system. IOM's active participation in the Global Migration Group (GMG) is one important aspect of this. I am pleased that we are able to provide a platform at this Council for the membership to interact with the GMG, and I am very grateful that the current GMG Chair, UNCTAD Secretary General Supachai, has kindly agreed to lead that panel discussion. Engagement with our humanitarian partners in the IASC, and as an integral part of the cluster approach, is another key element for us. I look forward to attending my first IASC meeting with my fellow agency heads in New York in two weeks, where I will underscore our commitment. At the country level, IOM is now almost universally welcomed as a participant in UN country teams, in recognition that our work affects that of our UN colleagues just as their work affects ours. This is also in keeping with the UN's ongoing reform process and its efforts to "deliver as one". IOM has participated in nearly all the initial pilots, as was discussed at the SCPF, and we will continue to update you on the implications of that process for the Organization.

5. Other important partnerships continue to grow, including with members of the business community and with NGOs, as evidenced by the admission of the new observers earlier today. I welcome this development as recognition of the importance of the field we work in, and of the value of collective efforts.

6. I have also opened essential communication lines with my staff, both at Headquarters and in the Field, through a first consultative meeting with the Heads of IOM's Regional Offices and Special Liaison Missions, town hall meetings of all Headquarters staff, and daily senior management team meetings. These encounters have enabled me to obtain direct assessments of the situation on the ground and to gather, at first hand, staff appraisals of the strengths and weaknesses of the Organization. In addition, planning is under way for a series of staff meetings in the Field that will eventually cover all regions.

### Taking the pulse of the Organization

7. On the basis of these early but substantial interactions with IOM stakeholders, I should like to share with you some personal observations and reflections, and invite you to respond to them in interactive discussion.

8. Allow me to touch briefly on some basic administrative issues. On personnel, budget and administrative matters, there is a need for a review and reform of structures and processes to sharpen IOM's administrative capacity, to consolidate the growth and expansion of the Organization and to set the course for the next five to ten years in light of the Strategy adopted by Member States. I have announced an external review of organizational structures. I have also foreshadowed the conduct of a comprehensive staff satisfaction survey. My intention is to consolidate and present the outcomes of these exercises to Member States at the Spring 2009 sessions of IOM governing bodies.

9. My attention has been drawn to the fact that some Member States experience difficulties in settling their assessed contributions. In order to reach out and assist them, a flexible repayment plan is being proposed that will simplify and encourage the settlement of dues. This will allow those Member States to become eligible for projects funded from the 1035 Facility (Line 2).

10. Acceptance of the constitutional amendments remains an important issue for the Organization, as these amendments aim at strengthening the structure and streamlining the decision-making process of IOM. I invite those States that have not yet ratified the amendments to do so as soon as possible.

11. From a broader perspective, I am pleased to observe that IOM is an organization ably represented by more than 6,000 competent and committed staff in more than 400 locations, engaged in the delivery of an extensive range of service-oriented programmes and projects. IOM is today a truly international organization, with a membership from all regions of the world, and encompassing a wide diversity of perspectives on migration.

12. IOM is also an organization that has grown considerably over the last decade. Whether measured by growth in membership, expenditure, number of projects, number of offices or number of staff, the increase has been very significant. This growth is an eloquent testimony to the efforts of my predecessors. It is also a consequence of growing awareness, in recent years, of migration as international issue. It is perhaps, above all, a reflection of IOM's Member States' desire to have a truly representative organization.

13. IOM is characterized by its speed and efficiency of service, an entrepreneurial, cost-effective mode of operation, light and adaptable office structures, and a strong global presence. IOM's administrative structure is highly decentralized and field-oriented. The vast majority of its services are provided through specific-purpose time-and-budget-limited projects. However, growth in a rapidly changing policy environment has produced its own set of challenges and dilemmas. To point to but a few of the issues that have rather insistently been drawn to my attention: the core administrative structure is no longer adequate to deal with the exceptionally strong growth of the Organization – it needs to be strengthened; the relationship of that core structure to the Strategy, carefully articulated and adopted by the membership in 2007, is yet to be mapped out; and the multiplicity of activity sectors, the

range of project types and the intensity of daily operations make it a real challenge to ensure organizational coherence and provide adequate support for both staff and working partners.

14. The clear impression I have gathered from Member States is that they are deeply conscious of the place and importance of migration in our world today. They realize that migratory processes are evolving rapidly, and they expect IOM be an even more effective partner than before in the search for and delivery of services and advice to meet their specific needs.

15. At the same time I have a distinct sense that my IOM colleagues, whether at Headquarters or in the Field, are seriously preoccupied with questions of their own pertaining to job security, career development, and fairness and transparency of decision-making.

16. A quick look back provides strong evidence that IOM has had the ability and resilience to adapt to its Member States' changing perspectives on migration and, it follows, their changing policy and programme requirements.

17. In the 50s and 60s the focus (for what was then the Intergovernmental Committee for European Migration) was sharply on preparing, transporting and following up large numbers of people left displaced without economic opportunities at the end of the Second World War in Europe, to destinations in New World countries. In the 70s and 80s IOM was again ready and prepared to work, in partnership with UNHCR and other international organizations, on vast programmes of resettlement for refugees and other persons of humanitarian concern, notably from South-East Asia and Central America.

18. The last two decades have been a time of considerable growth, experimentation and diversification, as lines of activity as varied as emergency operations, labour facilitation and movement, voluntary assisted return and reintegration, counter-trafficking, technical cooperation, migration and development, migration and health, policy consultation, advice and research, and international migration law were established or further developed. They have been times of exploration, questioning and experimentation, much of which was intended to identify the appropriate social and economic places for human mobility particularly in times of fluctuating economic conditions.

#### The road ahead

19. This Council provides us, the IOM community, with the right time and place to survey what lies ahead.

20. We have the opportunity to reflect on the meaning that should be assigned to the term "migration" in the light of current and emerging needs and expectations. The intention here is not to conduct a normative exercise. This would hardly be advisable, given both the diversity of membership and the propensity of the concept to morph in response to changing social, economic and political circumstances. This session is instead an occasion for us to identify the issues, interests, challenges and concerns that are uppermost in our minds as we work towards ensuring that migration is beneficial to all. And, in parallel, we can reflect on the institution IOM ought to be, in terms of its structure, roles and functions in order to address these matters effectively.

21. But while we apply our collective intellect and imagination to these tasks, we cannot afford to ignore the “elephant in the room”. As the global financial crisis has unfolded over the last few months, several questions of direct interest to migration policymakers and programme managers have repeatedly been asked:

- What will be the impact of the global economic downturn on migration?
- Will it put the jobs of migrant workers under threat?
- Will it affect their earning capacity?
- Will it lead to a significant decrease in remittances?
- How will it affect countries of origin: communities, families?

22. We should, of course, acknowledge that a large degree of caution should accompany any attempt to identify the possible migratory consequences of the financial crisis. For one thing, it is still unfolding and prospects are uncertain. For another, as usual only limited data is available and measuring instruments are blunt. Some effects may originate from other developments pre-dating the crisis.

23. It is, nonetheless, hard to disagree with those observers who predict a decrease in migration opportunities. Some policy decisions in that direction have already been taken, others are under consideration. Distributional effects may be uneven. Sectors such as construction, agriculture and tourism may be significantly affected. On the other hand, demand for services in the health-care sector, or for the aged, may not show much variation.

24. In light of latest available figures, after several years of strong growth, remittance flows to developing countries began to slow down in the third quarter of 2008 and will most likely remain flat for the fourth quarter. Officially recorded remittance flows to developing countries are projected to reach a total of USD 283 billion in 2008, up from USD 265 in 2007. But in real terms, remittances are expected to fall from 2 per cent of global GDP in 2007 to 1.8 per cent in 2008. Given, however, the tendency for remittances to behave counter cyclically in times of economic crises or recessions at the national level, remittances are expected to remain resilient relative to many other categories of resource flows to developing countries, and their decline may well be smaller than that of private or official capital flows. World Bank estimates provide a relatively large bracket of possible decrease, ranging between 0.9 per cent and 6 per cent, but it is in any case likely that the economies of many recipient countries will be significantly affected.

25. Given the current economic climate, there is a risk that migrants will be singled out and stigmatized. We need to make a concerted effort to prevent this and to ensure that public perceptions of migrants are fair and balanced. We need, also, to continue public education on the contribution of migrants to economic, social and cultural life and to re-emphasize respect for the human rights of migrants as a strategic objective and key commitment of the Organization. IOM Member States last year confirmed the need to enhance the effective respect for the human rights of migrants as a strategic objective of the Organization. This year we have seen considerable emphasis by States on the importance of respect for the human rights of migrants, as reported by our Field Offices as a key priority of host governments, and as highlighted at meetings among States at the regional level and most recently at the GFMD. The Organization sees this as a positive development in maximizing the benefits of migration for all parties involved.

26. IOM will monitor developments, analyse the trends as they emerge and keep Member States informed. IOM's media relations and public information activities will also continue to inform public debate and clarify perceptions.

27. While we are focusing on observations that are of specific and immediate interest however, there are some wider observations that must not be allowed to escape notice. They are conclusions that are very much consistent with the outlook of the World Migration Report 2008 which will be presented to you shortly. First, the financial crisis is a reminder of the interconnectedness and the interdependence of modern societies. It tells us that isolated national efforts are unlikely to lead to effective and sustainable solutions when we have to address complex international issues. And we should take the cue from current circumstances that migration is very much part of the fabric of the global economy.

28. As the international community works at rebuilding the economic system, there may be an unprecedented opportunity to work out also how migration can best contribute to it. Whether by design or not, the many processes of globalization – such as those adopted by the international community to facilitate the movement of capital, goods and services – have created a context in which human mobility seeks to assert itself as never before. The patterns of mobility are more diverse and more interrelated than they have been in the past; and at the heart of these patterns – whether they cover short-term or long-term movements, whether unidirectional or circular, whether they are internal or international, whether they are regular or irregular – are significant economic interests. Chief among these interests are employment-related objectives.

29. For the longer term, with or without financial crises, the crucial challenge facing the international community and, more specifically IOM's membership, is to ensure that the world is better equipped to manage that component of globalization that consists of human mobility. I would suggest that what IOM needs to offer today is a mobilization of effort altogether different from that which resulted in the migration programmes at the end of the Second World War, or the resettlement and integration programmes of the 70s and 80s, which builds on the lessons learnt in recent years, to help its Member States manage the many different forms of mobility that result from global economic, social and cultural interactions.

30. The concept of management is not to be understood here in a narrow sense, as implying control or restriction, but referring instead to effective governance of the various forms of mobility, in a comprehensive manner and in a long-term perspective. Without the necessary foundations – comprehensive and coherent policies, fair and properly functioning legal and administrative structures, well-trained personnel – governments will remain ill-equipped to harness the potential benefits of migration. Helping governments develop essential capacity to manage the movement of people into and out of their territories – for work, study, family unification, relief from harm – is and will remain a principal task for IOM.

#### Improving institutional efficiency and effectiveness

31. To meet this and other key challenges, I would suggest that IOM needs to adhere to three principles of action:

- **Member State ownership** - with all Member States able to contribute to strategic thinking and planning and engaged in open and transparent communication.



- **Collaborative partnerships** – given the complexity of migration, its many economic, social and cultural facets and its strong linkages to other policy domains, IOM cannot fully address its mission without building strong working partnerships with other stakeholders, including first and foremost Member States, but equally other international organizations, NGOs and the private sector. Our purpose must always be to have collaborative, not competitive relations. IOM is mandated by its Member States to address migration in its multiple facets. At the same time we recognize the valuable expertise of other agencies and entities on various aspects of migration. We welcome their involvement.
- **Staff professionalism** – with the Organization as a whole enjoying a culture of professional growth and development, and respect and dignity being extended to all officers.

32. In the light of these principles, my vision for IOM is that of an organization that:

- safeguards its comparative advantage in terms of its operational ethos, its speed of response, its efficiency of effort and its effectiveness of action;
- maintains and further develops its cutting-edge activities, especially in the fields of migration and development, labour migration, including circular migration, counter-trafficking, and emergency response and capacity-building;
- continues to play an important role in supporting Regional Consultative Processes and GFMD, in helping to further develop their agendas and in encouraging them to exchange knowledge and experience;
- engages cooperatively with partners in emerging or expanding fields such as Migration and Trade, Migration and the Environment and Migration and Health; and,
- enhances its policy services to its membership, especially through the creation of spaces for policy dialogues, and through the further development of expertise in data collection, in analysis and research, and in the identification of best practices.

33. I am confident that, with your help, IOM will develop a clearer, stronger strategic focus for its activities, while continuing to uphold its record of service to its stakeholders.

Annex II

**STATEMENT BY THE DEPUTY DIRECTOR GENERAL**

Ministers, Ambassadors, Distinguished Delegates,

1. It is an honour and pleasure to address you today at the Ninety-sixth Council Session of IOM.
2. I would like to begin by extending a special appreciation to the outgoing Chairperson, H.E. Ambassador Javier Garrigues (Spain) for his diligent efforts that enabled us to competently and transparently manage the Director General election process.
3. I would also like to congratulate our new Chairperson of the Council, H.E. Ambassador Germán Mundaraín Hernández (Bolivarian Republic of Venezuela) and his bureau on their election. I would like to reiterate my commitment and support to him as he leads the work of the IOM Council during what promises to be a particularly active period under the new IOM leadership.
4. I wish also to warmly welcome and congratulate the Kingdom of Saudi Arabia, the State of Qatar, the Intergovernmental Authority on Development (IGAD) and December 18 on their admission to IOM with observer status.
5. Finally, I would like to extend my greetings to all the delegations present here, many of whom have travelled from afar to attend this Council session, and to my colleagues from IOM.

Ladies and Gentlemen,

6. In view of the fact that my tenure as Deputy Director General draws to a close in September 2009, this is to be my last address to the Council. In this address to the Council, I will focus on three broad areas.
7. The first concerns my accomplishments during the two terms I have had the honour and privilege to serve the Member States of IOM in the capacity of Deputy Director General.
8. Before I proceed, please allow me to bring to your attention that for the past nine years, I have faithfully maintained a log of successful initiatives undertaken as well as of those that fell short of expectations. I have found this practice to be immensely valuable in that it has permitted me to change course as prevailing circumstances demanded, thereby ensuring relevance at all times of actions pursued or undertaken, and to chart a course for the future.
9. Migration for Development in Africa (MIDA) has been a core agenda item of my tenure at IOM, being the advocate that I am of the view that migration is by and large a force for good. Since its inception in 2001, and guided by internal and external evaluation findings

and recommendations, MIDA has evolved into a programme framework for a range of actions geared towards enhancing the developmental impact that can be derived from continuously evolving migration realities. I believe that it would not be overstated to suggest that improved dialogue on a range of migration issues between Europe and Africa has been greatly enhanced through the various MIDA efforts so generously supported and financed by various European Union countries over the years. To all of them, I wish to convey my deepest appreciation for their recognition of the relevance of this approach.

10. We now seek to ensure continued relevance of our efforts in this field to the growing interest of Member States in Latin America, the Caribbean, Asia and Africa by more fully exploring the links between migration and development. Equally, it is critical that we be able to improve funding possibilities for work in this important domain by consolidating the various actions aimed at maximizing the benefits for development that can be derived from migration into a concise and coherent policy framework.

11. To this end, efforts are under way to formulate an overarching policy framework approach to Migration and Development actions building on the experience of MIDA to date, as well as on other Migration and Development-related programming experiences from other regions. I hasten to add that whatever policy framework is ultimately agreed to as a guide to our Migration and Development efforts is entirely your decision, you as the propellers of the direction this Organization takes in the years and decades to come.

12. Closely linked to the MIDA effort is a nascent initiative in response to requests from several developing Member States for assistance in addressing the dearth of national expertise in the domain of migration policy and practice. To complement our ongoing efforts to address this need through our work in the area of Capacity-Building in Migration Management (CBMM), we are getting an initiative off the ground that will see the twinning universities on a North-South and South-South basis share and exchange knowledge and skills leading up to the delivery of academic courses at tertiary level on a variety of migration issues. Once fully-fledged, this is an undertaking that will help to ensure a steady flow of up-to-date migration academics, policymakers and practitioners in developing countries, complementing existing capacity-building efforts in this critical area of governance through a more sustainable approach. Needless to say, this is also a pool from which international organizations like ours us could draw from in future.

13. While IOM holds firmly to the view that migration is by and large a force for good that has the potential to positively impact development in countries of origin, we are also cognizant of the need for coherent development policies that take full account of pertinent issues in all domains, migration included. Hence the steadfastness of the efforts I have continuously directed towards the integration of migration into national migration strategies and developing countries' Poverty Reduction Strategy Papers (PRSPs). I am certain that all of these efforts are an important step in the direction of the attainment of the Millennium Development Goals (MDGs).

14. For this reason, I applaud the recent choice made by the Greek Government of this very subject – the integration of migration into PRSPs and national strategies – as the theme for the Third Global Forum on Migration and Development (GFMD 3) scheduled to take

place in Athens in 2009. This decision gives me much confidence that GFMD 3, like its predecessors, will be a positive step towards equipping developing countries with the tools they need to more fully exploit the benefits migration could have for their development efforts.

15. Continuing on the subject of my accomplishments, I wish now to focus on what we have achieved during my tenure as Deputy Director General in the area of partnerships and the expansion of the IOM membership.

16. As we all agree, migration issues are multidimensional in nature and so demand an approach that brings on board the full breadth of actors to ensure that the challenges they present are responded to in full cognizance of their complexity.

17. I can state with some degree of confidence that the efforts I have made over the years have led to a significant increase in the number of organizations we have brought on board the migration discussion, and to stronger engagement with those that were already on board.

18. Ardent efforts, some building on the work of my predecessors, have seen migration become a constituent aspect of discussion and action emanating from the United Nations General Assembly, the United Nations Division on the Advancement of Women, the United Nations Office of the Special Adviser of the Secretary General on Gender and United Nations specialized agencies such as UNIFEM, UNFPA, UNICEF, WHO, UNAIDS, INSTRAW. Other United Nations bodies such as UNDESA, DPKO and its regional economic agencies, particularly UNECA, are today more aware of the linkages between their respective mandates and migration, in no small measure due to these efforts. Also, regional bodies such as NEPAD, OIF and the Commonwealth of Nations are others for whom migration is today a key feature of policy discussions thanks to these steady outreach efforts.

19. Clearly, IOM Member States are the drivers of its long-term strategic policy direction and, in this sense, are its most important voice. Another key set of players are the Regional Economic Communities (RECs) comprised of many of the same States that are members of the Organization. With this in mind, the relationship with many of these bodies, such as the AU, the EU, the ACP, IGAD, EAC, ECOWAS, CENSAD, OIC, COMESA and UEMOWA has been established over the past ten years, or greatly reinforced where a relationship already existed. This enhanced collaboration has helped to ensure that regional perspectives of migration challenges and opportunities are factored into dialogues and into the resulting agreements and initiatives.

20. Recognizing the extent to which today's world is interconnected through globalization, and cognizant of the crucial need for regional approaches to migration issues, I have worked tirelessly over the past decade to bring on board Member States from all regions of the world, especially in Africa, so that the International Organization for Migration is truly global and universal, and thus able to execute its mandate more effectively.

21. It is also this understanding of the interconnectedness of actions undertaken in a country or a region with those carried out in another that have driven me to work towards

ensuring that large swathes of regions are no longer excluded from full participation in IOM owing to language barriers.

22. To this end, it was important that the francophone countries be a more integral part of the Organization than was the case at the start of my mandate in 1999, and this has happened. Today, not only is IOM a more trilingual organization than it was about a decade ago, it is also doing a lot more in francophone Africa and Asia. Secondment of Associate Experts from the *Organisation Internationale de la Francophonie* (OIF) and concerted efforts at recruiting francophone candidates wherever possible are some of the measures that have been carried out to this end.

23. I believe it would be fair to state that the way States across the globe view IOM is significantly different today from what it was even just a decade ago. In large measure this is due to the increasing topicality migration issues. It is also in some measure due to conscious efforts to ensure that IOM actions are of relevance to all countries along the migration continuum, and not just to some. Understanding as we all do that migration has long ceased to be a national issue, the broadening of IOM membership has greatly facilitated intraregional, regional and interregional dialogues, which continue to prove an effective forum through which to address migration issues of common concern.

24. There is one area in which I am less than proud of my accomplishments to date. Gender mainstreaming, both in terms of human resource decisions as well as project development, planning, implementation and reporting is an area in which a lot more work needs to be done. Despite efforts to ensure gender is mainstreamed into all aspects of IOM's work, gender considerations are frequently still only an afterthought. That said, I have every confidence that under the enlightened leadership of Director General Swing, the Organization will advance with this kind of approach to gender mainstreaming, which has sometimes been characterized by lip service and tokenism.

25. It is my view that ten years in a position such as the one I occupy is ample time to introduce and carry out a significant body of policy and programmatic goals. It is against this background that I will be passing on the baton on all these important ongoing initiatives in some ten months' time to my successor, fully satisfied with what I have accomplished and confident that they will be sustained over time.

26. Ladies and Gentlemen, my second area of focus today covers three recommendations that I wish to put forward for your consideration and that of Director General Swing, based on my experience of service to the Organization over the past nine years in my capacity as Deputy Director General.

27. As you look to steer IOM, your Organization, to greater heights of achievement in the years and decades to come, and to equip it with what it will need to cope with ever greater challenges and to deliver in what is an increasingly complex migration landscape, I imagine that many questions and ideas cross your mind. For my part, I consider three recommendations to be key.

28. Over the years, I have advocated the need for fundamental reforms in how the Organization is governed through its three governing bodies: the Council, the Executive Committee and the Administration. Some of you are sure to remember the statement by Ambassador Luis Alfonso de Alba at the 2005 Council session which echoed very forcefully these views. I salute Ambassador de Alba for his well-informed analysis of these issues. I also note with some satisfaction that these views are now increasingly and more clearly at the forefront of deliberations on the Organization's future direction, more recently under the leadership of Director General Swing.

29. I therefore wish to humbly recommend that if you deem these suggestions to have value, we get down to revisiting them to some conclusion under the exacting direction of Director General Swing. I am persuaded that doing so would help to ensure that Member States, to whom this Organization belongs, can continue to have confidence that the Organization is being managed with efficiency and transparency in all financial and programme-related matters. Director General Swing stands ready to work with you to that end and to do what it takes for the team to work and deliver the action you expect from the Organization. He is firm, attentive and above all determined.

30. Now, on to my second recommendation. The experience of serving two terms as Deputy Director General of IOM leads me to believe that the time has come for a Council resolution by Member States assigning more clearly defined tasks to the Deputy Director General.

31. IOM has done very well in its 56 years of existence with a Constitution that mandates two elective posts, that of Director General and Deputy Director General. As is to be expected of any elective post, experience has shown that the post of Deputy Director General requires a skill set predicated on a strong political background. Over the years, the main fields of work of the Deputy Director General have been formulated in consultation with the Director General on an *ad hoc* basis. The result of this *ad hoc* approach has been that the role and function of the Deputy Director General have tended to change with each period of leadership, and above all with its moods, resulting in loss of coherence in some instances, and great ambiguity and confusion – whether deliberate or not - in others, needlessly distracting our attention from the essentials we should be focusing on. Defining fields of work for the position of Deputy Director General and enshrining these in a Council resolution could help to ensure that the services owed to Member States are under no circumstances compromised.

32. My recommendation therefore is that under the leadership of Director General Swing, the process of defining fields of work for this position be initiated. I believe this would greatly serve my successor, and thereby the Organization, its Member States and the migrants it is our task to help. You will see, as time passes, that the Director General combines great grace and firmness – two characteristics that are not contradictory.

33. The third and final recommendation I would like to make has to do with an ardent wish that has often been expressed by our Director General, Ambassador Swing, and that I strongly endorse. The Director General has made clear his intention to enhance the professionalism of the Organization's staff at all levels, both at its Headquarters here in Geneva and in the hundreds of Field Offices across the world.

34. Many factors contribute towards strengthening or undermining staff professionalism. Staff moral was greatly eroded by the *ad hoc* management style of the past few years. My experience of IOM thus far leads me to believe that increasing workloads and ever-diminishing human and material resources, plus the fact that not all staff have been treated the same, not to mention IOM's poor management, have often thwarted the Organization's efforts to retain its top talent and/or to attract more of the existing talent that is needed now more than ever on a larger scale if we are to keep pace with the significant growth and complexity of IOM in programming in a structurally weak context in which coordination is notably lacking.

35. Our spirited discussions, year after year, on the subjects of zero nominal growth versus zero real growth and of outstanding contributions are for me evidence, if ever any was needed, of how deeply you care about this Organization. Therefore, I would urge that under the new leadership of Director General Swing, we begin to reflect anew on positions that we have previously held on this question and work towards giving him the tools he will need to steer IOM in the direction you need it to go.

36. Ladies and Gentlemen, the third and final area of focus of this statement is one that is very special to me. As I prepare my exit from the Organization in September 2009, I feel great optimism regarding the future of IOM, particularly now with Ambassador Swing at its helm. With your support, I have little doubt that he will steer this Organization in the direction you, its Member States, wish it to go. Equally, I am confident that the direction he is setting will ensure enhanced responsiveness to migration challenges through creative, innovative and relevant approaches.

37. Finally, Ladies and Gentlemen, I wish to express my most profound gratitude to all of you for the unwavering support you have shown me throughout my two terms as Deputy Director General of IOM. Thanks to you, the Member States of this remarkable Organization that I have been so privileged to serve in, and to a very talented group of individuals that make IOM work so well both on the frontline and behind the scenes, in our Headquarters here in Geneva as well as in some of the most remote corners of the globe, the IOM episode of my professional life will have been not only most challenging and educational but also rewarding. It would be remiss of me to conclude without thanking the Chairmen of the Council who spared no effort in ensuring respect for the integrity of the Deputy Director General function at IOM, namely Ambassador Amina Mohamed of Kenya and Ambassador Massood Khan of Pakistan.

38. I will forever be grateful for the confidence you showed in electing me to serve in this eminent role and during what was a critical decade in global migration discourse. I can but hope that I have lived up to your expectations and was worthy of your confidence.

Thank you very much.