

NINETY-EIGHTH SESSION

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

NOTE CONCERNING DOCUMENT MC/2274

At its Ninety-eighth Session the Council, by Resolution No. 1189 of 26 November 2009, approved the Report on its Ninety-seventh (Special) 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/2274 dated 22 July 2009.

Geneva

29 June 2009

Rapporteur: Mr. M. Weidinger (Austria)

MC/2274

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Participants wishing to make corrections should submit them in writing to the Meetings Secretariat, IOM, P.O.Box 71, CH-1211 Geneva 19, within one week of receiving the records in their working language; these will then be consolidated in a single corrigendum.

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

OPENING OF THE SESSION

1. The Council convened for its Ninety-seventh (Special) Session on Monday, 29 June 2009, at 10.30 a.m. in the Palais des Nations. Two meetings were held, chaired by H.E. Mr. G. Mundaraín (Bolivarian Republic of Venezuela).

ATTENDANCE¹

2. The following Member States were represented:

Afghanistan	Dominican	Mali	Sudan
Albania	Republic	Malta	Sweden
Algeria	Ecuador	Mauritania	Switzerland
Angola	Egypt	Mauritius	Tajikistan
Argentina	El Salvador	Mexico	Thailand
Armenia	Estonia	Mongolia	Trinidad and Tobago ²
Australia	Finland	Montenegro	Tunisia
Austria	France	Morocco	Turkey
Azerbaijan	Gabon	Namibia ²	Uganda
Bahamas	Gambia	Nepal	Ukraine
Bangladesh	Georgia	Netherlands	United Kingdom
Belarus	Germany	New Zealand	of Great Britain and
Belgium	Ghana	Nicaragua	Northern Ireland
Benin	Greece	Niger	United Republic
Bolivia	Guatemala	Nigeria	of Tanzania
Bosnia and Herzegovina	Guinea	Norway	United States of America
Brazil	Haiti	Pakistan	Uruguay
Bulgaria	Honduras	Panama	Venezuela
Burkina Faso	Hungary	Paraguay	(Bolivarian Republic of)
Burundi	India	Peru	Viet Nam
Cambodia	Iran (Islamic	Philippines	Yemen
Cameroon	Republic of)	Poland	Zambia
Canada	Ireland	Portugal	Zimbabwe
Cape Verde	Israel	Republic of Korea	
Chile	Italy	Republic of Moldova	
Colombia	Jamaica	Romania	
Congo	Japan	Rwanda	
Costa Rica	Jordan	Senegal	
Côte d'Ivoire	Kazakhstan	Serbia	
Croatia	Kenya	Sierra Leone	
Cyprus	Latvia	Slovakia	
Czech Republic	Libyan Arab	Slovenia	
Democratic Republic	Jamahiriya	Somalia	
of the Congo	Lithuania	South Africa	
Denmark	Luxembourg	Spain	
	Madagascar	Sri Lanka	

¹ See List of Participants (MC/2273).

² See paragraph 6.

CREDENTIALS OF REPRESENTATIVES

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

ADOPTION OF THE AGENDA

4. The Council adopted the agenda set out in document MC/2268.

APPLICATIONS FOR MEMBERSHIP OF THE ORGANIZATION: THE REPUBLIC OF TRINIDAD AND TOBAGO AND THE REPUBLIC OF NAMIBIA

5. The Council adopted by acclamation Resolutions Nos. 1180 and 1181 of 29 June 2009 admitting the Republic of Trinidad and Tobago and the Republic of Namibia, respectively, as members of IOM.

6. The representative of the Republic of Trinidad and Tobago thanked the Council for admitting his country as a member of the Organization. Trinidad and Tobago had a long tradition of migration: the majority of its population was descended from people from Africa, India and China who had been forced to move there in colonial times, while others from Europe had chosen to migrate there as part of the colonial administration; more recent arrivals had come from Syria and Lebanon. Considerable numbers of people from Trinidad and Tobago had left their homes to find work, specialist training and economic opportunities abroad. At the same time, foreign nationals had been attracted by extended periods of sustained economic buoyancy in Trinidad and Tobago. Recently, more people had started arriving from places outside the Caribbean to await transit, or in connection with international criminal networks.

7. The Government was working to tighten border controls in order to stem the flow of illegal guns and drugs, and those who trafficked them, and to restructure and upgrade national migration management systems to combat human trafficking. Much had already been achieved in collaboration with IOM on the basis of a 2006 agreement and the decision to apply for membership was, therefore, a logical continuation of the country's existing relationship with the Organization. He thanked the country's bilateral partners, especially the United States of America, for its collaboration on a capacity-building project. Enduring migration solutions required a coherent global policy framework and IOM presented an opportunity to engage with other partners in a meaningful, problem-solving dialogue in the search for those solutions.

8. The representative of the Republic of Namibia thanked the Council for approving her country's application for membership of the Organization, which had been prompted by its desire to establish a close relationship with IOM in order to take part in the discussion of migration-related issues affecting the international community.

9. Even before becoming a member, Namibia and IOM had worked closely in a number of areas. Regarding migration health, Namibia had been one of the pilot countries in an IOM programme to reduce the incidence of HIV and the impact of AIDS among migrants, mobile workers and their families in southern Africa. Between 2004 and 2006 it had received assistance from IOM and the Office of the United Nations High Commissioner for Refugees

(UNHCR) for the voluntary repatriation of Angolan refugees. Lastly, in 2008 a comprehensive assessment had been made of Namibia's border control and migration management system with funding provided by the United Kingdom. It was to be hoped that Namibia's continuing needs in that domain would be addressed in the near future.

10. The Council welcomed the two new Member States to the Organization. The Director General in particular looked forward to strengthening IOM's existing relationship with Trinidad and Tobago and to consolidating the IOM Country Mission in Port of Spain. The Caribbean was a very important region in terms of migration and he would be discussing the possibility of establishing a regional conference on migration for the Caribbean with Member States. IOM had cooperated with the Government on upgrading the country's migration security technology, revising its legislative and regulatory frameworks, setting up the national counter-trafficking authority, and facilitating voluntary returns. It was gratifying that the Government had chosen to recognize those efforts.

11. The Director General further observed that cooperation with Namibia had been close even in the years before it had applied for membership. In addition to the activities described by its representative, Namibia was an active participant in the southern African regional consultative process, MIDSA (Migration Dialogue for Southern Africa). Together with IOM, it had also produced *Chasing Dreams*, a comic book story set in Walvis Bay that brought to light the complicated dynamics of migration and the HIV vulnerability of migrant and mobile workers.

DEPARTURE OF THE DEPUTY DIRECTOR GENERAL

12. Numerous Member States paid tribute to the outgoing Deputy Director General, highlighting her professionalism, leadership abilities and dedication. The Deputy Director General had had an active role in the expansion of IOM over the ten years of her mandate. She had fostered partnerships with other bodies and stakeholders and enhanced dialogue across regions. To that end, she had encouraged cooperation between universities and promoted academic courses on issues related to migration. Her efforts to transform the question of migration from one of confrontation to one of cooperation between North and South had been successful. She had championed gender issues both in IOM's projects and within the Organization itself. She had promoted the interests of the vulnerable and of developing countries, especially in Africa, where she had emphasized the role of the diaspora and provided much of the impetus for the Migration for Development in Africa programme.

13. The Director General expressed his gratitude to the outgoing Deputy Director General for her ten years of distinguished service to the Organization. He underscored her significant contribution, as part of the leadership team, to IOM's exponential growth and her work to promote migration and development, including the role of the diaspora. The Deputy Director General had championed the rights of women and children, who often suffered the most in conflict situations or during mass movements of people. She had supported counter-trafficking initiatives and had built and maintained relationships with Member States and key partners. She had fulfilled the role of deputy admirably, providing him with appreciated support, and she would be sorely missed.

14. The Deputy Director General looked forward to working with her successor to ensure a smooth transition, as part of the role of the Deputy Director General was to contribute to the

smooth running of the Organization. Teamwork was crucial, but also very difficult to achieve and required real resolve. She was confident that the Organization would continue to progress under the incumbent Director General. She expressed her admiration for IOM's hardworking, motivated staff. She had learned much from her colleagues and that knowledge would stand her in good stead in the future. She had been gratified to play a pivotal role between the countries of North and South and had done her best to listen to all points of view and to facilitate dialogue.

ELECTION OF A DEPUTY DIRECTOR GENERAL

15. The Chairperson stated that the election would be governed by the following rules:

- Article 18, paragraph 1, of the Constitution, which states: “The Director General and the Deputy Director General shall be elected by a two-thirds majority of the Council and may be re-elected. Their term of office shall normally be five-years but may, in exceptional cases, be less if a two-thirds majority of the Council so decides”;
- Article 29, paragraph 2, of the Constitution, which states: “Majorities provided for in this Constitution or rules made by the Council or the Executive Committee shall refer to members present and voting”;
- Rule 38, paragraph 4, of the Rules of Procedure for the Council, which states: “For the purpose of the Rules, the phrase ‘members present and voting’ means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting”;
- Rule 45 of the Rules of Procedure for the Council, which states: “On decisions relating to individuals, a secret ballot shall be taken [...]”.

16. The election would further be governed by the additional elements adopted by the Council on 30 November 2007 to enhance transparency (MC/2236/Rev.1).

17. The official list of four candidates had been communicated by the Council Bureau on 30 April 2009. Lots had been drawn on 11 May to determine the order in which the candidates would appear on the ballot paper, with the following result: Mr. Marco Boasso (Uruguay), Ms. Laura Thompson Chacón (Costa Rica), Mr. Alfonso López Araujo (Ecuador) and Mr. Esteban Conejos (Philippines). There would be as many ballots as necessary until a candidate had obtained the required two-thirds majority. If there were a need to go to a fourth ballot because no candidate had obtained by then the majority required, the candidate having obtained the smallest number of votes would be removed from the next ballot. When only two candidates remained on the ballot and the candidate having obtained the greater number of votes had obtained the absolute majority but not the required two-thirds majority, that candidate alone would be put on the last ballot, unless the Council agreed to an election by consensus or acclamation in favour of that candidate. However, the whole electoral process would begin anew if that candidate withdrew or did not obtain the required two-thirds majority on the last ballot. Any withdrawals were to be communicated to the Chairperson, who would notify the Council accordingly. Lastly, any Member State or the Chairperson could propose that the Council suspend the meeting between ballots.

18. The countries holding the First and Second Vice-Chairmanship of the Council designated the following tellers: Ms. Masako Sato (Japan), and Mr. Boualem Chebihi (Algeria) subsequently replaced by Ms. Zakia Ighil (Algeria). The tellers were assisted by the Legal Adviser and the Rapporteur. The counting took place in the conference room. The tellers opened the ballot papers and handed them to the Legal Adviser who, in turn, showed them one by one to the Rapporteur to read aloud the name of the candidate for whom the vote had been cast.

19. The membership watched an on-screen presentation on how to fill in the ballot papers.

20. At the first round of voting, 118 Member States were present and received a ballot paper. The results of the first round were as follows:

(a)	Number of ballot papers distributed:	118
(b)	Number of ballot papers taken from the ballot box:	118
(c)	Number of invalid ballot papers:	0
(d)	Number of abstentions:	0
(e)	Number of valid ballot papers:	118
(f)	Two-thirds majority:	79
(g)	The candidates obtained the following number of votes:	
	Mr. Boasso	17
	Ms. Thompson Chacón	53
	Mr. López Araujo	8
	Mr. Conejos	40

21. The delegations of Ecuador and Uruguay withdrew their candidates, Mr. López Araujo and Mr. Boasso respectively, after the first round, for the sake of unity in the Group of Latin American and Caribbean States (GRULAC). They thanked the Member States that had supported their candidates and applauded the democratic spirit in which the election was taking place.

22. The representative of Mexico, speaking on behalf of GRULAC, thanked the delegations of Ecuador and Uruguay for having withdrawn their candidates and informed the membership that the Group endorsed the candidacy of Ms. Thompson Chacón.

23. Since the two-thirds majority required by Article 18 of the Constitution had not been obtained, the Council proceeded to a second ballot, the results of which were as follows:

(a)	Number of ballot papers distributed:	119
(b)	Number of ballot papers taken from the ballot box:	119
(c)	Number of invalid ballot papers:	0
(d)	Number of abstentions:	1
(e)	Number of valid ballot papers:	118
(f)	Two-thirds majority:	79
(g)	The candidates obtained the following number of votes:	
	Ms. Thompson Chacón	70
	Mr. Conejos	48

24. The Chairperson recalled the Council's decision that "when only two candidates remain on the ballot and the candidate having obtained the greater number of votes has obtained the absolute majority but not the required two-thirds majority, that candidate alone will be put on the last ballot, unless the Council agrees to an election by consensus/acclamation in favour of that candidate".

25. In the absence of an election by consensus/acclamation, the Council proceeded to a third ballot. The Legal Adviser explained what the ballot paper would look like and how the Member States should proceed if they wished to vote yes or no, or to abstain.

26. The results of the third ballot were as follows:

(a) Number of ballot papers distributed:	117
(b) Number of ballot papers taken from the ballot box:	117
(c) Number of invalid ballot papers:	1
(d) Number of abstentions:	5
(e) Number of valid ballot papers:	111
(f) Two-thirds majority:	74
(g) Votes in favour:	91
(h) Votes against:	20

27. The Chairperson declared that Ms. Thompson Chacón, having obtained the required two-thirds majority, had been elected.

28. The membership applauded Ms. Thompson Chacón's election. Several speakers commended all the candidates on the spirit of fair play and professionalism that had prevailed throughout the election and pledged their full support for the Deputy Director General-elect.

29. The outgoing Deputy Director General and the Director General also congratulated Ms. Thompson Chacón on her election and wished her a successful term of office. The outgoing Deputy Director General reiterated the importance of teamwork, while the Director General applauded all the candidates for having waged a hard fought but fair campaign in a constructive atmosphere. The fact that the campaign had attracted four highly qualified candidates was evidence of the Organization's strength and relevance and of the Member States' sense of ownership and engagement with it.

30. The Deputy Director General-elect thanked the Member States that had backed her candidacy and was especially grateful to Ecuador and Uruguay for having withdrawn their candidates, thereby facilitating the election of a Latin American candidate. The campaign had provided an exemplary demonstration of fair play. She trusted that she would be able to live up to her predecessor in the position and looked forward to working with the Director General.

31. The Council had before it the Draft Resolution on the Election of a Deputy Director General, which, in the absence of any proposals to amend it, was adopted (Resolution No. 1183 of 29 June 2009).

32. The Chairperson reminded the Member States that they had had the opportunity to examine the Deputy Director General-elect's contract during the Hundred and Sixth Session of the Executive Committee. He asked them to consider the Draft Resolution approving the contract and empowering him to sign it.

33. The Council adopted Resolution No. 1184 of 29 June 2009 on the contract of the Deputy Director General.

CLOSURE OF THE SESSION

34. The Chairperson declared the Ninety-seventh (Special) Session of the Council closed on Monday, 29 June 2009, at 5.25 p.m.