

NINETY-NINTH SESSION

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

NOTE CONCERNING DOCUMENT MC/2290

At its Ninety-ninth Session the Council, by Resolution No. 1201 of 30 November 2010, approved the Report on its Ninety-eighth 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/2290 dated 9 February 2010.

Geneva

22 to 26 November 2009

Rapporteur: Ms. A. Mendoza (Colombia)

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DRAFT REPORT ON THE NINETY-EIGHTH SESSION OF THE COUNCIL

INTRODUCTION

1. Pursuant to Resolution No. 1178 of 5 December 2008, the Council convened for its Ninety-eighth Session on Monday, 23 November 2009, at the Palais des Nations, Geneva. Eight meetings were held.

ATTENDANCE¹

2. The following Member States were represented:

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

¹ See List of Participants (MC/2289).

3. Bahrain, China, Cuba, Ethiopia, the Holy See, Indonesia, Mozambique, Qatar, the Russian Federation, Saudi Arabia and the former Yugoslav Republic of Macedonia were represented by observers.

4. The Food and Agricultural Organization of the United Nations, the Office of the United Nations High Commissioner for Refugees, 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 World Bank, the African Union, the Council of the European Union, the European Commission, the African, Caribbean and Pacific Group of States, the Intergovernmental Consultations on Migration, Asylum and Refugees, the International Centre for Migration Policy Development, 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 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: African Humanitarian Action, Amnesty International, Caritas Internationalis, the European Youth Forum,² the Friends World Committee for Consultation, the Paulino Torras Domènech Foundation, the International Catholic Migration Commission, the International Islamic Relief Organization, the Jesuit Refugee Service and the Refugee Education Trust.

OPENING OF THE SESSION, CREDENTIALS OF REPRESENTATIVES AND OBSERVERS

6. The outgoing Chairperson, Mr. G. Mundaraín (Bolivarian Republic of Venezuela), opened the session on Monday, 23 November 2009, at 10.30 a.m.

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, international governmental organizations and NGOs listed in paragraphs 3 to 5.

ELECTION OF OFFICERS

8. The Council elected the following officers:

Chairperson:	Mr. S. Kitajima (Japan)
First Vice-Chairperson:	Mr. I. Jazairi (Algeria)
Second Vice-Chairperson:	Mr. C. Strohal (Austria)
Rapporteur:	Ms. A. Mendoza (Colombia)

9. Assuming the Chair, Mr. Kitajima said that he was honoured to have been elected Chairperson of the Council and that, together with the other members of the Bureau, he would do his utmost to ensure that the Council functioned efficiently.

² See paragraph 11.

ADOPTION OF THE AGENDA

10. The Council adopted the agenda as set out in document MC/2276/Rev.2.

APPLICATION BY THE EUROPEAN YOUTH FORUM FOR REPRESENTATION BY AN OBSERVER

11. The Council adopted by acclamation Resolution No. 1185 admitting the European Youth Forum (YFJ) to the Organization as an observer.

12. The representative of the YFJ said that it was an independent, democratic, youth-led platform working to empower young people to participate actively in society in order to improve their own lives, representing and advocating their needs and interests and those of their organizations towards the European institutions, the Council of Europe and the United Nations. As the largest regional platform for young people, the YFJ had a responsibility to young people the world over.

13. The YFJ had increasingly been addressing the issue of migration and had been lobbying the European Union. It had begun working with the IOM Mission with Regional Functions in Brussels, focusing on the most underprivileged sectors of society, including young migrants and young people with a migration background. It was grateful for the opportunity to learn from IOM's experience and to explore further possibilities for cooperation on solutions to the challenges faced by young migrants and young people from migrant backgrounds.

14. The Director General welcomed the YFJ and looked forward to extending its cooperation with IOM to areas such as the integration of migrants into host societies, migration and development, labour migration and family reunification.

15. One delegation suggested that the Administration and the Director General submit to the Council a set of criteria for the future consideration of applications for observer status from NGOs.

16. The Legal Adviser said that the rules currently governing NGO applications for observer status were that the NGO should work in the field of migration and/or refugees at the regional or international level, have Economic and Social Council (ECOSOC) consultative status and have been cooperating with IOM for several years. He agreed that the rules should be formalized and submitted to a future Council session for its consideration.

REPORT OF THE DIRECTOR GENERAL

17. The Director General gave a slide presentation³ summing up his report to the Council, which is reproduced as an annex to this report.

³ The Administration's presentations are accessible on the IOM website at www.iom.int.

ADDRESS ON MIGRATION, HUMAN RIGHTS AND THE ECONOMIC CRISIS

18. H.E. Ms. Ellen Johnson Sirleaf, President of Liberia, gave a video address on migration, human rights and the economic crisis.⁴ She thanked IOM for the support her country had received, which had contributed towards two areas of the national poverty reduction strategy: building peace and security and fostering economic revitalization.

19. She described her own experiences as a migrant, which could be considered a migrant success story. She had initially left Liberia because her life was in danger, but subsequent job opportunities in the United States of America and Kenya had kept her away. She had always known, however, that she would return to her country. In 1997, she had resigned from her post as an international civil servant in order to contest the presidential elections. After losing those elections she had gone into self-imposed exile. In 2005, she had won the presidential elections, thus ending her days as a migrant. She hoped that by sharing her experiences as a migrant, efforts would be intensified to bring about more migrant success stories.

20. Migrants faced many obstacles, including discrimination, hostility and violations of their human rights. Many migrants, who were often in precarious employment, had lost their jobs as a result of the economic crisis, which had hit the most vulnerable hardest. Furthermore, migrants were often perceived as a burden and were easy scapegoats. Racism and xenophobia had increased as a result of the crisis and must not be tolerated. In Liberia, an extensive network of people relied on migrants and remittances represented one fifth of all income. Overall, remittances had fallen as a result of the recession, which had had a tangible effect on many families. Migrants were often viewed in economic terms and their political, social and cultural contributions overlooked. They could be part of the solution to the crisis, and her Government was actively forging links with the Liberian diaspora to involve them in the national poverty reduction strategy.

21. Highlighting the changing economic and social roles of women, she said that the remarkable efforts of both migrant women and those who stayed behind deserved respect and admiration. Women migrants were often among the most vulnerable and were more at risk of abuse, trafficking and exploitation. Respect for migrants' human rights was a non-negotiable tenet of migration governance and had to be given specific consideration in times of economic difficulty. To make migrants' rights a reality, the perception of migrants would have to be changed and governments would have to take responsibility for protecting the migrants coming to their countries and their nationals abroad. Joint efforts would yield the best solutions.

GENERAL DEBATE

Statements by Members and observers⁵

22. Statements were made by the following Member States listed in alphabetical order: Afghanistan, Algeria, Angola, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Benin, Bosnia and Herzegovina, Brazil, Canada, Chile, Costa Rica, Ecuador (on behalf of GRULAC), France, Germany, Ghana, India, Iran (Islamic Republic of), Italy, Japan, Jordan, Kenya, Lithuania, Mexico, Morocco, Nepal, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Poland,

⁴ The video and the statement are accessible on the IOM website at www.iom.int.

⁵ Texts of statements, as and if received from the Members and observers, are accessible to Member States on the IOM website at www.iom.int.

Republic of Korea, Rwanda, Senegal, Serbia, South Africa, Spain, Sri Lanka, Sudan (on behalf of the African Group and in its own name), Sweden (on behalf of the European Union), Switzerland, Thailand, Turkey, United Kingdom, United Republic of Tanzania, United States of America, Uruguay and Yemen.

23. Statements were made or submitted by the following observers: China, the Holy See, the Russian Federation, the World Health Organization, the European Commission, the Ibero-American General Secretariat, the Sovereign Order of Malta and the International Catholic Migration Commission.

24. Members and observers welcomed the Deputy Director General to her first session of the Council and wished her every success during her term of office. They expressed appreciation for the Director General's candid and thought-provoking report, and commended him on his leadership and the consultative approach he had adopted in moving ahead with the priorities he had announced on taking office; already, the Member States had an enhanced sense of ownership of the Organization's work.

25. Many Member States expressed broad support for the ambitious structure review and appreciation for the open and transparent approach adopted by the Director General and the Administration to the review process. They shared the Director General's view that since IOM had last reconsidered its structural organization in 1997, the world had embarked on what he termed the "era of the greatest human mobility in recorded history"; they were confident that the timely changes proposed in the structure review would enable IOM to adapt to and meet the consequent migration challenges. A number of Member States underscored the specific requirements of their respective regions and discussed the ways in which they could be taken into account. Others underlined the importance of Headquarters oversight in ensuring coherence, project quality and adherence to the IOM strategy, and suggested that the Administration should report on and evaluate the restructuring process. Perhaps it could introduce a periodic review system so as to monitor the improvements in effectiveness and response speed brought about by the structure review.

26. Numerous delegates underscored the need to address migration from a human rights perspective; it was especially appropriate that the theme for the 2009 International Dialogue on Migration should be migration and human rights. A national security-based approach to migration management was limited in outlook, and IOM must do all in its power to see that human rights were integrated into migration management policy; as Ms. Johnson Sirleaf had stated, human security was also an important migration issue, and migrants' rights were non-negotiable.

27. The representatives of many Member States and observers addressed the effects of the current global financial and economic crisis. Most referred to the negative impact the crisis was having on migration policy and hence on migrants (job losses, falling remittances, mounting xenophobia). In their view, anti-migrant policies were self-defeating and would inevitably slow economic recovery and spawn political and social instability. A few noted that States were being forced to retrench as a result of the crisis and therefore had only limited resources; they urged the Administration to keep costs low but nevertheless hoped that budget constraints would not affect IOM's ability to remain flexible and responsive.

28. Regarding the Administrative Part of the Budget, several Member States remained unconvinced by either of the scenarios presented and feared that discussions on the core structure would continue for as long as the budget structure problem remained unresolved. Regular, yearly

increases in the Administrative Part of the Budget were not a viable long-term solution. Others expressed understanding for the need for some increase, which would enable IOM to continue to be responsive to Member State and migrant needs. A strong core structure was key to high-quality planning, oversight and policy guidance, and a clear explanation should be provided of the short- and long-term implications of failure to provide such a structure.

29. A number of Member States felt that the third Global Forum on Migration and Development, held in Athens in October, had reaffirmed the paramount importance of the migration–development nexus and provided an excellent opportunity to exchange experiences and best practices pertaining thereto, with one stressing the importance of maintaining the Forum’s inter-State, informal format. One speaker suggested that IOM and the Member States should take advantage of the recommendations adopted at each annual Global Forum and conduct objective evaluations of the results. Several speakers also expressed appreciation for the work of the Global Migration Group, while others suggested that the Group (or IOM specifically) could be more involved in the Global Forum.

30. Two other priority areas of IOM’s work were mentioned as being of special importance: counter-trafficking, and climate change and the consequent displacement of migrants.

31. Several delegates urged the Administration to ensure there was a geographical balance in staff at Headquarters.

Comments by the Director General

32. The Director General was pleased that delegates had identified the same priorities as IOM (climate change, counter-trafficking, migration and development). Anti-migrant policies were, he agreed, self-defeating, and counter-trafficking efforts would need closer attention as a result of the global financial and economic crisis, which was affecting women in particular.

33. He thanked the Member States for their support for the structure review and assured them that IOM was sensitive to regional concerns. In addition, the Administration planned to introduce quality controls before authority was devolved to the Field, to better define the division of roles and responsibilities as part of the implementation process, and to conduct a periodic review and brief the Member States at regular intervals.

34. Like many of the speakers, the Director General was concerned about the impact of the global financial and economic crisis on migrants. He was equally concerned about the budget constraints imposed on IOM, which meant that the Organization could not always do as much as it might wish to. Cost-saving would remain a priority, and the Member States should continue to make suggestions relating to any non-essential aspects of IOM’s bureaucracy.

35. The third Global Forum on Migration and Development had indeed been a success. IOM and the Mexican authorities were currently discussing the support the Organization would provide for the fourth Global Forum, which would be held in Puerto Vallarta in 2010 and which would undoubtedly feature the human rights aspects of the Organization’s work. The support expressed for a more active and stronger Global Migration Group was also most welcome.

36. Lastly, the Director General shared the dissatisfaction of certain Member States at Africa’s level of representation in the Organization, especially at Headquarters, and appealed for

funds for the recruitment of Associate Experts from Africa to work at Headquarters for one or two years.

GLOBAL MIGRATION GROUP

37. The Director General, acting as Chairperson, recalled that the Global Migration Group (GMG) comprised 13 United Nations agencies, funds and programmes, as well as IOM. The Group wished to inform Member States about its activities and seek guidance on the future direction of its work. Its participation at the Council was particularly gratifying for the Director General as one of his priorities was to build partnerships. The Group was focused on the effects of the economic crisis on migrants and migration and aimed to facilitate action among the partners and Member States. He introduced the representatives of the Global Migration Group:

- **Carlos Lopes**⁶, Executive Director, United Nations Institute for Training and Research (UNITAR), current Chair of the GMG
- **Antonio Guterres**, High Commissioner, Office of the United Nations High Commissioner for Refugees (UNHCR)
- **Sha Zukang**, Under-Secretary-General, United Nations Department of Economic and Social Affairs

38. Mr. Lopes said that the Group had been criticized in the past as it had struggled to mobilize its membership and formulate a joint programme of work. As Chair, UNITAR had aimed to redefine the Group's goals and expectations and to adopt rules of engagement that would ensure its smooth functioning in future. The endorsement of an annual work plan had been an important first step in that direction. The work plan set out three strategic objectives: first, to develop a coherent voice on current migration policy and governance challenges; second, to review the Group's mandate and clearly define its working methods; and third, to increase the Group's public visibility and support the Global Forum on Migration and Development. Significant progress had been made towards achieving those objectives: the heads of the agencies had renewed their commitment to the Group and agreed on a common set of priorities; the Group's working methods had been clearly defined and a governing troika had been established; the Group had spoken with one voice at the third Global Forum on Migration and Development in Athens; and the Group's website had been overhauled.

39. In the context of the global recession, the Group's members remained committed to working together to ensure that the development gains of migration were being recognized, migrants' rights were protected and more robust data were being collected to provide a solid evidence base for policymaking.

40. The United Nations Development Programme (UNDP), the next Chair of the Group, had published the *Human Development Report 2009. Overcoming barriers: human mobility and development* and the Report's recommendations on increasing the positive effects of migration would inspire future GMG initiatives. Focusing on strengthening local capacities and promoting cooperation between authorities in countries of origin and destination could pave the way for policy frameworks that addressed migration realities and put into effect the outcome of

⁶ The panellists' presentations, as and if received, are accessible on the IOM website at www.iom.int.

international and regional consultative processes. Improved public information was essential to raise awareness of the positive contribution of migration to global prosperity and to that end a public conference would be organized by the Group in 2010.

41. For two Member States, migration was one of the most important phenomena of the twenty-first century and would pose enormous challenges in the years to come as the migration paradigm shifted in response to demographic and economic trends. How did the Global Migration Group view that development and what could it do to facilitate understanding thereof? The United Nations system should have an entity able to ensure preparedness in the face of such change.

42. One delegate asked how the Group viewed the Global Forum on Migration and Development. What direction should the Global Forum take and how did the Group plan to participate in the 2010 session?

43. Another delegate asked about interaction between the Group and governments. At present, governments interacted with the Group's 14 agencies individually. The Group apparently had no permanent point of contact for governments and no mechanism for reporting on its activities to governments. It might consider the inter-agency approach adopted for international disaster-response operations in that respect.

44. Mr. Lopes said that the Global Migration Group and the Mexican authorities had already started discussing the Group's participation in the fourth Global Forum. The Group hoped to play a greater role than at previous Global Forums, for example through a working session on its contributions or by facilitating contact between the Mexican Chair of the Global Forum Troika and members of the Group who could participate as speakers in Puerto Vallarta on substantive issues.

45. The Member States had not yet clearly defined what they expected from the Global Migration Group, which had been established by the previous Secretary General as a mechanism for inter-agency consultation and coordination. As such, and because it consisted of 14 agencies, each with its own mandate, the Group had so far been unable to act on its own initiative to form a more structured unit able to contribute more substantially to international dialogue on migration. The Group also had no secretariat. Its governing troika consisted at present of UNITAR (the Group's outgoing Chair), UNDP (the incoming Chair) and a third agency that would be named by the end of year when the Chair for the second half of 2010 had been decided.

46. Mr. Guterres agreed that migration would play a crucial role in the twenty-first century, adding that it was so closely intertwined with many other global economic and social issues – spreading urbanization, climate change, population growth, food security and water supplies, energy and global economic imbalances – that it was impossible to analyse separately. The added value of the Global Migration Group was its ability to represent various separate but interconnected points of view.

47. To date, States had always made decisions on migration-related matters at the national level. There was no system of international governance on migration as there was on finance or trade, for example. The Global Forum was simply a platform for dialogue between States. If it was decided that the Global Forum should involve States in a more serious debate on migratory trends, developments in the global labour market and governance formulas, the Global Migration Group could lend strong support. If it was decided that the Forum should remain a simple

platform for dialogue, the Group would in any case be able to provide specific support on topics of concern. It was important to understand that the decision lay entirely with the States.

48. Mr. Sha agreed that the Global Forum was member-driven and that the participating States were the masters of its future. The United Nations Secretariat had been asked by the Member States to assess the Global Forum's performance, and to that end had sent a questionnaire to all the participants. The replies received, and the decision to hold a second High-level Dialogue on Migration and Development, in 2013, boded well for the Global Forum's future.

49. The Global Migration Group, for its part, was at an initial phase of its development. Its 14 member agencies were still learning how to work together coherently and "deliver as one". Under the current Chair they had adopted terms of reference, a methodology, three priority areas and a working programme. That being said, no matter how much accumulated expertise it represented, the Group could do no more than provide advice to the Member States on request – it could not impose its views.

50. The Director General, recognizing that many Member States had been critical of the Group, welcomed the efforts made to consolidate its working methods, for example, with the establishment of an annual workplan and a governing troika, and to promote interaction with Member States. In addition to supporting the Global Forum on Migration and Development, the Group could also contribute in other important areas, including through joint capacity-building and technical cooperation. The Group was moving towards greater integration of its member organizations. It needed improved data and statistics on migration, and it was hoped that the migration profiles series would be useful in that regard.

51. Mr. Lopes reiterated that the Group had undergone a transformation and therefore hoped it would be able to carry out the advisory role it would like to perform.

INTERNATIONAL DIALOGUE ON MIGRATION

Human rights and migration: Working together for safe, dignified and secure migration

52. The Administration introduced document MC/INF/296⁷ and said that, although a normative framework for defining the human rights of migrants already existed and applied to all migrants regardless of their status, migrants were disproportionately affected by human rights violations. Irregular migrants were particularly vulnerable, and factors including their gender, age and health status influenced their level of risk.

53. The topic for the 2009 International Dialogue on Migration had been chosen by the membership following an extensive consultation process. Two intersessional workshops had been held: the first on effective respect for the human rights of migrants as a shared responsibility; and the second on ensuring the protection of certain vulnerable groups, in particular trafficked persons and migrants who had been exploited. Further information on the workshops could be found on the IOM website.

54. A number of key lessons had been learned at the workshops: the importance of recognizing that human rights were a crucial element of comprehensive migration management; the importance of applying the principle of non-discrimination; the need to ensure the

⁷ The Administration's presentations are accessible on the IOM website at www.iom.int

implementation of the existing normative framework; the importance of recognizing the links between human rights violations and broader migration realities; the need to ensure a solid overarching framework at the national level to protect the human rights of all migrants; the need for special attention for the most exploited and abused migrants, including trafficked persons; the need to strike a balance between prevention, protection, prosecution and partnership; and the need to ensure the protection of the human rights of migrants throughout the migration cycle.

55. Those lessons could be implemented by: translating international law into robust national legal frameworks; building capacity for the effective implementation of human rights standards; ensuring policy coherence on migration and human rights issues; meeting the protection and assistance needs of trafficked persons and exploited migrants; considering the rights of migrants in all aspects of labour market policies; and integrating human rights into all policies throughout the migration cycle. Migrants should be one of the main implementing partners and should be empowered to stand up for their own rights. The empowerment of migrants was also crucial to ensure their effective contribution to host and home countries. The best results would be obtained by working together at all levels and with all stakeholders, between and among governments and with intergovernmental and non-governmental actors.

56. The panellists were:⁸

- **Fatima Mohammed Al-Balooshi**, Minister of Social Development, Kingdom of Bahrain
- **Jean-Louis de Brouwer**, Director, Immigration, Asylum and Borders, European Commission
- **Kyung-wha Kang**, Deputy High Commissioner for Human Rights, Office of the High Commissioner for Human Rights (OHCHR)
- **Drazen Maravic**, Head of Bureau, Bureau for International Cooperation and European Integration, Ministry of the Interior, Serbia
- **Elly Anita**, Trafficking in Persons Report hero of the year 2009, Migrant CARE, Indonesia

57. The moderator was **Robin Oakley**, former CNN European Political Editor.

58. Mr. Maravic said that the Government of Serbia had taken various steps towards implementing the human rights of migrants and combating abuses. One area it was focusing on was the prevention of trafficking in persons and to that end it had developed a series of television programmes in consultation with various stakeholders in the field of counter-trafficking. The programmes would recount individual migrants' stories, with a focus on the problems faced by young persons, and there would be episodes, for example, on sexual and labour exploitation. All parts of the migration cycle would be covered. The programmes would be aimed at the general public, but adolescents in particular and those who were unhappy with their standard of living who might be tempted to move abroad in an irregular manner, as well as professionals who worked with trafficked persons. Interest in the idea had been generated among the local media and as a result the series was being produced professionally. It would reflect the situation in the region as a whole and some episodes would be filmed outside Serbia.

⁸ The panellists' presentations, as and if received, are accessible on the IOM website at www.iom.int.

59. The plan was to broadcast the first episode at the same time on national television stations around the region on European Anti-Trafficking Day 2010. The series was intended to raise awareness of the issue of trafficking and an emergency hotline had been set up for victims or those who wanted to report possible victims. The capacities of the police would be strengthened to respond to the additional cases that were expected to be reported. It was hoped that the series could also be of use to victims, who would be able to learn about the protection programmes available. A regional media campaign would run before, during and after the broadcasts. The series was an example of moving from the theory of policies and strategic plans to the practice of implementation.

60. Dr. Al-Balooshi said that about half of Bahrain's population were migrants. The majority of the migrants, or "contracted labourers" as they were often referred to in Bahrain, were from Asia, with India being the main source country. The number of migrants as a percentage of the population as a whole had increased dramatically in recent years, perhaps because of the reforms being introduced to make Bahrain a better place to work. Female workers made up almost one third of the labour market, which made them an integral part of the economic development process in Bahrain. More than half of the migrant workers in Bahrain were semi-skilled or low-skilled. They tended to consider the countries of the Gulf Cooperation Council, of which Bahrain was a member, as transit countries and made the most of the training and educational opportunities they found there before moving on to western countries where they could earn higher wages. It was estimated that migrant workers in Bahrain sent home about USD 1.5 billion a year in remittances.

61. In the light of that scenario, Bahrain had taken various steps to enforce migrants' rights. The Government had signed most of the international conventions pertaining to human rights and migration and was studying two other conventions with a view to possible ratification. National counter-trafficking legislation had been adopted and a national committee for the prevention of human trafficking and a hotline for foreign workers had been set up. The Government had organized workshops with IOM on the identification of trafficked persons. Following much debate, legislation had been passed to abolish the "kafil" (sponsorship) system in Bahrain and, as a result, employers were improving the pay and working conditions they offered in order to keep their workers. Unemployment coverage had been introduced for both nationals and non-nationals in Bahrain. Other countries in the region had expressed an interest in learning more about those two measures. A royal decree establishing a national human rights organization had recently been signed.

62. The Government was working with embassies, organizations and NGOs to provide protection: a shelter for women who had been abused had been set up and there were plans to open a similar centre for men. In 2007, the Bahrain Centre for Child Protection had been opened, which provided care for both nationals and non-nationals. Furthermore, almost every nationality group in Bahrain had set up its own association to carry out social projects. The Government provided free health care and education to all and was looking at introducing a health insurance scheme for migrant workers, so that they could make use of all the facilities available in Bahrain. A public information campaign involving 60-second messages included some on human rights and the treatment of domestic workers. Training programmes for domestic workers on the customs and language of Bahrain were being developed in collaboration with the Government of India to try to prevent the problems that could arise as a result of misunderstandings. The provision of social services and respect for human rights had been incorporated into the national development strategy.

63. Ms. Kang said that protecting the human rights of migrants, in particular irregular migrants, was a critical human rights challenge. OHCHR had therefore made migration one of its six priority themes for the 2010–2011 biennium. It would step up efforts to help States anchor migration management more firmly in a human rights approach and to strengthen cooperation and build synergies with other United Nations agencies, notably through the Global Migration Group. In that respect, the High Commissioner had a key role to play, as her advocacy for a human rights focus in migration policies had a significant impact at the global, regional and national levels. When policies and legislation contravened international human rights standards, she was able to speak out in statements and opinion pieces.

64. OHCHR planned to focus on four critical areas. The first related to discrimination, xenophobia, racism and other forms of intolerance, which were serious obstacles preventing migrants, women in particular, from enjoying equal access to human rights in host countries. Indeed, anti-migrant sentiment and xenophobic reactions were often reinforced by policies depicting migrants as a problem and a threat to national security, even though there was a strong demand for migrant labour on the local labour market.

65. The second area concerned the protection of migrants' economic, social and cultural rights, which included the right to housing, education, health, work and social security. Many countries had laws preventing migrants from accessing basic services, thereby hampering their integration into the host community.

66. The third area related to the detention of migrants and the criminalization of irregular migration. Detention should be a measure of last resort, yet irregular migrants were routinely detained and deprived of the means of challenging their detention before a court. The practice reflected a worrying tendency to criminalize irregular migrants and, more generally, to associate migration with crime. Numerous human rights mechanisms had stressed that infractions of immigration rules did not make migrants criminals and that criminalization only served to stigmatize migrants and promote hostility towards them. The terms "irregular migrants" or "undocumented migrants" should be preferred to "illegal migrants". It should be made clear that migrant workers performed much-needed services in their host countries.

67. The fourth area concerned the current global economic crisis, which had accentuated the vulnerability of migrants, both because of their often precarious legal status and because they tended to work in vulnerable sectors. Evidence showed that migrant workers created economic activity and jobs, and therefore had the potential to help reverse the downturn.

68. Mr. Oakley remarked on the conflicting views many European governments currently presented on the migration front. Finance ministers tended to value migration as a means of filling labour shortages and keeping down wage inflation, while social or home affairs ministers presented strict barriers against further migration as a service to the people. Before elections, competition for the most hard-line approach to migration policy stirred prejudice and reinforced the perception that migrants took jobs away from local people or denied them effective welfare services. It was in such climates that governments were able to whittle away at migrants' rights.

69. Mr. de Brouwer discussed the efforts made by the 27 Member States of the European Union to establish a common policy and legal framework on immigration and asylum. To start, the entry into force on 1 December 2009 of the Lisbon Treaty would have far-reaching implications in terms of the human rights of migrants. The European Charter of Fundamental Rights would become part of the Union's founding treaty and would apply to all European Union

policies and the action of European Union institutions and Member States in respect of such policies, including in the fields of immigration and asylum. The European Union would acquire legal personality, enabling it to negotiate accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms and, for example, to the 1951 Refugee Convention and its protocols. In another development, the European Union had recently established the Agency for Fundamental Rights in Vienna, which, like OHCHR, had made migrant rights a priority.

70. The European Union was active on a number of migration-related fronts. First, in respect of international protection, it was developing a body of European legislation on asylum procedures and the status of asylum-seekers with a view not only to facilitating access to international protection at a time when new visa and border-control policies were hampering access to European Union territory, but also to harmonizing the acceptance conditions for asylum requests. The soon-to-be-established European Asylum Support Office would help the Member States to standardize their rules and practices.

71. Second, the European Union was working to adopt a common position on regular immigration amid debate between and within Member States about the role of migrants in host societies. The question was whether separate legislation regulating the admission and residence conditions for different groups, for example, students, migrants being reunited with their family, researchers, or highly skilled migrants, should now be integrated so as to give the European Union a common code of legal provisions applying to all regular migrants.

72. The European Union was also working to combat racism and xenophobia, which had been exacerbated by the current economic crisis. In that connection, it faced an implementation gap, encountering difficulties in translating the rules and standards adopted into concrete field action common to all 27 Member States.

73. Lastly, the European Union was deeply concerned about irregular migration and people smuggling and trafficking and was just starting to take action in that area. Its legislative framework punished those who organized and profited from the phenomena but in no way criminalized or punished the migrants concerned, whom it considered first and foremost as victims.

74. The European Union was convinced that countries of origin, transit and destination had to develop a concerted approach if they were to safeguard migrant rights. Such an approach should be based on the promotion of regular migration and migrant rights, the development of shared policies and instruments to prevent irregular migration and the establishment of reference frames for cooperation on putting migration at the service of home country development.

75. Ms. Anita recounted the horrific events she had suffered as a regular Indonesian migrant to Dubai and Iraqi Kurdistan: sexual harassment and abuse, rape, entrapment in an unknown country, lack of proper health care in the face of a life-threatening condition. Thanks to the IOM office in Iraqi Kurdistan, she had been able to return home, but her case was still pending with the police.

76. She had since joined an Indonesian NGO, Migrant CARE, in order to be of service to migrant workers who remained trapped in Iraqi Kurdistan, and had helped 16 migrant workers return home. She hoped to help Indonesian migrant workers in many countries with many different problems.

77. Her activities consisted of keeping in touch with Indonesian migrant workers in Iraq, providing information to the Indonesian Government and encouraging it to enhance the protection of Indonesian migrant workers in other countries, recounting her experience at focus group discussions and seminars, monitoring events at Terminal IV of Jakarta's Soekarno-Hatta International Airport, which was used only by Indonesian migrant workers and was also the scene of sexual abuse, and taking part in demonstrations and other events to combat human trafficking.

78. The Group of Latin American and Caribbean Countries believed that human rights should be mainstreamed into all policies established along the migration cycle. The root causes of migration had to be tackled through coordinated bilateral and multilateral cooperation efforts, enhanced dialogue and greater understanding of needs and challenges, including economic development factors, poverty reduction policies and other directly related factors.

79. The Group agreed that the criminalization of irregular migrants made them more vulnerable to abuse and exploitation. Moreover, higher barriers to migration resulted in greater numbers of people being smuggled and trafficked. IOM could make a substantial contribution to the application of international standards of protection, provide assistance for the formulation and implementation of public policies aimed at protecting migrants, and help States give effect to existing human rights laws and frameworks.

80. One speaker said that the true challenge posed by migration management was reconciling people's freedom of movement with the States' right to determine who entered their territory. He highlighted the following fundamental premises: first, States were responsible for protecting the rights of migrants; second, the human rights of all migrants, regardless of their status, must be enforced in accordance with the principle of non-discrimination; third, it was necessary to seek out new forms of partnership as the existing international instruments for the protection of migrants were not being applied; and fourth, all countries, in particular western countries, should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and respect its provisions. The last point was also raised by two speakers, one of whom asked how ratification could be presented to the Member States as a means of strengthening systems to safeguard human rights.

81. Ms. Kang said that the biggest benefit of ratification (to date the Convention had been ratified by only 42 States, none of them key destination countries) was that the Convention established a legal framework for the regularization of the situation of migrants and their families by which the States parties had to abide. In the absence of such a framework, the tendency was to blame migrants for society's ills.

82. Governments had a responsibility to place the facts on the table, to explain the need for migrant workers rather than foment a fortress mentality, so that the public debate on migration issues was as comprehensive and objective as possible. In the face of mounting xenophobia at a time of global crisis, the High Commissioner had decided to make the fight against discrimination the message of the next global human rights campaign, which would be launched on Human Rights Day, 10 December 2009.

83. One speaker said States were responsible for combating xenophobia, racism and employment discrimination. The obstacles to the free movement of persons set up by certain countries, in particular European countries, under the guise of combating irregular migration, had made things more difficult for regular migrants and had not prevented irregular migration. A fresh approach was needed to the dialogue between European countries and the African countries

on the Mediterranean in order to protect the rights of migrants. He asked how it was possible to reconcile the provisions of the European Pact on Immigration and Asylum, which imposed tighter border controls, with individual countries' obligations under the international and regional instruments they had signed. He asked whether European Union commitments took precedence over national commitments.

84. Mr. de Brouwer said that States had the primary responsibility for addressing the political issues under discussion, but that they could choose to do so through regional bodies. That responsibility did not preclude the involvement of other actors, including not-for-profit organizations. He emphasized that partnerships with third countries were fundamental for preventing the violation of and promoting migrants' rights. Such partnerships would make it possible to establish a common approach, for example, to opening channels for regular migration and to preventing irregular migration. With the help of IOM, European and African countries had launched the multilateral Rabat Process. His interpretation of the European Pact on Immigration and Asylum was that while the Pact did refer to border control and the prevention of irregular migration, that was only one aspect of it. While the European Union had established the procedures for granting residence permits, countries determined the number of migrants they admitted. A new scheme for the admission of highly qualified professionals had been developed, but it would be up to Member States to implement the scheme and decide how many migrants they would admit.

85. One representative asked how the Government of Bahrain was measuring the impact of its 60-second messages and whether they had been shown to be changing people's perceptions. She also asked for OHCHR's perspective on the concept of the universal principle of non-discrimination.

86. Dr. Al-Balooshi said that although the effectiveness of the messages had not been specifically surveyed, it had been shown that the media could be used to influence people and change their attitudes and behaviour. Governments could take certain steps to protect migrants' rights, but IOM should also approach the private sector regarding its social responsibility.

87. One representative asked whether, under human rights law and in OHCHR's view, it was possible to justify detaining minors with their mothers and whether anything could be done to mitigate any negative effects resulting from the practice.

88. Ms. Kang said that children should never be detained for infractions of immigration law and that the detention of mothers who had young children should also be avoided. That point had been emphasized by the Committee on the Rights of the Child. OHCHR sought to foster dialogue on the issue of detention in cases of irregular migration as clearer guidance was needed. It worked with stakeholders, including governments and NGOs, to promote the implementation of existing instruments. She said that the universality of the principle of non-discrimination had been recognized by its inclusion in various international instruments.

89. One Member State highlighted the need for an integrated approach covering the entire migration "life cycle", as outlined in the Administration's presentation. The protection needs of all migrants had to be met, no matter what their status. In that regard, it was good that Mr. de Brouwer had spoken of "irregular" rather than "illegal" migrants.

90. The representative of Indonesia congratulated Ms. Anita on her work to protect migrant workers. Since the adoption of the Anti-human Trafficking Act in 2007, the Indonesian

Government had significantly stepped up the pace of its counter-trafficking efforts, as evidenced by the fall in the number of cases and the growing incidence of migrant worker employment agents convicted and jailed. Its commitment was further evidenced by the active role it played in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime and by its cooperation with civil society and NGOs like Migrant CARE. Its efforts nevertheless required cooperation with countries of transit and destination, especially when it came to irregular movements, law enforcement and legal assistance, communication strategies and protection issues.

91. As mentioned in document MC/INF/296, in the whole-of-government and whole-of-society approach responsibility for the protection of migrants' rights lay with all those engaged in managing migration – governments, the private sector, civil society – at every stage of the migration “life cycle”. What impact would the current global financial crisis have on the effective implementation of such shared responsibility?

92. Two observers raised a number of points. One, recalling that both the Administration and the Member States had emphasized that responses to irregular migration and mixed flows should be part of comprehensive migration management plans, asked whether IOM could not, perhaps with European Union support, organize a process of research and dialogue on the currently underrated role of regularization as a migration management tool. Another believed that it was impossible to discuss irregular migration without also broaching criminalization and the use of detention. States should continue discussing those issues with a view to bringing their laws on the detention of migrants in line with international human rights standards. They should be encouraged to share best practices that provided strong procedural safeguards, permitting detention only as a last resort while at the same time meeting the legitimate interests of States in controlling entry and addressing irregular migration.

93. One delegate underscored the importance of hearing about the experiences of migrants firsthand. Ms. Anita's participation had set a good precedent for future Council sessions and her courage was to be applauded.

94. Another delegate, recalling that the European Union's 2008 Return Directive had been strongly criticized by many countries of origin, asked to what extent the elements some regions had considered xenophobic would be corrected by the Lisbon Treaty.

95. The Chairperson suggested that any points that had not been addressed for lack of time could be discussed bilaterally or in writing.

Highlights of global and regional migration dialogues

96. The panellists were:⁹

- Global Forum on Migration and Development:

George Kaklikis, Permanent Representative of Greece to the United Nations Office at Geneva and specialized institutions in Switzerland (Global Forum on Migration and Development 2009) and

⁹ The panellists' presentations, as and if received, are accessible on the IOM website at www.iom.int.

Alejandro Poiré, Under-Secretary for Population, Migration and Religious Affairs, Ministry of the Interior, Mexico (Global Forum on Migration and Development 2010)

- Global Meeting of Chairs and Secretariats of Regional Consultative Processes on Migration:
Sihesak Phuangketkeow, Permanent Representative of Thailand to the United Nations Office at Geneva and other international organizations in Geneva
- Migration Dialogue for Southern Africa (MIDSA):
Malusi Knowledge Nkanyezi Gigaba, Deputy Minister of Home Affairs, South Africa
- Presidency of the European Union:
Minna Ljunggren, State Secretary, Migration and Asylum Policy, Ministry of Justice, Sweden

97. Mr. Kaklikis said that the Global Forum meeting in Athens had fulfilled its objectives. The overarching theme of the Forum had been Integrating Migration Policies into Development Strategies for the Benefit of All, which had been intended to sharpen the Forum's development focus and address the connection between the root causes of migration and the attainment of the Millennium Development Goals. 2009 had been a year of consolidation for the Forum, since a number of recommendations had come to fruition, and there was more evidence of a change in government thinking and action towards greater coherence between migration and development. An administrative support unit had been established at IOM Headquarters in Geneva. Two ad hoc working groups had also been established, one on protecting and empowering migrants for development, and one on policy coherence, data and research. A survey of governments was being conducted, which showed how well Global Forum partner States were working towards policy and institutional coherence as a result of the Global Forum process.

98. The Global Forum meeting in Athens had included three round tables: the first had discussed mechanisms, strategies and actors that mainstreamed migration in development planning, and how to address the root causes of migration through development; the second had considered two critical phases in the migration "life cycle" – time spent abroad and the return home; and the third had discussed policy and institutional coherence and related data and research, and regional and interregional consultative processes. The recommendations issued from those round-table discussions would appear in the report of the meeting. While all round tables had given due consideration to gender concerns, more gender-disaggregated data were still required to inform policies. More information was required on the women and children left behind by migrants and the different labour market entry experiences of male and female migrants. Gender-sensitive integration practices were required in host countries, and gender-sensitive preparation practices were required in countries of origin. One of the Forum's greatest achievements had been to ensure greater cooperation among governments at the practical level. The Global Forum was particularly grateful for the support given by IOM.

99. Mr. Poiré said that orderly and secure migration was a fundamental component of development in a context of shared responsibility and international cooperation. Governments should guarantee respect for and protection of human rights regardless of migrants' administrative status. The fourth Global Forum on Migration and Development should be an opportunity not only to discuss ideas and policies that recognized the contribution of migration to

development and gave further support for the protection of the human rights of migrants, but also to consider the current challenges to the administration of migration flows and possible challenges for the future. Demographic changes in countries of origin and shifts in labour market situations in countries of destination would affect migration flows. Consideration must be given to the implications of those changes for countries of origin and for the global administration of migration. The Forum would be an opportunity to emphasize the human rights of migrants regardless of their administrative or document status. Orderly and secure migration flows and the opening of borders would constitute a significant contribution to development in countries of origin and destination.

100. One Member said that the Global Forum on Migration and Development was an appropriate setting for sharing experiences and discussing solutions to migration issues. It represented a new qualitative phase in intergovernmental cooperation on migration. The 2009 Forum in Athens had given NGOs the possibility to participate in debates and exchange ideas. The 2010 Forum should move forward while maintaining an informal setting, and should include the proposal and discussion of specific projects. Another Member asked how Greece and Mexico were collaborating to ensure that the lessons learned from the Athens Forum would benefit the 2010 Forum in Mexico. A third welcomed the technical assistance that IOM was providing to the Global Forum.

101. The two panellists assured the Council that there was constant dialogue between Greece and Mexico in preparation for the 2010 Global Forum, since the lessons learned from past meetings could help consolidate initiatives and point to specific ways to improve practices and thinking on migration and development.

102. Mr. Phuangketkeow said that the regional consultative processes on migration played an important role in promoting regional dialogue and finding regional solutions to migration challenges in different parts of the world. They were particularly relevant in the current climate, when there was a heightened need for regional and global dialogue and for increased coherence between regions in order to strengthen international cooperation and widen perspectives on migration policies. The growing number of regional processes reflected the changing nature, increased complexity and regional and global implications of the migration challenge. It was also an indication of the need for partnership and cooperation, as governments had come to realize that national and bilateral approaches were no longer sufficient when dealing with cross-border issues. Regional consultative processes on migration were often successful because they were limited to a relatively small group of countries that shared interests and concerns. Given the sensitive nature of migration, that helped to build confidence among those involved, which resulted in meaningful dialogue and concrete action.

103. The Global Meeting of Chairs and Secretariats of Regional Consultative Processes on Migration, held in Bangkok in June 2009, had proved a useful forum for sharing experiences from different regions. The participants had agreed on the need to improve migration management policies, to take a broader perspective and, where possible, to encompass the development dimension of migration. The meeting had been a useful starting point to strengthen the links between the regional processes, and had pointed out the synergies between them and the Global Forum on Migration and Development.

104. The round table on regional processes at the third Global Forum in Athens had expressed consensus that such processes could benefit from close interaction with the Forum in order to incorporate development into migration policies where appropriate. They should, however, retain

their individual regional identity. Participants had also agreed that the Global Forum should take heed of the regional approach, given that it was currently facing the challenge of moving from dialogue to cooperation, which had already been effectively achieved at the regional levels. The outcomes of the meeting had been that, until 2012, a round table on regional processes would be held at each Global Forum; that more information should be shared between them and the Forum, through the Global Forum and IOM websites; and that intersessional activities establishing working groups would be considered in order to ascertain how to translate the Forum's recommendations into tangible cooperation.

105. Mr. Nkanyezi Gigaba said that it was vitally important to manage migration in regions such as southern Africa, where there were deep social and economic disparities and enormous poverty. Unless properly managed, migration would only reinforce the current global inequalities. In developing countries, most migrants moved within their own regions or within the South–South context, thus between countries that were already facing huge development challenges and struggling to meet even the basic needs of their own nationals. Owing to brain drain, developing countries were unable to replenish the skills needed for development, and those who most needed to migrate were rarely welcome in destination countries as they were often low-skilled. Developing countries also lacked the resources to manage migration, particularly in a way that linked migration to development. The countries that managed migration well had reaped great benefits from the process and had minimized its risks and negative impacts.

106. The Migration Dialogue for Southern Africa (MIDSA) gave countries in the region the opportunity to share ideas, experience, information and knowledge, while receiving support from international agencies and experts on managing migration at the regional level. It provided a forum to build up trust between participating migration officials, to promote the positive aspects of migration and to develop regional institutional capacity to manage migration. Previous successful regional consultative processes on various issues had adopted resolutions aimed at assisting participating States with a broad policy framework relevant to migration management. The challenge in developing countries was to assist them to develop capacity to manage migration effectively and harness it for development.

107. While migration experts had an important role to play in regional and international dialogues, the lack of reliable data on migration impeded State efforts to manage migration and often led to the dissemination of potentially dangerous myths and misconceptions. In order to be truly effective, such dialogues should be attended by ministers, who had ultimate responsibility for migration policy. Their participation was particularly essential given the complex nature of migration in southern Africa and the fact that meeting outcomes were not binding. It was also important to ensure the participation of representatives of business, labour and civil society, since migration policies and programmes inevitably had an impact on their sectors.

108. Future topics for such dialogues should include protecting migrants' human rights, managing economic migration in developing countries and protecting migrant and refugee workers, potentially through membership of trade unions and business associations. Other key issues for discussion were social activism and advocacy on migration, and gender issues. It was important to ensure that all relevant migration forums included a South–South perspective in order to learn from other developing regions.

109. The representative of Ecuador said that the aim of the ninth South American Conference on Migration, which had taken place in Quito in September 2009, had been to pave the way for a South American migration policy that incorporated the challenges posed by the global economic

crisis. The Conference had established four objectives. First, to reaffirm the South American Conference on Migration as the main forum for political dialogue on international migration in South America; second, to establish an updated regional agenda on migration which would strengthen the South American position in international negotiations; third, to agree on the priority issues; and fourthly, to establish mechanisms for effective dialogue between the Conference and civil society, which had played a greater role than ever before in the Conference. The Conference itself had been successful in preparing a consolidated South American position in readiness for the Global Forum on Migration and Development in Athens.

110. The representative of Guatemala, the current president pro tempore of the Regional Conference on Migration (the Puebla Process), said that the Process's action plan included migration management and policy, respect for migrants' human rights, and migration and development. While its decisions were not binding, it provided a framework for regional cooperation between the countries of North and Central America and the Dominican Republic. Its major achievements had included the establishment of an intraregional assistance fund for migrants in highly vulnerable situations, guidelines for the voluntary return of irregular migrants between Central America and Mexico, and information campaigns highlighting the risks and consequences of human trafficking and smuggling. It had also drawn up regional guidelines on special protection measures when returning children and young people who had been victims of trafficking, set up a pilot project to assist and reintegrate unaccompanied child migrants, and begun sharing information on best practices. It had recognized the need for consular assistance and protection for migrants, and the importance of combating human smuggling and trafficking in persons by setting up mechanisms to facilitate regular and orderly migration. Respecting the human rights of all migrants throughout the migratory process was a huge challenge, and in all its work the Conference was assisted by several prominent international and regional organizations, including IOM.

111. One representative highlighted the need for each Global Forum on Migration and Development to include an evaluation of the work of different regional processes.

112. One Member State noted that, in 2006, the African Union had adopted a common position based on establishing a link between migration and development and the need to address the root causes of irregular migration. One of the outcomes of its 2006 meeting with the European Union on migration and development had been to examine the feasibility of setting up a fund to finance development projects in African countries with a high level of migration. That decision had been based on the will of all participants to encourage development and discourage irregular migration. It was important to recognize the link between migration and development, particularly in the light of studies revealing that, if migration continued at its current level, by 2025, one out of every ten Africans would migrate.

113. Ms. Ljunggren said that one of Sweden's main priorities during its presidency of the European Union had been the negotiation of a multi-annual programme, the Stockholm Programme, to guide the European Union's work in respect of freedom, security and justice for the period 2010 to 2014. Migration and asylum and the fight against trafficking in human beings were central issues in that Programme. The main priorities in drafting the Stockholm Programme had been to develop a forward-looking and comprehensive European migration and asylum policy framework based on solidarity among European Union Member States and true partnerships with countries of origin and transit.

114. With regard to promoting positive synergies between migration and development, she said that there were several issues of importance to the European Union: first, the establishment of flexible admission systems for labour migration based on priorities, needs and volumes determined by each Member State; second, the further development of the European Union Global Approach to Migration; third, the provision of efficient, secure and low-cost remittance transfers; fourth, the involvement of diasporas in European Union development initiatives; and fifth, the further exploration of the concept and development effects of circular migration. Efforts should be made to minimize brain drain. The objective of granting third-country nationals residing legally in the European Union rights comparable to those of European Union citizens also remained a priority.

115. On the question of asylum policy, she said that the development of a common European asylum system was under way and that a European Union resettlement scheme was being developed. The development of policies to prevent, control and combat irregular migration remained a European Union priority, and an action plan on unaccompanied minors would be presented to the European Commission in early 2010.

116. The entry into force of the Lisbon Treaty would ensure the development of common European Union policies on asylum and immigration, and would empower the European Union to develop legislation to ensure a uniform status of asylum for qualified third-country nationals and to define the rights of third-country immigrants residing legally in a European Union Member State. The Treaty would create new opportunities for the development of a forward-looking and ambitious common European asylum and migration policy, building on respect for fundamental rights and freedoms and the idea that well-managed migration could be to the benefit of all stakeholders.

IOM GOVERNANCE

(a) IOM structure review

117. The Rapporteur of the Standing Committee on Programmes and Finance, reporting on the Standing Committee's Fifth Session, said that the Administration had outlined the rationale for the structure review, which sought to introduce greater clarity, balance and coherence, and to consolidate the core administrative structures at Headquarters and in the Field. While many delegations had expressed appreciation for the transparent manner in which the Administration had conducted the structure review process and general support for the recommendations, they had raised concerns about the clarity of the division of roles between Headquarters and the regional offices, diverging regional interests, past commitments, specific views of Member States, and whether the number of regional offices and their placement would help address migration issues effectively. The Director General had taken note of the general view among Member States that a phased approach should be used and that regional specificities should be addressed. Some delegations had indicated that they must revert to their capitals for further instructions following the discussions. The Standing Committee had considered the proposed structure review (document SCPF/35) and had noted that, owing to the need for further discussions, the subject would be placed on the agenda of the Ninety-eighth Session of the Council and that a draft resolution would be presented for the Council's consideration.

118. A number of delegations supported the recommendations made by the Structure Review Team, and many also expressed support for the draft resolution. Some delegations cautioned that the implementation of the structure review should not be delayed by extended discussions, and

that a reasonable deadline should be set for putting the Structure Review Team's recommendations into practice. Others emphasized the importance of focusing the structure review on the best interests of the Organization and those it served, or stressed the need for the review to be implemented using the Organization's existing financial resources.

119. Several Members voiced particular concern about the proposal to reduce the number of regional offices and to employ a single model for the functioning of the remaining eight offices. The existing Missions with Regional Functions should be maintained, and their activities adapted to meet the specific needs of the region in which they were operating. In that regard, the African Group had submitted a paper containing proposed amendments to the draft resolution on the structure review. Other Members cautioned that the structure review debate should not be used by Members as an opportunity to attempt to micromanage the Organization.

120. The Director General said that it was clear from the discussion that Members considered the review process to be timely, but that continuous adaptation would be required to match the changes occurring in migratory flows. He welcomed the general satisfaction in respect of the objectives of the structure review, and agreed that the local specificities of migration must be taken into account. IOM had more regional offices than any United Nations agency, and the review was intended to prevent the creation of any new categories of office, such as subregional offices. He pointed out that it would be difficult for the Organization to satisfy completely the interests of all Members, owing to resource constraints, and agreed that the consultations on the review process should not be prolonged. The Structure Review Team would provide regular progress reports and conduct regular implementation evaluations. Formal and informal consultations would be held with Members, and Headquarters oversight over regional projects would be maintained.

121. The Council adopted Resolution No. 1186 of 26 November 2009 approving the IOM structure review, as amended.

122. Several Member States expressed appreciation for IOM's receptiveness to their concerns. With the Council supporting the proposed reform measures and providing guidance on their implementation, especially in the Field, the result was sure to be an Organization better equipped to address the needs of both migrants and the Member States. The resolution, as adopted, gave the Director General, whom they thanked for engaging with them as a transparent and objective negotiator, the flexibility needed to meet regional concerns through a consultative process.

123. The Director General deeply appreciated the spirit of cooperation evinced by the Member States and their practical helpfulness in the discussions on the structure review. IOM was fully aware of their regional concerns and would continue to consult closely with them during the implementation phase. As stated in Annex III, footnote 1, of document MC/2287, geographical coverage of the regional offices would be subject to further refinement as part of the implementation plan.

(b) Irregular migration and mixed flows: IOM's approach

124. The Administration introduced document MC/INF/297¹⁰ (Irregular migration and mixed flows: IOM's approach). Irregular migration had been defined in the *World Migration*

¹⁰ The Administration's presentations are accessible on the IOM website at www.iom.int

Report 2008 as “movement that takes place outside the regulatory norms of the countries of origin, transit and destination”. Mixed flows, for their part, could be defined as complex population movements involving refugees, asylum-seekers, economic migrants, victims of trafficking, smuggled migrants, unaccompanied minors and other migrants moving through the same migration corridor. While the focus tended to be on irregular movements, irregularity was not necessarily the defining feature of mixed flows.

125. IOM’s approach to irregular migration and mixed flows was grounded in the preamble to its Constitution and in points 2, 5 and 9 of its strategy. It was predicated on the need for a comprehensive approach to migration management at all stages of mobility and aimed to be holistic while addressing immediate needs.

126. The approach was two-pronged: to assist vulnerable migrants and to provide support to governments and other stakeholders. It comprised several areas of work: direct assistance to migrants; assistance for the development of policies and legislation designed to protect the human rights of all migrants, irrespective of their migratory status; training, capacity-building and awareness-raising for a wide range of stakeholders (for example, government officials, private sector companies, civil society, policymakers working in a regional context); dissemination of information to migrants and host communities; cooperation with inter-State mechanisms such as the regional consultative processes on migration; and inter-agency coordination and partnership.

127. Representatives noted with appreciation IOM’s constructive approach to irregular migration and mixed flows. Several Member States thanked IOM for the assistance it provided through its programmes and urged it to continue helping States, migrants and communities to face the challenges of irregular migration and encourage cooperation among countries and regions. Support was expressed for the regional approach to developing specific solutions to migration challenges and for the Regional Consultative Processes as fora for sharing best practices. Stakeholders at the national level had to share experiences, and IOM and UNHCR had to work together to provide an effective response to mixed flows. Several Member States highlighted that cooperation was essential and that it was important not only to establish a normative framework, but to ensure that it was applied. Several representatives asked whether IOM considered it viable to formulate a “soft law” framework for the protection of vulnerable groups of irregular migrants, as put forward in paragraph 7 of document MC/INF/297. Another speaker questioned whether such a framework was necessary as existing instruments, if applied, afforded effective protection. Several Member States highlighted the changing patterns of migration and one noted that the number of irregular migrants was likely to increase as a result of the economic crisis. One Member State recognized IOM’s proven capacity for responding to the needs of Member States, especially in emergencies, while another noted that IOM was in an excellent position to be able to provide technical expertise to States interested in strengthening their migration management capacity. The importance of information campaigns on the rights of irregular migrants in destination countries was also highlighted.

(c) Programme and Budget for 2010

128. The Rapporteur of the Standing Committee on Programmes and Finance reported that a number of delegations had appreciated the changes that had been introduced in the Programme and Budget for 2010 (MC/2281) to ensure greater clarity and transparency. The Administration had highlighted the need for a cost-effective structure that would adequately support the Organization’s work. It nonetheless appreciated that, given the significant financial challenges the

global economic crisis posed to Member States, it was not the best time to request increased contributions.

129. In order to present the Organization's actual needs in a transparent fashion, the Director General had presented two scenarios for the proposed Administrative Part of the Budget. Under scenario 1, it amounted to CHF 39,794,000, an increase of 2.55 per cent or CHF 988,000, representing statutory increases. Under scenario 2, it amounted to CHF 48,794,000, an increase of 25.74 per cent or CHF 9,988,000, which included needs that had remained uncovered in the Administrative Part of the Budget. Many delegations had acknowledged the growing scope of migration and the need to provide the minimum resources necessary for IOM to function effectively. Several delegations had expressed the view that the timing was not right, given the global economic downturn and ensuing decisions to reduce national budgets in some countries, and had advocated a general policy of zero nominal growth for international organizations. A number of delegations had nevertheless indicated their support for scenario 1 and had called for continued discussion on a budget reform process that met the needs outlined under scenario 2 in a phased manner.

130. The Operational Part of the Budget for 2010 had been estimated at USD 650.6 million, representing an increase of USD 19.1 million compared with 2009. Discretionary Income, calculated on the basis of the three-year average agreed by Member States, was projected to amount to USD 41.0 million.

131. The Chairperson recalled that, since the Standing Committee session and the most recent informal consultations, a compromise had been put forward for a 1.5 per cent increase in the Administrative Part of the Budget for 2010.

132. Several Member States endorsed the compromise figure. Three of them had been ready to support scenario 1. One joined the consensus on the understanding that the move away from zero nominal growth was an exceptional measure and requested that the Organization continue to study ways of making further reductions in expenditure. Another stated that its basic position remained zero nominal growth.

133. One Member State said that the low level of unearmarked contributions, which stood at USD 2.6 million, should be addressed. It placed a significant constraint on the Administration, particularly as part of those contributions went to the 1035 Facility, which financed many projects in developing countries.

134. One representative suggested that the Administration should, if possible, introduce performance indicators for projects listed in the Operational Part of the Budget, in order to maximize output at a time of reduced funding.

135. One Member State supported scenario 2, given that the Organization's activities had multiplied several times over, its programmes were highly relevant and its work in many countries was of great importance. The Organization needed a budget that would allow it to pursue its programmes and respond to the devastating effect of the global economic crisis on migrants.

136. One representative, referring to the new scale of assessments that the United Nations General Assembly was due to adopt by the end of 2009, asked whether IOM would adapt its scale of assessments accordingly at the current session of the Council or during the next session for

implementation in 2010. The Legal Adviser explained that, since the Council was held before the General Assembly, the Organization always implemented General Assembly decisions on the scale of assessments the year after they had been adopted.

137. The Director General said that further efforts would be made to identify more cost savings in a systematic fashion. IOM would keep Member States informed on progress. All the suggestions would be studied and incorporated into the revision of the Programme and Budget during 2010. Dialogue with Member States on budget reform would continue.

138. The Council adopted Resolution No. 1187 of 25 November 2009 on the Programme and Budget for 2010 (MC/2281 and MC/2281/Amdt.1), with an amendment in operative paragraph 2 inserting the amount of CHF 39,388,000 for the Administrative Part of the Budget for 2010, reflecting the 1.5 per cent increase.

(d) Appointment of an External Auditor

139. The Council had before it two information sheets, in addition to documents MC/2282, MC/2282/Add.1 and MC/2282/Add.2.

140. The Chairperson observed that, as there was no consensus on the selection of one candidate, the Council would conduct a straw poll of the five candidates.

141. The Legal Adviser explained the voting procedure. There had been one precedent, during the appointment of the External Auditor in 2000, when a straw poll had been conducted prior to the formal secret ballot of the two candidates who had obtained the highest scores.

142. The straw poll was conducted, as a result of which three candidates withdrew their candidatures.

143. In accordance with its Rules of Procedure, the Council then proceeded to vote by secret ballot on the two remaining candidates, the Ghana Audit Services and the Comptroller and Auditor General of India.

144. The results of the ballot were as follows:

(a)	Number of ballot papers distributed:	105
(b)	Number of ballot papers taken from the ballot box:	105
(c)	Number of invalid ballot papers:	0
(d)	Number of abstentions:	3
(e)	Number of valid ballot papers:	102
(f)	The candidates obtained the following number of votes:	
	Ghana Audit Services	43
	Comptroller and Auditor General of India	59

145. The Chairperson announced the result and invited the Council to approve the appointment of the Comptroller and Auditor General of India as the External Auditor for the period 2010–2012.

146. The Council adopted Resolution No. 1188 of 26 November 2009 on the appointment of an External Auditor, as completed with the name of the Comptroller and Auditor General of India.

147. The representative of India thanked the delegations for their support. It was an honour for the Comptroller and Auditor General of India to have been appointed, and it would endeavour to use the experience it had gained auditing other international organizations for the benefit of IOM.

148. The representative of Ghana thanked the delegations that had supported the candidature of Ghana Audit Services and commended the constructive spirit in which all candidates had conducted their campaigns. She congratulated the Comptroller and Auditor General of India on its appointment and expressed confidence in its capacity to carry out its task.

149. The African Group said that, given the underrepresentation of the continent in IOM, it was disappointed that the post of External Auditor had not gone to Ghana Audit Services, which it was sure would have served IOM competently. It expressed confidence in the abilities of the Comptroller and Auditor General of India.

(e) Draft reports on the Ninety-sixth Session and the Ninety-seventh (Special) Session of the Council

150. The Council adopted Resolution No. 1189 of 26 November 2009 approving the reports on its Ninety-sixth Session (MC/2266) and Ninety-seventh (Special) Session (MC/2274).

(f) Report on the Hundred and sixth Session of the Executive Committee

151. Through its Resolution No. 1190 of 26 November 2009, the Council took note of the report on the Hundred and sixth Session of the Executive Committee (MC/2279).

(g) Summary update on the Programme and Budget for 2009

152. The Rapporteur of the Standing Committee on Programmes and Finance reported that the Standing Committee had examined document MC/2280 (Summary update on the Programme and Budget for 2009), in which the Administrative Part of the Budget had remained unchanged at CHF 38,806,000 and the scale of assessments updated to reflect the admission of two new Member States. The Operational Part of the Budget had increased to USD 997.4 million, and Discretionary Income estimates had consequently been revised upwards. Most of the additional Discretionary Income had been utilized for the 1035 Facility, PRISM, staff security and unforeseen and unbudgeted activities. The Standing Committee had recommended that the Council take note of document MC/2280.

153. The Council took note of document MC/2280.

(h) Status report on outstanding contributions to the Administrative Part of the Budget

154. The Rapporteur of the Standing Committee on Programmes and Finance said that the Administration had announced that about CHF 9 million were owed for 2009 and previous years. A number of countries were making efforts to settle the amounts they owed. For example, Brazil

would be able to honour its financial obligations as soon as its parliament completed the required internal process for ratification of the country's membership of IOM, a process that was nearing completion.

155. The Standing Committee had taken note of the efforts made by some Member States to pay their outstanding contributions and had urged all Member States to do their utmost to pay their arrears as soon as possible. It had also urged those Member States with contributions outstanding for two or more consecutive years to pay their contributions in full or agree to a repayment plan and to report to the Council on efforts to honour their financial obligations.

156. The Director General said that he had been in contact with the ambassadors of all the countries concerned, in order to offer support for their approach to their capitals and to propose a repayment plan. He had been impressed at their positive and constructive reactions. The repayment plans proposed by IOM had several advantages: countries agreeing to pay their 2009 assessed contribution were removed from the arrears column, the time frame was flexible (5, 10 or 15 years) and countries could opt to pay in local currency. In return for agreeing to a repayment plan and adhering to the payments, countries became eligible for funding of up to USD 200,000 under Line 2 of the 1035 Facility.

157. The Administration said that nine countries had either paid their contributions for 2009 or prior years, or agreed to a repayment plan since the Standing Committee session: Argentina, Bosnia and Herzegovina, Colombia, Croatia, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Namibia, Paraguay and the Republic of Korea. The level of outstanding contributions had reduced accordingly. The number of Member States subject to Article 4 of the Constitution had also fallen, from 18 to 11. In all, 12 Member States had adhered to and were implementing a repayment plan.

158. One Member State commended the Director General on his efforts to reduce the amount of outstanding contributions.

159. The representative of Namibia pointed out that his country had joined the Organization only in 2009 and had probably been listed as being in arrears on account of a technicality.

160. The representative of the Republic of Korea said that his country's contribution had been paid late for purely technical reasons.

161. The Council took note of the efforts made by some Member States to pay their outstanding contributions and urged those with arrears of two or more consecutive years to settle the amount in full or agree to a repayment plan.

(i) Other items arising from the Report of the Standing Committee on Programmes and Finance

162. The Rapporteur of the Standing Committee on Programmes and Finance reported on a number of other items discussed by the Standing Committee at its Fifth Session, as follows:

- Exchange of views on items proposed by the membership

IOM's oversight and evaluation mechanisms

163. The Administration had presented document SCPF/37 (IOM's oversight and evaluation mechanisms) and had highlighted that oversight covered a broad range of tasks that were essential for effective management and good performance. It had explained that evaluation and audit were two very different concepts. The Director General had remarked that the scope of oversight and evaluation activities should be broadened to include a review of how Field Offices conducted their business and relations with host governments, donors and the diplomatic community.

164. The Standing Committee had taken note of document SCPF/37.

Efforts to enhance capacity for border management

165. The Administration had presented document SCPF/38 (Border management and the role of IOM) and had highlighted the two main driving forces behind border management reform: first, the rising rate of global mobility, of which migration was one element; and second, the increased need to secure State borders by identifying movements associated with transnational crime and terrorism. The Administration had responded to questions on how IOM selected countries for border management assessments and how it helped countries issue machine-readable passports.

166. The Standing Committee had taken note of document SCPF/38 and the comments made.

167. Following an invitation by the Chairperson to suggest future topics for the exchange of views, one delegate had suggested human resources management as a possible topic; the Director General had endorsed that idea.

- Support for developing Member States and Member States with economy in transition – 1035 Facility

168. The Administration had introduced document SCPF/36 (Support for developing Member States and Member States with economy in transition (status report: 1 January to 30 September 2009)). A total of USD 6.5 million had been available for the 1035 Facility in 2009; 75 per cent of that amount had been allocated as at 30 September 2009. The Administration had proposed to raise the funding threshold for national projects under Line 1 – which had remained unchanged for nine years – from USD 50,000 to USD 100,000 as of January 2010. One delegation had urged the Standing Committee to explore ways of increasing the funds available to the Facility at its next session. The Governments of Italy, Spain, Austria, Belgium and the United States had been thanked for their contributions.

169. The Standing Committee had taken note of document SCPF/36 and endorsed the proposal to raise the funding threshold for national projects under Line 1.

- Statement by a representative of the Staff Association Committee

170. The Chairperson of the Staff Association Committee had welcomed the new Deputy Director General and thanked senior management for its readiness to listen to the Committee. While staff recognized the need to restructure the Organization, the Committee considered it necessary to clarify the resources involved in implementing the changes, ensure synergies between rotation and restructuring and take account of the impact on staff. It was concerned about the inconsistency in the treatment of staff, who tended to be graded according to budget

availability rather than their level of responsibility. Staff were often compelled to manage programmes without adequate resources as a result of the lack of core funds. There was also an urgent need to resolve the ongoing taxation issues that were affecting a number of staff.

171. The Director General had stated that he would continue to work with the Committee on the issues that had been raised and was optimistic that conditions for staff worldwide could be improved.

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

- Report on human resources

173. The Administration had introduced document MC/INF/295 (Report on human resources management) and stated that staff development was a priority. The report had provided an account of the progress made on various initiatives identified in the action plan. The Member States had been brought up to date on the rotation process and informed that the review of the Staff Regulations was near completion. Substantial improvements had been made in health insurance coverage and the cost-effectiveness of the health services provided. It had been recognized that human resources management merited more serious consideration and should be placed higher on the agenda.

174. The Standing Committee had taken note of document MC/INF/295.

175. The Council took note of the documents.

(j) Election of the Executive Committee

176. The Council noted that the following 33 Member States wished to be represented on the Executive Committee in 2010 and 2011: Angola, Bangladesh, Bolivia (Plurinational State of), Congo, Costa Rica, Ecuador, Egypt, France, Germany, Ghana, Greece, Guatemala, Hungary, Italy, Japan, Kenya, Mexico, Nepal, Netherlands, Nicaragua, Panama, Philippines, Republic of Korea, Senegal, South Africa, Sri Lanka, Sudan, Sweden, Thailand, Tunisia, United Kingdom, United Republic of Tanzania, United States of America.

177. The Council adopted Resolution No. 1191 of 26 November 2009 on the election of the Executive Committee.

(k) Date and place of the next session

178. The Council adopted Resolution No. 1192 of 26 November 2009 concerning its next regular session and inviting the Executive Committee to meet in June 2010. The tentative dates were: 29 November to 2 December 2010 for the Council and 28 June 2010 for the Executive Committee. Provisional dates for the Sixth and Seventh Sessions of the Standing Committee on Programmes and Finance were 10 and 11 May 2010 and 2 and 3 November 2010, respectively.

CLOSURE OF THE SESSION

179. The Chairperson declared the Ninety-eighth Session of the Council closed on Thursday, 26 November 2009, at 4.15 p.m.

Annex

THE DIRECTOR GENERAL'S REPORT TO THE COUNCIL

1. It is an honour to report to the distinguished delegations of IOM Member States and observers at this Ninety-eighth Council Session on the activities, challenges and perspectives of the Organization since my first report to the Council one year ago.
2. Since then, I have tried to keep Member States closely informed through my quarterly reports; the initiation of a series of "information afternoons"; ad hoc meetings with the different Regional Groups; and my visits to several dozen capitals, including participation in various meetings of the Regional Consultative Processes (RCPs), and a global meeting of all the RCPs in Bangkok.
3. I would like to begin my report by expressing on behalf of my colleagues and the staff of the International Organization for Migration our sincere appreciation to our outgoing Chairperson, Ambassador Mundaraín (Bolivarian Republic of Venezuela), for his efficient leadership of the IOM Council Bureau. I should also like to congratulate Ambassador Kitajima (Japan) on his appointment as Chairperson; his First Vice-Chairperson, Ambassador Jazaïry (Algeria); Second Vice-Chairperson, Ambassador Strohal (Austria); and the Rapporteur, Ms. Adriana Mendoza (Colombia), on their election. With all of you, I should also like to welcome on board our new Deputy Director General, Ambassador Laura Thompson, who, in less than three months into her mandate, has travelled widely and whose energy and fresh ideas are already having a positive and beneficial effect on the Organization.

Introduction

4. This Ninety-eighth Session of the Council has special meaning for the Organization, signalling, as it does, the 25th anniversary of: (i) IOM's move to its current Headquarters building; (ii) the re-designation of the top two officials' titles to Director General and Deputy Director General; and (iii) the initiation of a review of the IOM Constitution, which led, three years later, in 1987, to a series of reforms, including the changing of the Organization's name from the Intergovernmental Committee for Migration to the International Organization for Migration. Delegations engaged in that earlier review recognized the applicability of the Organization's mandate worldwide; they also recognized that the migration challenges of the day required an organization that is dynamic, adaptable and responsive to a changing world.
5. The year 1984 was a watershed moment; it helped prepare the Organization for what was to come – an explosion in global migration throughout the 1980s, 1990s and into the new millennium. The number of migrants continues to increase faster than population growth. In the last 20 years alone, the total number of international migrants rose by more than 60 million to today's 214 million international migrants (Source: United Nations Department of Economic and Social Affairs – UNDESA).

6. IOM has continued to grow in tandem with the migrant population and governments' interest in migration: from 67 Member States in 1997 to 127 Member States today. Moreover, the Organization experienced a commensurate expansion of its projects and programmes (600 to 2,000); staffing (2,000 to 7,700); offices (150 to 450); and overall operating budget (USD 200 million to more than USD 1 billion). At the same time, IOM's activities have both broadened and deepened, to include labour migration; counter-trafficking; refugee resettlement; assisted voluntary returns and reintegration; migrant health; migration and development; technical cooperation and capacity-building; emergency and post-conflict response; disarmament, demobilization and reintegration (DDR); electoral assistance; land and property claims and compensation; migration and environment; policy dialogue and guidance; and research and publications.

7. Notwithstanding, the core budget has not evolved correspondingly to enable IOM to continue to be fully responsive to Member States' and migrants' needs. Rather, the core budget has stagnated, in the face of growth and increased demands. The result is that the Organization is being stretched too thinly and risks missing opportunities to serve Member States' needs and, ultimately, losing the lead in some key activities and perhaps being exposed to risks in other areas.

I. THE CURRENT ENVIRONMENT

A. Era of the greatest human mobility

8. Today, we stand at another watershed. We live in an era of the greatest human mobility in recorded history. In percentage terms, perhaps not, but in sheer numbers there are more people on the move today than ever before. There are 1 billion migrants worldwide; that is 740 million internal migrants (Source: United Nations Development Programme – UNDP) and 214 million international migrants. In other words, one in every six or seven people is in a migratory status today.

9. Let me return for a moment to the 1980s, to recall when, in 1982, representatives from 88 countries gathered here in Geneva during this very week for a seminal meeting on world trade. The globalization discourse that followed in the intervening years has been primarily about the free flow of capital, goods and services – with relatively little attention to the free flow of “people.” Globalization and the communication and transportation revolution undoubtedly contributed to mass human mobility as we know it, but it is current global demographics, labour-market demands, economic trends and North–South disparities, along with the effects of conflict and climate change, that will ensure continuing large-scale flows of people throughout much of the twenty-first century if these trends prevail.

10. It is estimated conservatively that if the number of international migrants continues to grow at the same rate as over the past decade (1.8 per cent according to UNDP), there will be at least 280 million international migrants on the eve of IOM's 75th anniversary in 2025. (IOM will examine the implications of these trends and other expected changes in the pattern of migration over the next two decades in its forthcoming *World Migration Report 2010*, which will focus on the theme “The Future of Migration: Building Capacities for Change”).

11. Without question, there is heightened interest in migration, with increasing recognition that large-scale migration is likely to be a prominent global feature for many years to come. The establishment of the Global Forum on Migration and Development (GFMD) and the Global Migration Group (GMG) and the active engagement on migration questions by regional organizations, academic and research communities, advocacy groups, non-governmental organizations, civil society, and even the private sector, is further indication that migration is becoming one of the primary geopolitical issues of our time.

12. The real challenge before us is how to manage the migration process most responsibly – in the best interests of countries, communities and people, in particular the migrants themselves – especially in the immediate period of global recession.

B. Global economic crisis

13. The full depth, scope and duration of the economic crisis remain difficult to predict, yet it is possible to identify five areas of impact on migration:

- (i) **Job losses:** In some countries, the economic crisis has become an employment crisis for migrants, with a number of countries reporting higher unemployment rates among the foreign-born population.
- (ii) **Decreased remittances:** Rising unemployment has had a negative effect on the flow of remittances. The World Bank forecasts a decrease in 2009 ranging between 7 per cent and 10 per cent in total global remittances, which had reached USD 328 billion in 2008 (Source: World Bank). While the overall picture is one of remittance decline, some regions have been affected more than others, or are even experiencing an increase in remittance values.
- (iii) **Scaling back of regular migration options:** Several governments have taken action to reduce quotas for the regular admission of migrants to their countries, and some have even taken measures to criminalize irregular entry. While often driven by political expediency, these measures are almost certain to prove counter-productive in the longer term, as regular migration will continue to be needed and indeed can help fuel recovery.
- (iv) **Stereotypes/discrimination:** Calls to reduce migration tend to be based on the false perception that migrants take jobs or compete for welfare benefits, when in fact migrants for the most part generate economic activity and jobs. There is also clear evidence that lower-skilled migrants take on the so-called “3D jobs”, namely dirty, dangerous and difficult jobs that locals are unwilling to perform.
- (v) **Promotion of returns:** There has been a tendency for some governments to experiment with new schemes to promote voluntary return. There is little evidence, however, of a mass return of migrants to countries of origin, although returns to some countries have increased. The resilience of migrants is partly due to factors such as the generosity of the host country’s social protection system, and the fact that conditions at home may be worse than in the destination country, as a result of the global recession.

14. The overall impact in these areas has varied considerably and, generally speaking, has not been as serious as had been feared; however, there is reason to remain concerned and vigilant in all our efforts to limit the negative effects of the global crisis on migrants.

II. IOM'S RESPONSE TO THE CURRENT ENVIRONMENT

A. Outreach

15. For my part, during the first year of my mandate I have sought to ensure that Member States' "voices are heard in all forums", and that Member States have a "seat at every table" where migration is discussed. I am delighted to have our new Deputy Director General, Ambassador Laura Thompson, join me in this effort.

16. While maintaining our traditional low profile on project delivery in order that any credit be reserved for the host country and donors, I have sought to raise the visibility of the Organization internationally through: (a) meetings with you and your counterparts in 40 visits to capitals during the past year; and (b) participation in all key global forums on every continent where migration is discussed (African Union summits; meetings of many of the fourteen principal RCPs, including the Bangkok Global Meetings of RCPs; European Union Presidency meetings on migration; the Organization of American States Summit of the Americas, a special Organization for Security and Co-operation in Europe Athens forum on migration; the World Economic Forum; the Thirty-sixth Session of the Council of Foreign Ministers of the Organization of the Islamic Conference; and the Arab Labour Organization Ministerial Conference).

B. 2009: An avalanche of activity

17. In responding to global trends and Member States' requests, IOM has undertaken more than 2000 active migration projects around the world in the course of 2009. We have made every effort to maximize the impact of every single dollar received (your tax payer's dollars) through the lowest overhead of any international organization. IOM staff in 450 locations around the world carry out these activities with unrivalled ability to connect with beneficiaries and partners and deliver results.

(i) Refugee resettlement:

- 120,000 refugees resettled (26 per cent increase over 2008) in partnership with the Office of the United Nations High Commissioner for Refugees (UNHCR);
- USD 120 million spent on one-way airline tickets);
- Refugees resettled to the United States of America (82,000); Canada (12,000); Australia (9,000); Nordic countries (8,000); and other European countries (6,000);
- 2,500 refugees assisted in returning to their respective countries of origin: Africa (1,800); Middle East (400); Latin America and the Caribbean (150); and Europe (150).

(ii) **Emergency response:**

- 11 emergencies supported;¹
- 13 countries in recovery or post-emergency phases² supported through Camp Coordination and Camp Management activities and the provision of emergency shelter and non-food items, protection, health care, logistical support and early recovery measures;
- 3 new DDR projects in the Democratic Republic of the Congo, Sri Lanka and Sudan (adding to ongoing DDR and related projects in Bosnia and Herzegovina, Colombia, Liberia, Serbia and Uganda);
- 4 electoral assistance projects implemented in Afghanistan, Lebanon, the Republic of Moldova and Sudan.

(iii) **Counter-trafficking:**

- 1,100 victims of trafficking assisted in 60 countries;
- 711 counter-trafficking training sessions for 16,227 participants in more than 50 countries targeting law enforcement officers, consular officials, immigration officers, the judiciary and non-governmental organizations.

(iv) **Assisted voluntary return and reintegration:**

- 29,000 people assisted in 2009 (activities to support returning migrants include outreach, return mental health and reintegration support).

(v) **Labour and facilitated migration:**

- 106 labour migration projects in 42 countries;
- 68 pre-consular/travel assistance projects in 39 countries serving more than 60,000 applicants;
- 16 migrant training projects in 38 countries benefitting 51,000 participants;
- 40 migrant integration projects in 17 countries;
- 105 migration and development projects in 49 countries.

(vi) **Technical cooperation and capacity-building:**

- 521 training sessions in more than 70 countries benefitting more than 17,000 participants (including government officials from foreign affairs and interior ministries; public security officers; law enforcement and customs officials; and the private sector: recruitment agencies, airport and airline staff and academia);
- 90 ongoing technical cooperation projects, valued at nearly USD 70 million (including migration and border management assessments; travel documentation inspection and issuance systems – biometrics, visa procedures and border checkpoints).

¹ Countries: Afghanistan, Angola, Bangladesh, the Democratic Republic of the Congo, El Salvador, Indonesia, Nicaragua, Pakistan, Philippines, Sri Lanka and Yemen.

² Countries: Colombia, Cote d'Ivoire, Ecuador, Ethiopia, Georgia, Haiti, Iraq, Kenya, Myanmar, Nepal, Sudan, Timor-Leste and Zimbabwe.

(vii) **Migration health:**

- 110,000 health assessments for migrants and refugees in 35 countries during the first six months of 2009 (expected to meet at least the 2008 load of 230,000);
- 117 health promotion and assistance projects;
- 5 technical cooperation projects implemented through the 1035 Facility;³
- 43 active health projects to help crisis-affected communities.⁴

(viii) **1035 Facility:**

- 50 projects in 60 countries in the amount of USD 6,452,556;
- Projects focused on: counter-trafficking; labour migration; migration and development; migration health; migration management systems; and research and training.

(ix) **Reparation programmes:** Expert advice and technical assistance provided to:

- The National Reparation and Reconciliation Commission and the Administrative Reparations Programme in Colombia (230,000 claimants; 20,000 of which addressed);
- The Commission for the Resolution of Real Property Disputes in Iraq (155,000 claims; half addressed to date);
- The Comprehensive Recovery, Return and Compensation Programme of the Government of Timor-Leste (15,000 internally displaced persons assisted);
- The National Reparations Programme in Sierra Leone (20,000 beneficiaries in first year; 35,000 set to benefit next year);
- Continued assistance to Roma beneficiaries in five south-eastern European countries under the Roma Humanitarian Assistance Programme.

To date, IOM has provided technical assistance for restitution/compensation and large-scale victims' reparations programmes in ten countries.

(x) **Visibility, media and communications:**

- 400 press notes and human interest feature stories produced by IOM's modest Media and Communication Unit;
- 2,500 one-on-one interviews and briefings with the media;
- 47 per cent increase recorded in visits to the IOM website;
- 74 per cent increase in web pages viewed;
- 20 information campaigns (counter-trafficking and smuggling; promotion of regular migration schemes; promotion of migrant contributions to society; focus on migration in crisis and emergency situations);
- An op-ed by the Director General, "Helping migrants weather the storm," which appeared in *The New York Times* and *International Herald Tribune* on 6 and 7 September 2009, respectively.

³ Cambodia, Egypt, Kenya, the Republic of Moldova and Thailand.

⁴ Indonesia, Myanmar, the Philippines, Sri Lanka and Zimbabwe.

(xi) **New partnerships:** IOM signed the following cooperation and technical agreements and Memorandums of Understanding (MoUs) with international and regional organizations in 2009:

- Cooperation Agreement with the Organization of American States;
- MoU with the Economic Cooperation Organization;
- MoU with the Food and Agriculture Organization of the United Nations;
- Cooperation Agreement with the United Nations Alliance of Civilizations;
- MoU with the United Nations Institute for Training and Research;
- Cooperation Agreement with the United Nations Environment Programme;
- Technical Agreement with the World Food Programme for the Humanitarian Response Depot Network;
- Memorandum signed with UNHCR and the Government of the Philippines on the establishment of an emergency transit mechanism for addressing emergency resettlement.

Other notable partnership initiatives:

- Membership in the United Nations Peacebuilding Commission country-specific configuration on Sierra Leone;
- Inauguration of the Migration Research and Information Centre in Khartoum, a Sudan and IOM initiative (supported by the 1035 Facility);
- Agreement with the Government of the Republic of Korea on the establishment of an IOM Migration Research and Training Centre in the Gyeonggi Province of the Republic of Korea;
- MoU with the Government of the United Republic of Tanzania to establish the African Capacity-Building Centre in Moshi, in the United Republic of Tanzania.

(xii) **Research and policy:**

- Throughout 2009, IOM's modest research and policy team identified emerging migration issues – such as the implications of the current economic crisis on migrants and migration and the relationship between migration, environmental degradation and climate change – and carried out research and policy analysis, and facilitated dialogue, including through the International Dialogue on Migration, and programmatic activities. The objective of IOM's research and policy capacity remains to provide IOM membership with critical information in a timely manner, to assist decision-making on migration issues, and to foster inter-State and broader-based cooperation.

(xiii) **Publications:**

- In 2009, 60 reports were published, including two major books on migration and climate change that will be presented at the United Nations Climate Change Conference to be held in Copenhagen in December 2009. A new series of country reports was also launched, which examines migration trends and policy developments in different regions of the world. Migration Profiles on more than 30 countries have been prepared in close cooperation with national authorities.

- The IOM flagship document, the *World Migration Report*, demonstrates the intellectual leadership that IOM is providing to help shape global debates as well as provide top-notch technical assistance to partners on the ground. Insufficient budgetary support to this activity, however, has meant that we have been delayed in publishing the French and Spanish versions of the Report. In 2010, we will seek to engage foundations and other sources of funding to publish the *World Migration Report* annually, and to expand the Migration Profile series to cover all countries and to place these Profiles on a secure financial footing so that revisions will occur on a timely basis.

18. Global migration trends and the exponential expansion of IOM's project activities present the Administration and IOM's membership with the question of how best to prepare the Organization for these new challenges and opportunities, in particular to determine what kind of migration agency we all want. In very practical terms, the most immediate and urgent matter is your decision on the Organization's proposed budget and structure reforms.

III. EQUIPPING IOM FOR THE NEW ERA

19. In my report to the Council one year ago, I emphasized the need to reform our structures and processes in order to strengthen IOM's administrative capacity; to consolidate our growth and expansion; and to set the course for the next five years.

A. In-house reforms

20. Since then, and throughout 2009, we have undertaken a series of in-house management and administration reforms, including: (i) new financial regulations; (ii) a new whistleblower policy; (iii) revised staff regulations and rules; (iv) a code of conduct policy; (v) complete roll-out of the PRISM system – on time and within budget; and (vi) adapting IOM to the International Public Sector Accounting Standards (IPSAS).

21. In our efforts to achieve gender balance in staffing, Human Resources Management and the Gender Coordination Unit have continued to sensitize staff to the need to strengthen the participation of women in all field missions. Currently, among our 40 largest missions, over half report that their staff comprise 40 per cent women. Some 3,502 of the 7,735 personnel working for IOM worldwide are women; however, in the upper-middle and senior levels, women are still under-represented. During 2009, IOM endorsed the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel.

B. Major reforms

22. We acknowledge that we have placed a heavy burden on the shoulders of Member States with our three main reforms: (i) staff rotation; (ii) structure review; and (iii) budget reform – during a period of global recession.

- (i) **Staff rotation:** One of the major reforms undertaken in 2009 was the introduction of annual rotation for all professional staff under the age of 58. In January 2009, the Rotation Board met together with the Director and staff of Human Resources Management to decide on a selection system and to prepare the first rotation list of

123 staff members for the Director General's approval. Of the 123 staff members eligible for rotation, 65 were submitted for approval, of whom 45 have already taken part in the rotation process in 2009. The remaining 20 will be subject to rotation in 2010.

- (ii) **Structure review:** Launched in April 2009, the objective of the structure review is to ensure the best use of our human and financial resources through the consolidation of structures in the Field and greater coherence at Headquarters. The proposed structure focuses on: (a) establishing clearer reporting lines; (b) greater uniformity of structures; and (c) improved oversight of activities at Headquarters and in the Field. Member States have been kept abreast of progress through my quarterly reports, briefings to regional groups, a dedicated "information afternoon" at IOM Headquarters, and detailed discussion in the Standing Committee on Programmes and Finance.
- (iii) **Budget reform:** We have sought to replace the traditional annual discussion and negotiation with regard to "zero nominal growth versus zero real growth" with a medium-term budget reform package that discusses transparently the Organization's fixed costs and the actual needs of the Organization. In doing so, Member States were provided with two scenarios: Scenario 1: CHF 39,794,000 (2.55 per cent increase to include statutory increases related to the United Nations common system that are beyond our control); and Scenario 2: CHF 48,794,000 (25.74 per cent increase to include: (a) statutory costs; (b) staff security; (c) Cluster responsibilities; and (d) PRISM maintenance. A series of informal and formal information sessions and briefings have been convened over the past year to engage the membership in the budget reform process; and we have been pleased with the constructive exchanges at these meetings.

C. Areas requiring further attention

- (i) **Oversight and monitoring:** In a small number of cases, principally involving field missions in challenging operating environments, the Administration has assumed an unacceptable degree of risk where it has been unable to provide a sufficient level of monitoring and oversight activity. In such cases, a special task force has been assembled to examine each and every case with utmost diligence to resolve and address any perceived or actual wrongdoing.
- (ii) **Viability and sustainment of IOM offices:** In some cases, we have not been successful in revitalizing resource-starved country offices in particular regions, either through resource mobilization efforts or by rationalizing expenditures. The Administration intends to re-institute a "mission watch list" along with a series of incremental measures, including the possibility of establishing Project Offices to ensure a more solid financial footing.
- (iii) **Simultaneous reform processes:** The imperfect meshing of three different, but tightly linked, reform processes, though inevitable, requires further attention, particularly with regard to human resources management. If staff are assigned to posts that change their status, or even downsized due to re-structuring – should the Council approve – the implications of such unavoidable changes for staff will be addressed, with utmost care, in the implementation phase.

- (iv) **Internal communication:** Internal communication remains a challenge, due in large measure to the decentralized nature of the Organization. Monthly “town hall” meetings with Headquarters’ staff and Field staff participating via video link, along with the sharing of daily Senior Management Team meeting records with Chiefs of Mission and IOM Headquarters staff, have contributed to addressing, in part, this particular challenge, but additional efforts will be required.

IV. PERSPECTIVE: 2010–2013

A. Ongoing priorities

23. I will continue to accentuate the original three priorities I announced when I began my mandate: Member State ownership, partnerships and staff development, in addition to enhancing the value added component of Headquarters’ support to our far-flung regional and country missions in this quintessentially field Organization – in which some 98 per cent of all IOM personnel are based in the Field. We also look forward to planning a series of initiatives to mark IOM’s 60th anniversary in the year 2011.

- (i) **Member State ownership:** As in my first year, I will continue to meet with the various Regional Groups as regularly as each of these would find useful; and ensure greater coverage of each geographical region by a carefully planned travel programme for all members of the IOM Senior Management Team, including participation at all regional summits to which the Organization is invited.

- Our Regional Advisers will: (a) assume greater authority and play a more active role in travelling to the countries in their particular region; (b) assist Regional Offices to develop regional strategies, including further expansion of RCPs to areas of the world currently not covered by an RCP; and (c) maintain close, regular contact with the Permanent Missions in Geneva.
- The “information afternoon” series will continue, with solicitation from Permanent Missions of themes for presentation and discussion.
- We will continue our efforts to clear outstanding membership arrears, as we seek simultaneously to expand IOM’s membership commensurately with expanding worldwide interest in migration and its priority on most government agendas.
- The Administration will continue to clarify policies on particular migration activities in the interest of Member States, and ensure consistent and coherent adherence to these policies by all IOM field missions and officials.
- In particular, we will keep the membership closely informed about budget and structure reforms should the Council approve these.

- (ii) **Partnerships:** While maintaining its independence, IOM will continue efforts to enhance the “status quo” with the United Nations, as instructed by the Council in its documents MC/INF/263 of 10 November 2003 and MC/2126 of 8 January 2004.

- IOM now takes part in all United Nations country teams where it is present, in seven of the eight “One United Nations” missions, and participates actively in the United Nations security system, the United Nations Joint Staff Pension Fund, the Inter-Agency Standing Committee, the GMG, the United Nations Peacebuilding Commission, the United Nations Alliance of Civilizations and the GFMD.
 - Through a senior-level retreat, and regular exchanges with High Commissioner António Guterres, UNHCR and IOM have put relations on a new footing during the past year.
 - IOM is a recipient of project funding from all major United Nations pooled funds, such as the Central Emergency Response Fund, the United Nations Development Assistance Framework, and the United Nations Peacebuilding Fund.
 - Given the relevancy of migration to the work of the United Nations, linking as it does issues of trade, development, security, health, human rights and humanitarian assistance, we will continue to join collaborative forums, or, in some cases, lead in the creation of new initiatives, such as the Climate Change, Environment and Migration Alliance.
 - For 2010–2013, we will seek to increase programmatic activities with the United Nations, and our many other partners, to incorporate a programmatic emphasis to our traditional and predominant project portfolio.
- (iii) **Staff development:** In addition to expanding staff development initiatives undertaken in 2009, we are looking at the following new set of activities:
- Further steps to establish IOM as a career organization, including enhanced training and development of middle and upper managers; the re-introduction of an improved staff performance development system; and an improved human resources database.
 - Increased emphasis on staff well-being. In this context, and mindful of the gender-related implications of the rotation exercise for staff, IOM will join the Dual Career and Staff Mobility Programme supported by the United Nations system to better accommodate the needs of dual-career families.
 - Incorporating the lessons learned from the rotation process, we expect rotation to become a regular annual event, with fewer numbers to ensure: fair distribution of the burden of various duty stations; improved opportunities for staff members to gain broader knowledge and experience; and the best possible utilization of institutional knowledge and improved integration of Field and Headquarters decision-making.
 - Continuing to develop a retiree roster according to skill sets for possible short-term deployments when emergency assistance or surge capacity is needed; and initiating our annual “Retiree Day” in early 2010.

- Staff safety and security is a first order priority. During this past year, IOM staff have been in close proximity to several terrorists bombings, have come under fire, and have been subjected to captivity, assault, threats and robbery. IOM evacuated, or relocated, staff and their dependants from several missions, including in Afghanistan, Pakistan and Sudan. Our ability to remain engaged and to assess and quantify acceptable risk will continue to present a challenge to the Administration, our security partners in the United Nations Department of Safety and Security, and IOM Members States.

B. Reform process 2010–2013

- (i) **Structure review:** Should the Council endorse the proposed structure review, we will move forward with its implementation in 2010, starting with Headquarters, including, inter alia: (a) a reconfiguration of Headquarters' administrative units into four new departments; (b) a strengthened role for Senior Regional Advisers; (c) the establishment of new Policy and Management Coordinating Committees; and (d) a plan for decentralizing project approval from Headquarters to Regional Offices, with commensurate training. The reconfiguration of field structures and devolution of project and review functions is not envisaged before 2011, and is not likely to be fully implemented until 2013. The membership will be provided with regular progress reports on implementation.
- (ii) **Budget reform:** Member States' approval of the Programme and Budget for 2010, to include an appropriate level of the Administrative Part of the Budget, as proposed in the two scenarios, will permit us to institute the proposed structure review, designed to make the best use of our human and financial resources, thereby safeguarding IOM's attributes of being highly responsive, nimble, cost-efficient, low profile and accountable to its membership. We will seek Member States' support for phased implementation over the next two to three years.

CONCLUSION

24. The year 2009 brought its share of unexpected challenges to the global migration agenda, from devastating natural disasters in at least a dozen countries to the impact of the financial and economic crisis. Throughout, IOM played an indispensable role assisting hundreds of thousands of migrants and demonstrating, beyond a doubt, that it is a "can do," "can think", "can lead" organization.

25. There have been lessons learned from this first year. For my part, I have tried, and remain determined, to strengthen support to our colleagues in the Field and at Headquarters, who richly merit acknowledgement for work well done. I am also grateful to the membership for the confidence and support that you have extended to me during this first year of my mandate, and to the Deputy Director General since she began her mandate on 1 September 2009.

26. In closing, let me recall that twenty-five years ago, one of my predecessors, James Carlin, stood before Council and declared that he was "firmly convinced that a specialized migration organization is probably more necessary today than ever before." Having spent the last year working with the wonderful staff of this Organization on a range of issues that go to the heart of economic and social development, in developed and developing countries alike, I wholeheartedly agree with this statement.