



MC/2387

IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

Original: English
2 October 2013

COUNCIL

CONSEIL

CONSEJO

103RD SESSION

**ENTRY INTO FORCE OF THE AMENDMENTS TO THE CONSTITUTION AND
IMPLICATIONS FOR THE FUNCTIONING OF THE ORGANIZATION**

ENTRY INTO FORCE OF THE AMENDMENTS TO THE CONSTITUTION AND IMPLICATIONS FOR THE FUNCTIONING OF THE ORGANIZATION

Background

1. At its Seventy-sixth Session, the Council adopted the amendments to the Constitution (Council Resolution No. 997 of 24 November 1998, attached hereto as Annex I). It invited Member States to accept the amendments as early as possible in accordance with their respective constitutional processes and to notify the Director General accordingly.
2. According to Article 30, paragraph 2, of the Constitution, the entry into force of the amendments, containing no new obligations for Member States, is subject to acceptance by two thirds of the Member States in accordance with their respective constitutional processes.
3. Currently, acceptances from 99 Member States have been received (see list contained in Annex II). As IOM has 151 Member States, 101 acceptances are currently required. The membership applications of at least three States will be submitted to the Council session to be held from 26 to 29 November 2013. Should their applications be accepted, IOM will have 154 Member States, and thus 103 acceptances will be required. In their applications, all three applicant States have accepted the amendments. This will result in 102 acceptances having been deposited with the Director General, meaning only one more notification of acceptance will be required for the amended Constitution to enter into force. There is a reasonable expectation that an additional acceptance will be deposited with the Director General by the time the next session of the Council takes place in November 2013. Should this happen, the amendments to the Constitution will enter into force upon the decision by the Council to admit the three applicant States referred to above.

Main implications of the entry into force of the amendments to the Constitution

4. With the entry into force of the amended Constitution (amended text attached as Annex III), the following changes will take place:
 - (a) As per Article 4 of the amended Constitution, a Member State in arrears in the payment of its financial contributions to the Organization shall have no right to vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years. The loss of voting rights shall become effective one year after the Council has been informed that the Member State concerned is in arrears to an extent entailing the loss of voting rights, if at that time the Member State is still in arrears to the said extent. The Council may decide by simple majority to maintain or restore the right to vote of such a Member State if it is satisfied that the failure to pay is due to conditions beyond the control of the Member State.

Arrangement for Member States with a payment plan: It is proposed that the Council might want to consider that a Member State that has lost its right to vote in application of Article 4 of the amended Constitution, but has concluded a payment plan with the Organization to pay its arrears and is up to date with the payments under such payment plan, meets the requirements for the maintenance or restoration of its vote. It is proposed that the Director General reports to the Council at its regular session on the Member States that meet these requirements and that such Member States' right to

vote be maintained or restored for the duration of the relevant session of the Council and the succeeding intersessional period ending at the beginning of the next regular session of the Council (see operative paragraph 4 of the draft resolution as contained in Annex VIII).

- (b) As per Article 13 (previously Article 18), paragraph 1, of the amended Constitution, the Director General and the Deputy Director General can be re-elected for only one additional term.
- (c) As per Article 25 (previously Article 30), paragraph 2, of the amended Constitution, amendments not involving fundamental changes in the Constitution shall come into force when adopted by a two-thirds majority of the Council. Amendments that involve fundamental changes shall come into force when adopted by two thirds of the members of the Council and accepted by two thirds of the Member States in accordance with their respective constitutional processes. The Council decides by a two-thirds majority vote whether an amendment involves fundamental changes.
- (d) The Executive Committee will be abolished.

Measures already taken in preparation for the abolishment of the Executive Committee

- 5. When the amendments to the Constitution were originally agreed to by the Council, it was also agreed that a subsidiary body should be established.
- 6. Following further discussions, particularly those leading to the adoption of the IOM Strategy, the Standing Committee on Programmes and Finance was established in June 2007 (Council Resolution No. 1151 of 7 June 2007). The Rules of Procedure for the Standing Committee were adopted through Council Resolution No. 1160 of 30 November 2007.

Specific changes now required in the Rules of Procedure for the Council

- 7. In preparation for the entry into force of the amended Constitution, the Rules of Procedure for the Council, as adopted by Council Resolution No. 78, and last amended by Council Resolution No. 772 of 28 November 1989, need to be amended accordingly. An amended draft of the Rules of Procedure for the Council is attached as Annex IV.
- 8. The following changes are included in the amended version:
 - (a) All references to the Executive Committee are deleted.
 - (b) Rule 9 is amended to read as follows:

“A formal communication from a Member State to the Director General announcing the names of its representatives and any alternates and advisers shall be deemed sufficient credentials. The Director General shall examine the credentials and report to the Council at the beginning of each session.”

This change is made in order to reflect the current practice whereby Member States routinely submit only formal communications, as opposed to formal credentials, to the Director General.

- (c) Rule 12 is amended to read as follows:

“At the beginning of each regular session, the Council shall elect its Bureau, from among the representatives, which comprises the following officers: a Chairman, a First Vice-Chairman, a Second Vice-Chairman and a Rapporteur.”

This change is made in order to have a clear indication that the Bureau of the Council comprises the Chairman, the First Vice-Chairman, the Second Vice-Chairman and the Rapporteur and to eliminate inconsistencies between the three official language versions of the Rules of Procedure of the Council.

- (d) Rule 38, paragraph 6(f), is replaced with the following:

“endorse urgent decisions made by the Standing Committee on Programmes and Finance under the terms of paragraph (i) of its terms of reference;”

This change is made in order to replace the reference to the Executive Committee with reference to the Standing Committee on Programmes and Finance in accordance with the change in the terms of reference of the Standing Committee proposed in paragraph 10(c) below.

- (e) Rule 38, paragraph 6(g) (“elect members of the Executive Committee”), is deleted and the subsequent subparagraphs are re-lettered accordingly.

This change is made in order to remove the election of the Executive Committee from the Council’s functions.

- (f) Rule 38, paragraph 6(m) (previously 6(n)), is amended to read as follows:

“are taken pursuant to Article 26 or to Article 27 of the Constitution;”

This change is made to reflect changes to the numbers of the articles of the amended Constitution.

Specific changes now required to the terms of reference of the Standing Committee on Programmes and Finance

9. Amendments to the terms of reference of the Standing Committee on Programmes and Finance, as adopted by Council Resolution No. 1151 on 7 June 2007, have also become necessary to ensure coherence and effective functioning of the IOM governing bodies. An amended draft of the terms of reference of the Standing Committee is attached as Annex V.

10. The following changes have been made to the amended version:

- (a) Subparagraph (a) is amended by inserting “, including the Financial Report and the Report of the Director General on the work of the Organization,” after the words “Director General”.

This change is made in order to clearly indicate that the Financial Report and the Report on the work of the Organization, which were previously reviewed by the Executive Committee, are now to be reviewed by the Standing Committee on Programmes and Finance.

- (b) Subparagraph (c) is amended by inserting the words “including the Revision of the Programme and Budget and the scale of assessment for the following year,” after the word “Council”.

This change is made in order to clearly indicate that the Revision of the Programme and Budget and the scale of assessment for the following year, which were previously specifically referred to the Executive Committee by the Council for action, will now be referred to the Standing Committee.

- (c) The following is added to the terms of reference as subparagraph (i):

“to make, between sessions of the Council, any urgent decisions on matters falling within the competence of the Council, which shall be submitted for approval to the Council at its next session.”

This change is made in order to transfer to the Standing Committee this function of the Executive Committee contained in the now deleted Article 12(e) of the Constitution.

Specific changes now required to the Rules of Procedure for the Standing Committee on Programmes and Finance

11. The Rules of Procedure for the Standing Committee, as adopted by Council Resolution No. 1160 on 30 November 2007, also need to be amended to ensure coherence and effective functioning of the IOM governing bodies. An amended draft of the Rules of Procedure for the Standing Committee is attached as Annex VI.

12. The following changes are included in the amended version:

- (a) In Rule 19, the reference to the article of the Constitution is changed due to the renumbering of the Articles in the amended Constitution.
- (b) Rule 24, providing for the Standing Committee to also report to the Executive Committee, is deleted.

Additional measures now required to ensure effective functioning of the Organization

13. According to these amended texts, the Standing Committee will take on further responsibilities, adopting functions previously carried out by the Executive Committee, including:

- (a) To examine and review the Organization’s annual financial report and the report of the Director General on the work of the Organization;
- (b) To consider and review the Revision of the Programme and Budget and the scale of assessment of the Organization for the following year;

- (c) To make, between sessions of the Council, any urgent decisions on matters falling within the competence of the Council.

14. In view of the above, and in order to fully discharge these additional responsibilities, it is proposed that the spring sessions of the Standing Committee take place in June, namely one month later than previous practice, in the slot formerly scheduled for the Executive Committee, while the autumn session of the Standing Committee will continue to take place approximately one month before the Council.

Proposed actions

15. It is proposed that the Standing Committee recommends that the Council adopts, should the required number of acceptances for the entry into force of the amendments to the Constitution be reached before or during its next session, the draft resolution concerning the entry into force of the amendments to the Constitution, attached hereto as Annex VII.

16. It is also proposed that the Standing Committee on Programmes and Finance amends its Rules of Procedure as contained in Annex VI and submits them to the Council for approval in accordance with Rule 23 of its current Rules of Procedure. It should be noted that such approval is included in the draft resolution contained in Annex VIII, which also includes the additional issues referred to in paragraph 17 below.

17. It is further proposed that the Standing Committee recommends that the Council adopts the draft resolution contained in Annex VIII in order to:

- (a) Amend the Rules of Procedure for the Council, as contained in Annex IV;
- (b) Amend the terms of reference of the Standing Committee on Programmes and Finance, as contained in Annex V;
- (c) Approve the amended Rules of Procedure for the Standing Committee on Programme and Finance, as contained in Annex VI;
- (d) Decide that a Member State that has lost its right to vote in application of Article 4 of the Constitution, as amended, but has concluded a payment plan with the Organization to pay its arrears and is up to date with the payments under such payment plan, meets the requirements for the maintenance or restoration of its vote as provided for in Article 4, as amended, and that such Member State, following a report by the Director General to this effect, will have the right to vote during the relevant session of the Council and the succeeding intersessional period ending at the beginning of the next regular session of the Council.

18. It is also proposed, with regard to all the decisions proposed in paragraphs 16 and 17 above, that, should the required number of acceptances for the entry into force of the amendments not have been reached on the date when these decisions are considered, the Standing Committee and the Council proceed to take the decisions with the effective date being the date on which the required number of acceptances is reached.

19. The present document contains the following annexes:

- Annex I: Resolution No. 997 of 24 November 1998 – Amendments to the Constitution
- Annex II: List of Member States having accepted the amendments to the IOM Constitution
- Annex III: Amended IOM Constitution
- Annex IV: Draft amended Rules of Procedure for the Council
- Annex V: Draft amended terms of reference of the Standing Committee on Programmes and Finance
- Annex VI: Draft amended Rules of Procedure for the Standing Committee on Programmes and Finance
- Annex VII: Draft resolution on the entry into force of the amendments to the Constitution
- Annex VIII: Draft resolution on the revision of the Rules of Procedure for the Council, of the terms of reference of the Standing Committee on Programmes and Finance and of the Rules of Procedure for the Standing Committee on Programmes and Finance, and other consequential decisions



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COUNCIL

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SEVENTY-SIXTH SESSION

RESOLUTION No. 997 (LXXVI)

(Adopted by the Council at its 421st meeting on 24 November 1998)

AMENDMENTS TO THE CONSTITUTION

The Council,

Recalling that the Constitution of the Organization was adopted on 19 October 1953, entered into force on 30 November 1954 and that amendments to the Constitution were adopted by the Council on 20 May 1987 and entered into force on 14 November 1989,

Mindful of the need to review the Constitution with a view to strengthening the structure and streamlining the decision-making process of the Organization,

Recalling further its Resolution No. 973 (LXXIV) of 26 November 1997 by which it resolved to establish an open-ended Working Group of representatives of interested Member States, under the chairmanship of the Chairman of the Council or a representative appointed by the Working Group, for the purpose of examining possible amendments to the Constitution of the Organization,

Having received and examined the proposed amendments contained in the Report of the Working Group on Possible Amendments to the Constitution (MC/1944), submitted by the Director General upon recommendation of the Working Group,

Noting that the provision of Article 30, paragraph 1, of the Constitution, which requires that the texts of the proposed amendments to the Constitution shall be communicated by the Director General to the Governments of Member States at least three months in advance of their consideration by the Council, has been duly complied with,

Considering that the proposed amendments do not involve new obligations for Members,

Acting pursuant to Article 30, paragraph 2, of the Constitution,

Adopts the amendments to the Constitution, as indicated in the Annex to the present resolution,* the texts in the English, French and Spanish language being equally authentic;

Invites Member States to accept these amendments as early as possible in accordance with their respective constitutional processes and to notify the Director General accordingly.

* Amendments are underlined in the Annex for practical purposes.

Annex

LIST OF PROPOSED AMENDMENTS TO THE CONSTITUTION

Article 2

The Members of the Organization shall be:

- (a)
- (b) *other States with a demonstrated interest in the principle of free movement of persons which undertake to make a financial contribution at least to the administrative requirements of the Organization, the rate of which will be agreed to by the Council and by the State concerned, subject to a two-thirds majority vote of the Council and upon acceptance by the State of this Constitution in accordance with its constitutional processes.*

Article 4

1. *A Member State which is in arrears in the payment of its financial contributions to the Organization shall have no right to vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years. However, the loss of voting rights shall become effective one year after the Council has been informed that the member concerned is in arrears to an extent entailing the loss of voting rights, if at that time the Member State is still in arrears to the said extent. The Council may nevertheless, by a simple majority vote, maintain or restore the right to vote of such a Member State if it is satisfied that the failure to pay is due to conditions beyond the control of the Member State.*

2.

Article 18

1. *The Director General and the Deputy Director General shall be elected by a two-thirds majority vote of the Council and may be re-elected for one additional term. Their term of office shall normally be five years but may, in exceptional cases, be less if a two-thirds majority of the Council so decides. They shall serve under contracts approved by the Council, which shall be signed on behalf of the Organization by the Chairman of the Council.*

2. ...

Article 30

1. ...

2. Amendments involving fundamental changes in the Constitution of the Organization or new obligations for the Member States shall come into force when adopted by two-thirds of the members of the Council and accepted by two-thirds of the Member States in accordance with their respective constitutional processes. Whether an amendment involves a fundamental change in the Constitution shall be decided by the Council by a two-thirds majority vote. Other amendments shall come into force when adopted by a two-thirds majority vote of the Council.

Articles concerning the Executive Committee

Article 5: delete littera (b); renumber littera (c).

Article 6: to read as follows: "The functions of the Council, in addition to those mentioned in other provisions of this Constitution, shall be:
(a) to determine, examine and review the policies, programmes and activities of the Organization;
(b) to review the reports and to approve and direct the activities of any subsidiary body;"
(c) to (e): no change.

Article 9: delete littera (b) of para. 2; renumber littera (c).

Article 10: to read as follows: "The Council may set up such subsidiary bodies as may be required for the proper discharge of its functions."

Chapter V
(art. 12 to 16 included): delete. Renumber subsequent chapters and articles.

Article 18: delete references to Executive Committee in para. 2.

Article 21: delete reference to Executive Committee. Put "any subsidiary bodies" instead of: "any sub-committees".

Article 22: delete reference to Executive Committee.

Article 23: delete references to Executive Committee in para. 2.

Article 24: delete reference to Executive Committee.

Article 29,
paras 1, 2 and 3: delete references to Executive Committee. In paras 1 and 3, put "subsidiary bodies" instead of: "sub-committee (s)".

Annex II

**LIST OF MEMBER STATES HAVING ACCEPTED THE AMENDMENTS TO
THE IOM CONSTITUTION**
28 August 2013

<u>State</u>	<u>Notification of acceptance received on:</u>
1. Afghanistan	4 June 2004
2. Albania	23 May 2011
3. Algeria	8 August 2000
4. Antigua and Barbuda	5 December 2011
5. Australia	2 February 2007
6. Azerbaijan	18 June 2002
7. Bahamas	30 November 2004
8. Bangladesh	28 August 2013
9. Belarus	29 November 2005
10. Belgium	15 June 2007
11. Bolivia (Plurinational State of)	28 July 2011
12. Bosnia and Herzegovina	9 June 2005
13. Botswana	29 November 2010
14. Brazil	30 November 2004
15. Bulgaria	20 July 1999
16. Burundi	27 November 2007
17. Cambodia	22 April 2009
18. Cameroon	29 November 2005
19. Central African Republic	29 November 2010
20. Chad	5 December 2011
21. Chile	19 July 2013
22. Colombia	4 November 2010
23. Comoros	5 December 2011
24. Congo	14 December 2011
25. Croatia	3 May 2000
26. Czech Republic	2 June 1999
27. Denmark	16 April 1999
28. Djibouti	5 December 2011
29. Ecuador	24 July 2009
30. Estonia	30 November 2004
31. Ethiopia	5 December 2011
32. Finland	23 April 1999
33. France	20 March 2002
34. Georgia	12 August 2011
35. Ghana	29 November 2005
36. Greece	10 March 2000
37. Guinea	29 May 2013
38. Guyana	5 December 2011
39. Holy See	5 December 2011

<u>State</u>	<u>Notification of acceptance received on:</u>
40. Honduras	15 August 2013
41. Hungary	19 May 2000
42. Italy	6 March 2013
43. Jamaica	9 June 2005
44. Japan	23 May 2000
45. Latvia	8 October 2001
46. Lesotho	29 November 2010
47. Libya	4 June 2004
48. Lithuania	19 March 2002
49. Madagascar	18 June 2010
50. Malawi	14 June 2013
51. Maldives	5 December 2011
52. Mali	13 September 2002
53. Malta	3 May 2004
54. Mauritania	13 June 2003
55. Mauritius	8 June 2006
56. Mexico	23 April 2008
57. Micronesia (Federated States of)	5 December 2011
58. Mongolia	18 June 2008
59. Montenegro	28 November 2006
60. Morocco	10 June 2005
61. Mozambique	5 December 2011
62. Myanmar	27 November 2012
63. Namibia	29 June 2009
64. Nauru	5 December 2011
65. Nepal	28 November 2006
66. Netherlands	16 December 2004
67. New Zealand	13 June 2003
68. Nicaragua	29 March 2012
69. Norway	28 August 2000
70. Papua New Guinea	30 November 2012
71. Republic of Korea	26 May 1999
72. Republic of Moldova	17 September 2010
73. Romania	4 April 2001
74. Saint Vincent and the Grenadines	27 November 2012
75. Senegal	15 January 2008
76. Seychelles	5 December 2011
77. Sierra Leone	12 October 2001
78. Slovakia	8 February 1999
79. Slovenia	1 February 2006
80. Somalia	18 June 2008
81. South Sudan	5 December 2011
82. Spain	8 June 2006
83. Suriname	14 June 2013
84. Swaziland	29 November 2010
85. Sweden	20 March 2007

<u>State</u>	<u>Notification of acceptance received on:</u>
86. Thailand	26 January 2000
87. Timor-Leste	29 November 2010
88. Togo	29 November 2005
89. Trinidad and Tobago	29 June 2009
90. Tunisia	17 January 2000
91. Turkey	30 November 2004
92. Uganda	4 April 2012
93. Ukraine	7 February 2008
94. United Republic of Tanzania	26 October 2000
95. United States of America	1 July 2003
96. Uruguay	9 November 2012
97. Vanuatu	5 December 2011
98. Viet Nam	27 November 2007
99. Zimbabwe	17 January 2013

Annex III

AMENDED IOM CONSTITUTION

TABLE OF CONTENTS

	Page
PREAMBLE	x
CHAPTER I PURPOSES AND FUNCTIONS	x
CHAPTER II MEMBERSHIP	x
CHAPTER III ORGANS	x
CHAPTER IV COUNCIL	x
CHAPTER V ADMINISTRATION.....	x
CHAPTER VI HEADQUARTERS	x
CHAPTER VII FINANCE	x
CHAPTER VIII LEGAL STATUS	x
CHAPTER IX MISCELLANEOUS PROVISIONS	x

CONSTITUTION

PREAMBLE

THE HIGH CONTRACTING PARTIES,

RECALLING

the Resolution adopted on 5 December 1951 by the Migration Conference in Brussels,

RECOGNIZING

that the provision of migration services at an international level is often required to ensure the orderly flow of migration movements throughout the world and to facilitate, under the most favourable conditions, the settlement and integration of the migrants into the economic and social structure of the country of reception,

that similar migration services may also be required for temporary migration, return migration and intra-regional migration,

that international migration also includes that of refugees, displaced persons and other individuals compelled to leave their homelands, and who are in need of international migration services,

that there is a need to promote the co-operation of States and international organizations with a view to facilitating the emigration of persons who desire to migrate to countries where they may achieve self-dependence through their employment and live with their families in dignity and self-respect,

that migration may stimulate the creation of new economic opportunities in receiving countries and that a relationship exists between migration and the economic, social and cultural conditions in developing countries,

that in the co-operation and other international activities for migration the needs of developing countries should be taken into account,

that there is a need to promote the co-operation of States and international organizations, governmental and non-governmental, for research and consultation on migration issues, not only in regard to the migration process but also the specific situation and needs of the migrant as an individual human being,

that the movement of migrants should, to the extent possible, be carried out with normal transport services but that, on occasion, there is a need for additional or other facilities,

that there should be close co-operation and co-ordination among States, international organizations, governmental and non-governmental, on migration and refugee matters,

that there is a need for the international financing of activities related to international migration,

DO HEREBY ESTABLISH

the INTERNATIONAL ORGANIZATION FOR MIGRATION, hereinafter called the Organization, and

ACCEPT THIS CONSTITUTION.

CHAPTER I – PURPOSES AND FUNCTIONS

Article 1

1. The purposes and functions of the Organization shall be:
 - (a) to make arrangements for the organized transfer of migrants, for whom existing facilities are inadequate or who would not otherwise be able to move without special assistance, to countries offering opportunities for orderly migration;
 - (b) to concern itself with the organized transfer of refugees, displaced persons and other individuals in need of international migration services for whom arrangements may be made between the Organization and the States concerned, including those States undertaking to receive them;
 - (c) to provide, at the request of and in agreement with the States concerned, migration services such as recruitment, selection, processing, language training, orientation activities, medical examination, placement, activities facilitating reception and integration, advisory services on migration questions, and other assistance as is in accord with the aims of the Organization;
 - (d) to provide similar services as requested by States, or in co-operation with other interested international organizations, for voluntary return migration, including voluntary repatriation;
 - (e) to provide a forum to States as well as international and other organizations for the exchange of views and experiences, and the promotion of co-operation and co-ordination of efforts on international migration issues, including studies on such issues in order to develop practical solutions.
2. In carrying out its functions, the Organization shall co-operate closely with international organizations, governmental and non-governmental, concerned with migration, refugees and human resources in order, *inter alia*, to facilitate the co-ordination of international activities in these fields. Such co-operation shall be carried out in the mutual respect of the competences of the organizations concerned.
3. The Organization shall recognize the fact that control of standards of admission and the number of immigrants to be admitted are matters within the domestic jurisdiction of States, and, in carrying out its functions, shall conform to the laws, regulations and policies of the States concerned.

CHAPTER II – MEMBERSHIP

Article 2

The Members of the Organization shall be:

- (a) the States being Members of the Organization which have accepted this Constitution according to Article 29, or to which the terms of Article 30 apply;
- (b) other States with a demonstrated interest in the principle of free movement of persons which undertake to make a financial contribution at least to the administrative requirements of the Organization, the rate of which will be agreed to by the Council and by the State concerned, subject to a two-thirds majority vote of the Council and upon acceptance by the State of this Constitution in accordance with its constitutional processes.

Article 3

Any Member State may give notice of withdrawal from the Organization effective at the end of a financial year. Such notice must be in writing and must reach the Director General of the Organization at least four months before the end of the financial year. The financial obligations to the Organization of a Member State which has given notice of withdrawal shall include the entire financial year in which notice is given.

Article 4

1. A Member State which is in arrears in the payment of its financial contributions to the Organization shall have no right to vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years. However, the loss of voting rights shall become effective one year after the Council has been informed that the member concerned is in arrears to an extent entailing the loss of voting rights, if at that time the Member State is still in arrears to the said extent. The Council may nevertheless, by a simple majority vote, maintain or restore the right to vote of such a Member State if it is satisfied that the failure to pay is due to conditions beyond the control of the Member State.

2. Any Member State may be suspended from membership by a two-thirds majority vote of the Council if it persistently violates the principles of this Constitution. The Council shall have the authority to restore such membership by a simple majority vote.

CHAPTER III – ORGANS

Article 5

There are established as the organs of the Organization:

- (a) the Council;
- (b) the Administration.

CHAPTER IV – COUNCIL

Article 6

The functions of the Council, in addition to those mentioned in other provisions of this Constitution, shall be:

- (a) to determine, examine and review the policies, programmes and activities of the Organization;
- (b) to review the reports and to approve and direct the activities of any subsidiary body;
- (c) to review the reports and to approve and direct the activities of the Director General;
- (d) to review and approve the programme, the Budget, the expenditure and the accounts of the Organization;
- (e) to take any other appropriate action to further the purposes of the Organization.

Article 7

1. The Council shall be composed of representatives of the Member States.
2. Each Member State shall have one representative and such alternates and advisers as it may deem necessary.
3. Each Member State shall have one vote in the Council.

Article 8

The Council may admit, upon their application, non-member States and international organizations, governmental or non-governmental, concerned with migration, refugees or human resources as observers at its meetings under conditions which may be prescribed in its rules of procedure. No such observers shall have the right to vote.

Article 9

1. The Council shall meet in regular session once a year.
2. The Council shall meet in special session at the request of:
 - (a) one third of its members;
 - (b) the Director General or the Chairman of the Council in urgent circumstances.
3. The Council shall elect, at the beginning of each regular session, a Chairman and other officers for a one-year term.

Article 10

The Council may set up such subsidiary bodies as may be required for the proper discharge of its functions.

Article 11

The Council shall adopt its own rules of procedure.

CHAPTER V – ADMINISTRATION

Article 12

The Administration shall comprise a Director General, a Deputy Director General and such staff as the Council may determine.

Article 13

1. The Director General and the Deputy Director General shall be elected by a two-thirds majority vote of the Council and may be re-elected for one additional term. Their term of office shall normally be five years but may, in exceptional cases, be less if a two-thirds majority of the Council so decides. They shall serve under contracts approved by the Council, which shall be signed on behalf of the Organization by the Chairman of the Council.
2. The Director General shall be responsible to the Council. The Director General shall discharge the administrative and executive functions of the Organization in accordance with this Constitution and the policies and decisions of the Council and the rules and regulations established by it. The Director General shall formulate proposals for appropriate action by the Council.

Article 14

The Director General shall appoint the staff of the Administration in accordance with the staff regulations adopted by the Council.

Article 15

1. In the performance of their duties, the Director General, the Deputy Director General and the staff shall neither seek nor receive instructions from any State or from any authority external to the Organization. They shall refrain from any action which might reflect adversely on their position as international officials.

2. Each Member State undertakes to respect the exclusively international character of the responsibilities of the Director General, the Deputy Director General and the staff and not to seek to influence them in the discharge of their responsibilities.

3. Efficiency, competence and integrity shall be the necessary considerations in the recruitment and employment of the staff which, except in special circumstances, shall be recruited among the nationals of the Member States of the Organization, taking into account the principle of equitable geographical distribution.

Article 16

The Director General shall be present, or be represented by the Deputy Director General or another designated official, at all sessions of the Council and any subsidiary bodies. The Director General or the designated representative may participate in the discussions but shall have no vote.

Article 17

At the regular session of the Council following the end of each financial year, the Director General shall make to the Council a report on the work of the Organization, giving a full account of its activities during that year.

CHAPTER VI – HEADQUARTERS

Article 18

1. The Organization shall have its Headquarters in Geneva. The Council may, by a two-thirds majority vote, change its location.

2. The meetings of the Council shall be held in Geneva, unless two-thirds of the members of the Council have agreed to meet elsewhere.

CHAPTER VII – FINANCE

Article 19

The Director General shall submit to the Council an annual budget covering the administrative and operational requirements and the anticipated resources of the Organization, such supplementary estimates as may be required and the annual or special accounting statements of the Organization.

Article 20

1. The requirements of the Organization shall be financed:
 - (a) as to the Administrative part of the Budget, by cash contributions from Member States, which shall be due at the beginning of the financial year to which they relate and shall be paid promptly;
 - (b) as to the Operational part of the Budget, by contributions in cash, in kind or in services from Member States, other States, international organizations, governmental or non-governmental, other legal entities or individuals, which shall be paid as early as possible and in full prior to the expiration of the financial year to which they relate.
2. Member States shall contribute to the Administrative part of the Budget of the Organization at a rate agreed to by the Council and by the Member State concerned.
3. Contributions to the operational expenditure of the Organization shall be voluntary and any contributor to the Operational part of the Budget may stipulate with the Organization terms and conditions, consistent with the purposes and functions of the Organization, under which its contributions may be used.
4.
 - (a) All Headquarters administrative expenditure and all other administrative expenditure except that incurred in pursuance of the functions outlined in paragraph 1 (c) and (d) of Article 1 shall be attributed to the Administrative part of the Budget;
 - (b) all operational expenditure and such administrative expenditure as is incurred in pursuance of the functions outlined in paragraph 1 (c) and (d) of Article 1 shall be attributed to the Operational part of the Budget.
5. The Council shall ensure that the management is conducted in an efficient and economical manner.

Article 21

The financial regulations shall be established by the Council.

CHAPTER VIII – LEGAL STATUS

Article 22

The Organization shall possess full juridical personality. It shall enjoy such legal capacity, as may be necessary for the exercise of its functions and the fulfilment of its purposes, and in particular the capacity, in accordance with the laws of the State: (a) to contract; (b) to acquire and dispose of immovable and movable property; (c) to receive and disburse private and public funds; (d) to institute legal proceedings.

Article 23

1. The Organization shall enjoy such privileges and immunities as are necessary for the exercise of its functions and the fulfilment of its purposes.
2. Representatives of Member States, the Director General, the Deputy Director General and the staff of the Administration shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.
3. These privileges and immunities shall be defined in agreements between the Organization and the States concerned or through other measures taken by these States.

CHAPTER IX – MISCELLANEOUS PROVISIONS

Article 24

1. Except as otherwise expressly provided in this Constitution or rules made by the Council, all decisions of the Council and all subsidiary bodies shall be taken by a simple majority vote.
2. Majorities provided for in this Constitution or rules made by the Council shall refer to members present and voting.
3. No vote shall be valid unless a majority of the members of the Council or any subsidiary body concerned are present.

Article 25

1. Texts of proposed amendments to this Constitution shall be communicated by the Director General to Governments of Member States at least three months in advance of their consideration by the Council.
2. Amendments involving fundamental changes in the Constitution of the Organization or new obligations for the Member States shall come into force when adopted by two-thirds of the members of the Council and accepted by two-thirds of the Member States in

accordance with their respective constitutional processes. Whether an amendment involves a fundamental change in the Constitution shall be decided by the Council by a two-thirds majority vote. Other amendments shall come into force when adopted by a two-thirds majority vote of the Council.

Article 26

Any dispute concerning the interpretation or application of this Constitution which is not settled by negotiation or by a two-thirds majority vote of the Council shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the Member States concerned agree on another mode of settlement within a reasonable period of time.

Article 27

Subject to approval by two-thirds of the members of the Council, the Organization may take over from any other international organization or agency the purposes and activities of which lie within the purposes of the Organization such activities, resources and obligations as may be determined by international agreement or by mutually acceptable arrangements entered into between the competent authorities of the respective organizations.

Article 28

The Council may, by a three-quarters majority vote of its members, decide to dissolve the Organization.

*Article 29**

This Constitution shall come into force, for those Governments Members of the Intergovernmental Committee for European Migration which have accepted it in accordance with their respective constitutional processes, on the day of the first meeting of that Committee after:

- (a) at least two-thirds of the Members of the Committee, and
- (b) a number of Members whose contributions represent at least 75 per cent of the Administrative part of the Budget,

shall have communicated to the Director their acceptance of this Constitution.

* Articles 29 and 30 were implemented at the time of the entry into force of the Constitution on 30 November 1954.

*Article 30**

Those Governments Members of the Intergovernmental Committee for European Migration which have not by the date of coming into force of this Constitution communicated to the Director their acceptance of this Constitution may remain Members of the Committee for a period of one year from that date if they contribute to the administrative requirements of the Committee in accordance with paragraph 2 of Article 20, and they shall retain during that period the right to accept the Constitution.

Article 31

The English, French and Spanish texts of this Constitution shall be regarded as equally authentic.

* Articles 29 and 30 were implemented at the time of the entry into force of the Constitution on 30 November 1954.

Annex IV

DRAFT AMENDED RULES OF PROCEDURE FOR THE COUNCIL

I – SESSIONS

Rule 1

The Council shall meet in regular session once a year, at such time as shall be determined by it.

Rule 2

The Council shall meet in special session at the request of:

- (a) one third of its members;
- (b) the Director General or the Chairman of the Council in urgent circumstances.

Rule 3

1. The meetings of the Council shall be held in Geneva unless two thirds of the members of the Council have agreed to meet elsewhere.
2. Should one of the Member States invite the Council to meet on its territory, the supplementary expenses resulting therefrom shall be borne by the inviting State.

Rule 4

The Director General shall notify the members of the date of the first meeting of each session. Such notifications shall be sent:

- (a) when a regular session is called, at least thirty days in advance;
- (b) in cases referred to under Rule 2(a) and (b), within ten days after a request for a special session is received and at least fifteen days in advance of such session.

II – AGENDA

Rule 5

1. The provisional agenda for each session shall be prepared by the Director General, and shall include all items proposed by:

- (a) the Council at a previous meeting;
- (b) any member of the Council;
- (c) the Director General.

2. The provisional agenda shall be communicated by the Director General to the members with the notice convening the Council.

Rule 6

At the beginning of each session, and after the election of officers, the Council shall adopt its agenda for the session.

Rule 7

In the case of a special session, priority shall be given to those items on the provisional agenda which have occasioned the session.

Rule 8

The Council may revise the agenda while in session.

III – CREDENTIALS

Rule 9

A formal communication from a Member State to the Director General announcing the names of its representatives and any alternates and advisers shall be deemed sufficient credentials. The Director General shall examine the credentials and report to the Council at the beginning of each session.

IV – OBSERVERS

Rule 10

1. Upon their application, non-member States may be invited by the Council to be represented at its meetings.
2. Upon their application, international organizations, governmental or non-governmental, concerned with migration, refugees or human resources may also be invited by the Council to be represented at its meetings.
3. Such States and organizations shall be accorded the status of observers and shall communicate to the Director General the names of their representatives.
4. The Council may prescribe conditions governing the granting of observer status.

Rule 11

The Chairman may, at his discretion, authorize observers to take part in the debates and he may impose such limitations upon their interventions as he deems necessary for the orderly conduct of business. No observer shall have the right to vote.

V – OFFICERS

Rule 12

At the beginning of each regular session, the Council shall elect its Bureau, from among the representatives, which comprises the following officers: a Chairman, a First Vice-Chairman, a Second Vice-Chairman and a Rapporteur.

Rule 13

The officers shall be elected for a one-year term and shall hold office until their successors are elected. They shall be eligible for re-election.

Rule 14

If the Chairman is absent from a meeting or any part thereof, the First Vice-Chairman or, in the latter's absence, the Second Vice-Chairman shall preside.

Rule 15

A Vice-Chairman acting as Chairman shall have the same duties and powers as the Chairman.

Rule 16

When the representative of a Member State is for the time being the Chairman of the Council, he may authorize an alternate to participate in the proceedings and to vote in the Council. In such case, the Chairman shall not exercise his right to vote.

VI – SUB-COMMITTEES

Rule 17

The Council may set up such sub-committees as may be required for the proper discharge of its functions and refer to them any questions on the agenda for study and report. The terms of reference of sub-committees shall be established by the Council at the time of their being set up.

VII – SECRETARIAT

Rule 18

The Director General shall be present, or be represented by the Deputy Director General or another official designated by him, at all sessions of the Council and any sub-committees. He or his representative may participate in the discussions but shall have no vote.

Rule 19

The Director General shall provide and direct the Secretariat required by the Council and any sub-committees. He shall be responsible for the necessary arrangements for all meetings.

Rule 20

The Secretariat shall interpret speeches made at meetings; shall receive, translate and circulate the documents of the Council and its sub-committees; shall publish and circulate the records of the sessions, the resolutions of the Council and other relevant documentation required, and shall generally perform all other work which the Council may require.

VIII – LANGUAGES AND DOCUMENTATION

Rule 21

English, French and Spanish shall be the official languages of the Council.

Rule 22

1. Speeches made in any of the official languages shall be interpreted into the other two by the interpreters provided by the Secretariat.
2. Any representative or observer may address the Council in a language other than an official language, but he shall himself ensure translation or interpretation into one of the official languages. Interpretation into the other official languages by the interpreters provided by the Secretariat may be based on the translation or interpretation given in the first official language.

Rule 23

All documents of the Council and any sub-committees shall be made available in the official languages.

Rule 24

Summary records of each meeting of the Council shall be prepared by the Secretariat, and shall be distributed as soon as possible to all Member States and observers. Such Member States and observers shall inform the Secretariat in writing of any changes they may wish to have made in their statements appearing in the summary records not later than eight days after receipt of the latter. Any disagreement concerning such changes shall be decided by the Chairman.

Rule 25

1. As soon as possible, the text of all resolutions, recommendations and other formal decisions adopted by the Council, as well as summary records in final form and the draft report on each session of the Council, shall be distributed to all Member States and observers.
2. All final documents of sub-committees shall be distributed to all Member States, unless the Council decides otherwise.

IX – CONDUCT OF BUSINESS

Rule 26

A majority of the members of the Council shall constitute a quorum.

Rule 27

1. In addition to exercising the powers conferred upon him elsewhere by these Rules, the Chairman shall declare the opening and closing of each meeting of the Council, shall direct the discussion, maintain order, ensure the observance of these Rules, accord and withdraw the right to speak, put questions to the vote and announce decisions.
2. Debate shall be confined to the question before the Council and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 28

1. During the discussion of any matter, a representative may raise a point of order, and the point of order shall be immediately decided by the Chairman, subject to appeal and to decision by the Council, in accordance with these Rules. Any appeal shall be immediately put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present and voting.
2. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 29

The Council may limit the time allowed to each speaker and the number of times each member may speak on any question. However, on procedural questions, the Chairman shall limit each intervention to a maximum of five minutes.

Rule 30

During the course of a debate the Chairman may announce the list of speakers and, with the consent of the Council, declare the list closed. However, the Chairman may accord the right of reply to any member if, in his opinion, a speech delivered after he has declared the list closed makes this desirable. When the debate of an item is concluded because there are no other speakers, the Chairman shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Council.

Rule 31

During the discussion of any matter, a representative may move, or the Chairman may propose, the adjournment of the debate. In addition to the proposer of the motion, one representative may speak in favour of and one against the motion, after which the motion shall be immediately put to the vote.

Rule 32

During the discussion of any matter, a representative may move, or the Chairman may propose, the closure of the debate, whether or not any other representative has signified his wish to speak. If application is made for permission to speak against the closure, it may be accorded to not more than two representatives, after which the motion shall be immediately put to the vote.

Rule 33

During the discussion of any matter, a representative may move, or the Chairman may propose, the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be immediately put to the vote.

Rule 34

Subject to Rule 28, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the debate on the item under discussion;
- (d) for the closure of the debate on the item under discussion.

Rule 35

Draft resolutions, and substantive amendments or motions, shall be introduced in writing and handed to the Director General, who shall circulate copies to all representatives and to observers twenty-four hours before they are discussed and voted upon, unless the Council decides otherwise.

Rule 36

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

X – VOTING

Rule 37

Each member of the Council or of any sub-committee shall have one vote.

Rule 38

1. Decisions of the Council and of all sub-committees shall be made by a majority of the members present and voting, subject to the provisions contained in paragraphs 2 and 3 of this Rule.
2. Any decision on budgetary matters shall be made by a two-thirds majority of the members present and voting.
3. Special majorities provided for in the Constitution or Rules and Regulations of the Council shall refer to members present and voting.
4. For the purpose of these Rules, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.
5. If the total number of votes cast is less than half the number of the members present, the vote shall be void.
6. Except in cases where the Council decides otherwise, decisions of the Council on substantive matters shall be recorded by resolutions. Such decisions include those which:
 - (a) admit new members;
 - (b) determine the policies of the Organization and direct the activities of the Director General;
 - (c) approve the programme, the budget, the expenditure and the accounts;
 - (d) convene regular or special sessions of the Council or other bodies;
 - (e) establish and determine the composition of permanent sub-committees, *ad hoc* committees or working groups;

- (f) endorse urgent decisions made by the Standing Committee on Programmes and Finance under the terms of paragraph (i) of its terms of reference;
- (g) elect the Director General and Deputy Director General;
- (h) establish or amend the staff regulations;
- (i) take note of the annual report;
- (j) establish or amend the financial regulations;
- (k) approve the representation at the meetings of the Council of non-member States, international governmental organizations and international non-governmental organizations;
- (l) amend the Constitution;
- (m) are taken pursuant to Article 26 or to Article 27 of the Constitution;
- (n) dissolve the Organization.

Rule 39

Subject to the provisions of Rules 40 and 45, voting shall be by show of hands.

Rule 40

1. At the request of a representative, voting shall be by roll-call.
2. Roll-call votes shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is drawn by lot by the Chairman. The vote of each member participating in a roll-call shall be inserted in the summary record.

Rule 41

If a vote is equally divided on matters other than elections, a second vote shall be taken, preferably at the next meeting, without debate. If this vote also results in equality, the proposal shall be regarded as rejected.

Rule 42

Parts of a proposal shall be voted separately if a representative requests that the proposal be divided. If objection is made to a request for a division, the motion for division shall be voted upon. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 43

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. However, where the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. If no amendments are adopted, the proposal shall be put to the vote in its original form. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 44

1. If two or more proposals relate to the same question, the Council shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Council may, after each vote on a proposal, decide whether to vote on the next proposal.
2. Any procedural motions requiring that no decisions be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

Rule 45

On decisions relating to individuals, a secret ballot shall be taken. However, in the election of the officers of the Council, a secret ballot shall be taken only upon the request of a representative.

Rule 46

1. In the case of elections, the candidates obtaining the greatest number of votes and the required majority on the first ballot shall be elected.
2. If necessary, a second ballot shall be taken, confined to the candidates having obtained the greatest number of votes, provided that the number of candidates shall not exceed twice the number of places remaining to be filled. The candidates obtaining the greatest number of votes shall thus be elected.
3. In necessary, in case of a tie, the Chairman shall decide between the candidates by drawing lots.
4. The provisions of paragraphs 2 and 3 shall not apply to the election of the Director General and Deputy Director General.

XI – PUBLICITY OF MEETINGS

Rule 47

1. The meetings of the Council shall be held in public unless the Council decides otherwise.
2. Private sessions or meetings may be held in the presence or absence of observers, according to the decision of the Council in regard to each private session or meeting.

XII – AMENDMENTS AND SUSPENSIONS

Rule 48

Any of these Rules may be amended by the Council, provided that the proposed amendment be consistent with the Constitution of the Organization.

Rule 49

Any of these Rules may be temporarily suspended by the Council, provided that twenty-four hours' notice of the proposal for such suspension has been given and that such suspension be consistent with the Constitution of the Organization. The notice may be waived if no member objects.

Annex V

**DRAFT AMENDED TERMS OF REFERENCE OF THE
STANDING COMMITTEE ON PROGRAMMES AND FINANCE**

The terms of reference of the Standing Committee on Programmes and Finance are as follows:

- (a) to examine and review the policies, programmes and activities of the Organization, the annual reports of the Director General, including the Financial Report and the Report of the Director General on the work of the Organization, and any special reports;
- (b) to examine and review any administrative, financial and budgetary questions;
- (c) to consider any matter specifically referred to it by the Council, including the Revision of the Programme and Budget and the scale of assessment for the following year, and to take such action as may be deemed necessary thereon;
- (d) to advise the Director General on any matters which he or she may refer to it;
- (e) to present advice or proposals to the Council or to the Director General on its own initiative;
- (f) to review regularly methods of consultation, feedback and oversight, with a view to enhancing responsiveness, transparency and inclusiveness;
- (g) to consider any other matter falling within its terms of reference;
- (h) to transmit reports and/or recommendations to the Council on matters dealt with;
- (i) to make, between sessions of the Council, any urgent decisions on matters falling within the competence of the Council, which shall be submitted for approval to the Council at its next session.

Annex VI

**DRAFT AMENDED RULES OF PROCEDURE FOR
THE STANDING COMMITTEE ON PROGRAMMES AND FINANCE**

I – SESSIONS

Rule 1

1. The Standing Committee shall meet normally twice a year, and otherwise as may be required, for the proper discharge of its functions, at the request of:

- (a) the Council;
- (b) one third of its members;
- (c) its Chairperson;
- (d) the Director General, after consultation with the Chairperson.

2. Membership in the Standing Committee is open to all Member States of the Organization.

Rule 2

The meetings of the Standing Committee shall be held in Geneva.

Rule 3

The meetings of the Standing Committee shall be held in private.

Rule 4

The Administration shall notify the members of the date of the first meeting of each session. Such notification shall be sent at least two weeks prior to the opening date of the session, unless the members agree to a shorter period.

II – AGENDA

Rule 5

1. The provisional agenda for each session shall be prepared by the Administration, after consultation with the Chairperson and the members of the Standing Committee, and shall include the items proposed by:

- (a) the Council;
- (b) the Standing Committee, at a previous session;
- (c) any member of the Standing Committee;
- (d) the Director General.

2. The provisional agenda and the main documents for the session shall be communicated by the Administration to all members at least two weeks prior to the opening of the session, without prejudice to the provisions of Rule 4.

Rule 6

1. At the beginning of each session, the Standing Committee shall adopt its agenda for the session.
2. The Standing Committee may revise the agenda while in session.

III – CREDENTIALS

Rule 7

A communication from a Member State to the Administration announcing the names of its representatives shall be deemed sufficient credentials.

IV – EXPERTS

Rule 8

The Standing Committee may, as deemed useful for its work, invite experts to attend its meetings.

V – OFFICERS

Rule 9

The Bureau of the Council shall act as the Bureau of the Standing Committee.

Rule 10

The Vice-Chairperson, when acting as Chairperson, shall have the same duties and powers as the Chairperson.

VI – SUB-COMMITTEES

Rule 11

The Standing Committee may set up such sub-committees and working groups as may be required for the discharge of its functions.

VII – SECRETARIAT

Rule 12

1. The Director General shall be present, or be represented by the Deputy Director General or another designated official, at all sessions of the Standing Committee. The Director General or the representative of the Director General may participate in the discussions but shall have no vote.

2. The Director General shall provide and direct the Secretariat as required by the Standing Committee.

VIII – LANGUAGES AND DOCUMENTATION

Rule 13

The Standing Committee shall use the official languages of the Organization.

Rule 14

1. Speeches made in any of the official languages shall be interpreted into the other official languages by the interpreters provided by the Secretariat.
2. Any representative may address the Standing Committee in a language other than the official languages, but must provide for translation or interpretation into one of the official languages. Interpretation into the other official languages by the interpreters provided by the Secretariat may be based on the translation or interpretation given in the first official language.

Rule 15

1. All documents of the Standing Committee shall be made available in the official languages.
2. The report on each session shall be distributed to all Member States as soon as possible. Summary records shall not be prepared.

IX – CONDUCT OF BUSINESS

Rule 16

A majority of the members of the Standing Committee shall constitute a quorum.

Rule 17

In addition to exercising the duties and powers conferred upon him/her elsewhere by these Rules, the Chairperson shall declare the opening and closing of each meeting of the Standing Committee, shall direct the discussion, maintain order, ensure the observance of these Rules, accord and withdraw the right to speak, put questions to the vote and announce decisions.

X – VOTING

Rule 18

1. Each member of the Standing Committee shall have one vote.
2. Decisions shall be taken preferably by consensus.

Rule 19

In case of a vote, the relevant provisions of the Constitution (Article 24) and of the Rules of Procedure for the Council (Rules 37 to 46) shall apply.

Rule 20

Unless the recommendations of the Standing Committee reflect the unanimous opinion of the members present, the divergent opinions shall be reported to the Council.

XI – MISCELLANEOUS PROVISIONS

Rule 21

In regard to any matter not covered by these present Rules, the Standing Committee shall apply the pertinent provisions of the Rules of Procedure for the Council.

Rule 22

1. Any of these Rules may be temporarily suspended by the Standing Committee provided that such suspension is consistent with the terms of reference of the Standing Committee, the Rules of Procedure for the Council and the Constitution of the Organization.
2. The Standing Committee shall report any such suspension to the Council.

Rule 23

Any of these Rules may be amended by the Standing Committee, subject to the approval of the Council, and provided that the proposed amendments are consistent with the terms of reference of the Standing Committee and the Constitution of the Organization.

Annex VII

103RD SESSION

DRAFT RESOLUTION No. _____

(Submitted by the Secretariat to the Council at its xxx meeting on xx November 2013)

ENTRY INTO FORCE OF THE AMENDMENTS TO THE CONSTITUTION

The Council,

Recalling its Resolution No. 997 of 24 November 1998, by which it adopted amendments to the Constitution,

Recalling also Article 30, paragraph 2, of the Constitution subjecting the coming into force of amendments containing no new obligations for Member States to acceptance by two thirds of the Member States in accordance with their respective constitutional processes,

Having taken note of the procedures outlined in document MC/2387,

Having been informed by the Director General that two thirds of the Member States have sent notification of their acceptance of the amendments to the Constitution,

Takes note with satisfaction of the entry into force of the amendments on xx xxx 2013;

Expresses its confidence that this positive development will enable the International Organization for Migration to fulfil better its global responsibilities.

Annex VIII

103RD SESSION

DRAFT RESOLUTION No. _____

(Submitted by the Secretariat to the Council at its xxx meeting on xx November 2013)

**REVISION OF THE RULES OF PROCEDURE FOR THE COUNCIL, OF THE
TERMS OF REFERENCE OF THE STANDING COMMITTEE ON PROGRAMMES
AND FINANCE AND OF THE RULES OF PROCEDURE FOR THE STANDING
COMMITTEE ON PROGRAMMES AND FINANCE, AND OTHER
CONSEQUENTIAL DECISIONS**

The Council,

Recalling its Resolution No. 997 of 24 November 1998, by which it adopted amendments to the Constitution,

Recalling also Article 30, paragraph 2, of the Constitution subjecting the coming into force of amendments containing no new obligations for Member States to acceptance by two thirds of the Member States in accordance with their respective constitutional processes,

Recognizing that consequential changes to the Rules of Procedure for the Council, to the terms of reference of the Standing Committee on Programmes and Finance and to the Rules of Procedure for the Standing Committee on Programmes and Finance are needed to ensure coherence and effective functioning of the Organization,

Recalling also Rule 48 of its Rules of Procedure stating that any of the rules may be amended by the Council, provided that the proposed amendment be consistent with the Constitution of the Organization,

Recalling also Rule 23 of the Rules of Procedure for the Standing Committee on Programmes and Finance stating that any of these rules may be amended by the Standing Committee subject to the approval of the Council,

Noting also the recommendation by the Standing Committee on Programmes and Finance to proceed with a revision of the Rules of Procedure for the Council in order to be in conformity with the revised Constitution,

Noting also the recommendation by the Standing Committee on Programmes and Finance to approve the changes to the terms of reference and the Rules of Procedure for the Standing Committee on Programmes and Finance in order to be in conformity with the revised Constitution,

Hereby:

1. *Amends* its Rules of Procedure, as contained in Annex IV of document MC/2387;
2. *Amends* the terms of reference of the Standing Committee on Programmes and Finance, as contained in Annex V of document MC/2387;
3. *Approves* the amended Rules of Procedure for the Standing Committee on Programmes and Finance, as contained in Annex VI of document MC/2387;
4. *Decides* that a Member State that has lost its right to vote in application of Article 4 of the Constitution, as amended, but has concluded a payment plan with the Organization to pay its arrears and is up to date with the payments under such payment plan, meets the requirements for the maintenance or restoration of its vote as provided for in Article 4, as amended, and that such a Member State, following a report by the Director General to this effect, will have the right to vote during the relevant session of the Council and the succeeding intersessional period ending at the beginning of the next regular session of the Council;
5. *Further decides* that, should the required number of acceptances for the entry into force of the amendments to the Constitution not have been reached on the date when these decisions are considered, the effective date of this resolution shall be the date on which the required number of acceptances is reached.