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EIGHTY-SECOND SESSION

**DRAFT REPORT ON THE
EIGHTY-SECOND SESSION OF THE COUNCIL**

Geneva

27-29 November 2001

Rapporteur: Mrs. Posada-Corrales (Colombia)

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DRAFT REPORT ON THE EIGHTY-SECOND SESSION OF THE COUNCIL

INTRODUCTION

1. Pursuant to Resolution No. 1037 (LXXX) of 29 November 2000, the Council convened for its Eighty-second Session on Tuesday, 27 November 2001, at the Palais des Nations, Geneva. H.E. Mr. Vega (Chile), Chairman elected at the Eightieth Session, opened the session. Six meetings were held and the session ended on Thursday, 29 November 2001.¹

ATTENDANCE²

2. The following Member States were represented:

Albania	Democratic Republic	Kenya	Sri Lanka
Algeria	of the Congo	Kyrgyzstan	Sudan
Angola	Dominican Republic	Latvia	Sweden
Argentina	Ecuador	Lithuania	Switzerland
Armenia	Egypt	Luxembourg ³	Thailand
Australia	El Salvador	Madagascar ³	Tunisia
Austria	Finland	Morocco	Uganda
Azerbaijan	France	Netherlands	Ukraine ³
Bangladesh	Gambia	Nicaragua	United Kingdom
Belgium	Georgia	Norway	of Great Britain
Benin	Germany	Pakistan	and Northern
Bolivia	Greece	Panama	Ireland
Bulgaria	Guatemala	Paraguay	United Republic
Canada	Guinea	Peru	of Tanzania
Cape Verde ³	Guinea-Bissau	Philippines	United States
Chile	Haiti	Poland	of America
Colombia	Honduras	Portugal	Uruguay
Congo	Hungary	Republic of Korea	Venezuela
Costa Rica	Islamic Republic	Romania	Yemen
Côte d'Ivoire	of Iran ³	Senegal	Yugoslavia ³
Croatia	Israel	Sierra Leone	Zambia
Cyprus	Italy	Slovakia	
Czech Republic	Japan	Slovenia	
Denmark	Jordan	South Africa	

¹ The discussions are reported in greater detail in the summary records of the meetings (MC/C/SR/434 to 439).

² See List of Participants (MC/2058).

³ See paragraph 10.

3. Belarus, Bhutan, Bosnia and Herzegovina, Brazil, China, Cuba, Estonia, Ethiopia, Ghana, Holy See, India, Indonesia, Ireland, Jamaica, Kazakhstan, Malta, Mexico, Namibia, Nepal¹, New Zealand, Russian Federation, San Marino, Spain, Turkey and Vietnam were represented by observers, as well as the Sovereign Military and Hospitaller Order of Malta.

4. The United Nations, the Office of the United Nations High Commissioner for Refugees, the International Labour Organization, the World Health Organization, the International Centre for Migration Policy Development, the Asian-African Legal Consultative Organization, the Community of Portuguese Speaking Countries, the Organization of African Unity, the *Organisation internationale de la Francophonie* and the *Union du Maghreb Arabe (UMA)*¹ were represented by observers.

5. The International Committee of the Red Cross and the following international non-governmental organizations were represented by observers: International Confederation of Free Trade Unions, Catholic Relief Services, HIAS, International Catholic Migration Commission, World Council of Churches, Australian Catholic Migrant and Refugee Office (ACMRO)¹ and Migrants Rights International.

CREDENTIALS OF REPRESENTATIVES AND OBSERVERS

6. 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 non-member states and international governmental and non-governmental organizations listed in paragraphs 3 to 5.

ELECTION OF OFFICERS

7. The Council elected the following officers:

Chairman:	H.E. Mr. M. P. Kariyawasam (Sri Lanka)
First Vice-Chairman:	H.E. Mr. R. J. Menga (Congo)
Second Vice-Chairman:	H.E. Mrs. M. Pranchère-Tomassini (Luxembourg)
Rapporteur:	Mrs. M. E. Posada-Corrales (Colombia)

ADOPTION OF THE AGENDA

8. The Council adopted the agenda subsequently issued as document MC/2040/Rev.2.

¹ See paragraph 11.

ADDRESS BY THE DIRECTOR GENERAL

9. The Director General gave a short address (summarized in document MC/C/SR/434), emphasizing the significance of the Eighty-second Session, which marked IOM's fiftieth anniversary. The agenda focused on substantive policy issues to enable the Council to play a role as a major forum for discussion of the worldwide migration policy agenda. The Council session's programme included keynote speeches by distinguished representatives of IOM Member States, who would be sharing their views on the challenges of migration management in the twenty-first century and reflecting on the different approaches that characterized the policies of different countries. A panel of acknowledged world experts had been organized around the topics of demography, trade and globalization, and integration of migrants, following which the debate would focus on migration policy. He also drew attention to two publications commemorating IOM's 50-year history, copies of which had been distributed to delegations. IOM looked forward to the new challenges of the years ahead, serving all Member States in a broadening range of programmes and projects to address the increasing demand for migration policy responses throughout the world.

MEMBERSHIP AND OBSERVERSHIP

MEMBERSHIP:

- (a) Application by the Federal Republic of Yugoslavia for membership in the Organization
- (b) Application by the Republic of Cape Verde for membership in the Organization
- (c) Application by the Republic of Madagascar for membership in the Organization
- (d) Application by the Islamic Republic of Iran for membership in the Organization
- (e) Application by Ukraine for membership in the Organization

10. The Council adopted Resolutions Nos. 1047, 1048, 1049, 1050, 1051 (LXXXII) admitting the Federal Republic of Yugoslavia, the Republic of Cape Verde, the Republic of Madagascar, the Islamic Republic of Iran and Ukraine as Members of IOM.

OBSERVERSHIP:

- (a) Application by the Kingdom of Nepal for representation by an observer
- (b) Application by the *Union du Maghreb Arabe (UMA)* for representation by an observer
- (c) Application by the Australian Catholic Migrant and Refugee Office (ACMRO) for representation by an observer

11. The Council adopted Resolutions Nos. 1052, 1053 and 1054 (LXXXII) granting the Kingdom of Nepal, the *Union du Maghreb Arabe (UMA)* and the Australian Catholic Migrant and Refugee Office (ACMRO) observer status at its meetings.

REFLECTIONS ON IOM'S 50th ANNIVERSARY: KEYNOTE SPEAKERS

- (a) H.E. Mrs. Ruth Metzler-Arnold, Minister of Justice and Police, Switzerland
- (b) H.E. Mr. Antoine Duquesne, Minister of the Interior, Belgium
- (c) H.E. Mrs. Maria Eugenia Brizuela de Avila, Minister of External Relations, El Salvador
- (d) H.E. Mr. Abdullah Al Noman, Minister for Labour and Employment, Bangladesh
- (e) H.E. Mr. Arturo D. Brion, Under Secretary of Labour and Employment, Philippines
- (f) H.E. Dr. Essop G. Pahad, Minister in the Presidency, South Africa

12. The keynote speakers, who had been invited to address the Council to mark IOM's 50th anniversary, made presentations on a broad range of migration-related issues. Their statements are reflected in greater detail in MC/C/SR/434.

13. Mrs. METZLER-ARNOLD (Minister of Justice and Police, Switzerland), speaking on the need for better understanding of migration globally and an international framework for migration management, welcomed the opportunity for international dialogue on migration and the demographic, cultural and ethnic factors which could affect it in the future. She commended IOM on the high quality of its work and the effectiveness of its logistic support in assisting migrants.

14. The nature of migration had become much more complex, with interdisciplinary and international aspects. Demographic changes, the malfunctioning of a complex labour market and the lack of skilled manpower were forcing countries which had previously resisted immigration to face new realities. Illegal migration had been growing, with the resulting social imbalances. The problem of migrants who were increasingly using asylum claims as a pretext for entering a country in search of better economic conditions must also be resolved.

15. Problems facing sending countries included brain drain, fluctuations in remittances by nationals living abroad, voluntary and involuntary return of nationals and the precarious situation of nationals living unlawfully in other countries. Controversy regarding migration had increased, especially since the events of 11 September 2001 in the United States of America. A realistic attitude must be adopted, however, stressing the positive aspects of migration and promoting broader access to the labour market, which was the best means of ensuring social and cultural integration at national level.

16. International cooperation was important on account of the increasing scope of migration problems, which covered, *inter alia*, the management of migration from East and South; the absorption of immigrants to compensate for changing demographic trends without creating social

problems; the return and reintegration of nationals, whether voluntary or involuntary; and the possible advantages for countries in the South of better-managed migration. Only a coherent and realistic international policy could lead to adequate, humane and efficient migration management, taking into account the interests of countries of origin, transit and destination.

17. Progress had been made in developing effective international migration management procedures and international guidelines for migration through the establishment of IOM's Migration Policy and Research Programme (MPRP) and the Berne Initiative. Minimum social standards for migrants had been established through international instruments and national legislation. If host countries' policies varied too greatly, however, migrants would be channelled only towards some countries to the exclusion of others. This was a topic on which dialogue between host countries would be valuable.

18. IOM should act as a focus for reflection and action, using its experience to promote effective migratory policies in Member States and playing a leading, coordinating role in international migration matters, supported by adequate funding.

19. Mr. DUQUESNE (Minister of the Interior, Belgium) speaking on the European Union's efforts to develop a harmonized regional approach to migration, commended IOM on its excellent work over the past 50 years in a field as sensitive as migration.

20. European Union policy on immigration and asylum covered four areas of priority action: partnership with countries of origin; a common European asylum policy; fair treatment of nationals of third countries; and improved management of migration flows. In response to the need to achieve joint European policies, Belgium had organized, in collaboration with the European Union and the European Parliament, a European conference on migration in which IOM had participated. It had emerged from that conference that efficient management of migration depended on better cooperation regarding policies in fields such as management of migratory flows, cooperation for development, preventive diplomacy and integration policies for migrants settled legally abroad. A legislative framework with common standards and flexible regulations was required, taking into account the development needs of the countries of origin. Clear, well-defined regulations were essential for the management of migratory flows and in particular for the prevention of trafficking in human beings.

21. Regarding European asylum policy, in 90 per cent of the cases, asylum procedures were misused to the detriment of those in real need for asylum, a situation which called for further discussion among all European countries on the problem of irregular migration.

22. IOM's activities under the Migration for Development in Africa (MIDA) programme which emphasized the positive aspects of migration were to be commended, in particular the programme for the Great Lakes region. New types of partnership had been established, enabling countries of origin, transit and destination and the migrants themselves to find solutions to their problems.

23. Further attention should be given to: the use of remittances from nationals in the diaspora to their countries of origin; the effects of migration of qualified nationals on their countries of origin; the eradication of forced migration through the promotion of a peaceful and equitable social,

political and economic environment; and the encouragement of integration and greater understanding between local and immigrant populations.

24. Mrs. BRIZUELA DE AVILA (Minister of External Relations, El Salvador) speaking on the role of migration in the development of countries of origin, congratulated IOM on its 50 years of cooperation in international migration. As globalization reduced the distances between countries and abolished frontiers, IOM's work gained special importance as it enabled the understanding of migratory flows and their repercussions on the development of countries of origin and destination. With regard to migration and development, two contrasting factors might be perceived: on the one hand, the new economics of labour migration, influenced by the desire of families to migrate towards a better life and by the amount of their remittances to the home country, which in some cases amounted to 75 per cent of the national export figure; on the other hand, the impoverishment of the countries of origin which saw their social capital decrease and, with it, their development prospects. Reality lay somewhere between those two extremes.

25. The Government of El Salvador, where almost 25 per cent of the population had emigrated, had made a priority of strengthening ties with its nationals abroad so as to involve them in national development, while facilitating their insertion in the countries of destination and ensuring that their human rights as migrants were respected. Migrants' remittances, which represented 13 per cent of the country's gross domestic product, had helped to provide emergency assistance following the two major earthquakes and local community facilities.

26. Migrants also contributed to the society of their country of destination, entering into the life of the receiving country, an area in which IOM's integration programmes had proved valuable in the past and would be even more relevant in the present situation, following the upsurge of intolerance after the events of 11 September.

27. Efforts to ensure severe sanctions against those who were guilty of trafficking in human beings must be sustained. Treaties and agreements guaranteeing the recognition and protection of human rights for migrants should be concluded and facilities provided for deportees.

28. Mr. AL NOMAN (Minister for Labour and Employment, Bangladesh), addressing the question of emerging migration regimes, said that history had many examples of nations that had benefited immensely from immigrants. Antipathy towards migrants was also not new, however, although its intensity sometimes assumed alarming proportions. Moreover, despite the widespread commitment to free trade and the free movement of factors of production, labour was subject to severe restrictions. Wherever economies were compelled to accept aliens, mainly on account of acute shortage of domestic manpower, migrant workers seldom received fair or equitable treatment.

29. Among the major challenges posed by current migratory realities was the need to understand the reasons and complexity of the asylum/migration nexus in a globalized world; the perception of migrant workers as a threat to a society's cultural fabric; the need for solutions to migration management problems through migration control, which had economic, social and human rights dimensions; the need to ensure the mobility of the workforce to keep pace with the increased

mobility of goods and capital; and the absence of genuine dialogue among countries of origin, transit and destination to facilitate orderly migration.

30. Although migrant workers saved destination economies vast sums of money, as these did not need to make a huge investment in human capital, immigration was often regarded as a favour to the country of origin. Consequently, migrants often faced adverse situations in countries of transit or destination, for example: detention while in transit; wages below national standards; confinement and forced labour on the grounds of their failure to fulfil contractual obligations; the confiscation or destruction of identity documents; and the creation of obstacles to the repatriation of earnings and savings. Undocumented migrant workers, or those who had been smuggled or trafficked, were in particular danger of being subjected to such treatment.

31. Weak economies, unemployment and crises in countries of origin compelled emigration. On the other hand, those countries' economies benefited from remittances sent home by their nationals abroad who, on return, also brought back invaluable experience, knowledge and know-how. It was important, therefore, to promote orderly migration, in partnership with others, and to develop coherent policies based on a clear understanding of the issues involved. International and intergovernmental organizations like the International Labour Organization, the World Bank and the United Nations Development Programme had important roles to play in forging effective partnerships, negotiating satisfactory labour migration agreements and reducing the incidence of irregular migration. Dialogue at the subregional level was also vital, especially in the area of irregular migration and trafficking.

32. The dialogue on migration challenges for the twenty-first century clearly demonstrated IOM's commitment to helping countries of origin to negotiate better agreements with countries of destination, establish regional mechanisms to protect the interests of migrant workers and make optimum use of the benefits of migrant labour. He welcomed the recent Migration for Development in Africa (MIDA) initiative, the proposed Labour Migration service area, the Rapid Response Transportation Fund and new health and counter-trafficking programmes.

33. Mr. BRION (Under Secretary of Labour and Employment, Philippines), speaking on the importance of labour migration for the development of countries of origin, said that the overseas employment programme in his country had been started as a stopgap measure to deal with its high unemployment problem and to generate foreign exchange that would ease its foreign debt burden and the increasing balance-of-payments deficit. It had proved so effective that the Government was now concentrating on efficient management of the programme rather than on other short-term measures. Labour market figures showed that without overseas employment the domestic unemployment rate would now have been around 14 per cent instead of the actual 11 per cent.

34. The most striking economic effect of overseas employment lay in the generation of foreign exchange remittances which had helped support the Philippine economy and in 1998 represented approximately 7 per cent of the GNP and 16 per cent of total export earnings. The specialized skills acquired by returning overseas workers also served the nation well. It should also be borne in mind, however, that the outflow of talent took place at the expense of the countries' own needs; the best and most experienced were sometimes lost for ever to the receiving countries.

35. Overseas employment had a profound social effect by reducing long-standing income disparities and creating new levels of affluence. There were, however, also social costs. Families

had sometimes broken up because of the long separation of spouses and the children in such families could suffer from underdevelopment or trauma that could later result in drug dependence or criminality. Overseas employment could also have a politically stabilizing effect, as in the Philippines where it had deprived a number of anti-governmental extremist movements of many recruits who would otherwise have taken up arms against the Government. He hoped that in the future greater cooperation between sending and receiving countries could be achieved, so that every nation could benefit to the full from the exchange of labour and services.

36. Dr. PAHAD (Minister in the Presidency, South Africa), speaking on the importance of combating racism and xenophobia towards migrants, in the interests of social stability, stressed that the basic human rights and dignity of migrants must be protected. Unfortunately migrants were often subjected to racist behaviour or discrimination and in 1998 the South African Human Rights Commission had launched a public and media education programme known as the Roll Back Xenophobia Campaign.

37. His Government had recently hosted the Third World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in Durban, which had highlighted the need to address the problem of wide-scale abuse of migrants. Migrants continued to suffer shameful discrimination, harassment and violence daily in many countries, a situation often made worse by the media. Migrants from the developing world, especially women and children, were particularly easy prey for traffickers in human beings who subjected them to physical and sexual abuse and to slave-like working conditions.

38. Many people in South Africa were descendants of migrants and many of the countries' leaders had spent long periods in exile, yet troubling instances of xenophobia and discrimination against migrants, which could seriously destabilize society, continued to occur. Such incidents were caused by high unemployment and low development levels, combined with large numbers of refugees from conflict areas in sub-Saharan Africa and could only be resolved through a comprehensive labour migration policy which included protection of migrant workers. In the African continent as a whole, the adoption of the New Partnership for African Development, NEPAD, reflected a common determination to eradicate poverty and promote sustainable development.

39. IOM could play a particularly useful role in: the organization, in collaboration with governments, the United Nations and non-governmental organizations, of training workshops on migration and human rights, at both national and regional level; the launching of information campaigns to curb discrimination against migrant workers; assistance for return of migrants to their countries of origin; and integration programmes emphasizing the positive contribution that migrants could make to their adoptive societies and the need to respect migrants' dignity.

40. It was important that Member States: ratify the major international conventions and protocols relating to refugees, migrant workers, trafficked and smuggled migrants, and women and children; review their immigration laws; donate generously to IOM activities; increase awareness of the special needs of migrants through information campaigns; denounce xenophobia and discrimination against migrants; and adopt a regional approach to migration policy, so as to facilitate the movement of skilled and professional labour.

41. The Director General thanked the keynote speakers for the insight which their statements had provided.

42. Four delegates highlighted points that had emerged from the keynote speeches, in particular: the positive benefits of migration for all countries involved and the ways in which they could be maximized, so as to face future migration challenges more effectively; the crucial importance of international cooperation between countries of origin, transit and destination; the benefits of remittances from nationals working abroad; the promotion of regular and legal migration in particular through regional mechanisms, as a means of counteracting irregular migration and trafficking; the protection of migrants and their rights; the need to give further consideration to the situation of countries which had become both sending and receiving countries. IOM should be commended for organizing the present dialogue on migration, which constituted an important first step towards bringing together all those involved in migration issues and encouraging discussion between countries of origin, transit and destination.

PANEL DISCUSSION: MIGRATION CHALLENGES FOR THE 21st CENTURY

43. As part of the celebration of IOM's 50th anniversary, a panel discussion was held, in which four expert panellists were invited to give presentations on aspects of three topics relating to migration: demography; trade and globalization; integration. The Director General of IOM acted as moderator. The presentations were followed by statements by two guest commentators and a discussion.

44. Mr. Chamie (Director, United Nations Population Division, New York) addressed the implications of demographic projections for international migration policy. The twentieth century had achieved more records and unprecedented changes than all the other centuries combined. The world population, which until the end of the eighteenth century was well below 1 billion, had quadrupled during the twentieth century to 6.1 billion persons. For thousands of years people had worked mainly in rural areas but current trends showed a massive population shift to urban areas, a trend which had great social, economic and political significance. The last forty years, during which the population had risen from 3 to 6 billion, was the shortest time-span in human history in which the world population had doubled. At the beginning of the twentieth century, average life expectancy was 30 years, whereas today it was approximately 65 years - a major achievement. At the same time, there had been unprecedented declines in fertility, with a reduction of family sizes from six to below three persons. The twentieth century had also seen increased urbanization and the emergence of megacities, which also had major implications for migration.

45. Looking into the future, it was estimated that there would be 3 billion more people in the next 50 years and nearly all of that growth would be in the developing countries. In developed countries the growth rate would continue to decline on account of diminishing fertility. There would be lower mortality and the population was ageing, which implied a changing relationship between the young and the old. Society would become increasingly urbanized, with greater global migration. It was anticipated that by 2050, the world's fertility rate as a whole would be very close to replacement rate, with enormous growth in the least developed countries and a shrinking population in the developed ones. Projections showed, for example, that the United States population, currently estimated at 283 million, would increase to nearly 400 million, 80 per cent of

that growth being due to international migration. Numbers were also increasing particularly fast in the developing world, with a ratio of seven persons in developing countries to one person in developed countries. Today six countries contributed half of that growth: China, Pakistan, Nigeria, Bangladesh, Indonesia and India. By 2050, Africa's population would be three times as large as Europe's. Further statistics showed that Europe's percentage of the world population was continually shrinking, India's population was growing faster than that of China, and Pakistan's population was growing much faster than that of the Russian Federation.

46. The ageing of the world population, especially in the developed countries, had a major impact on the potential support ratio, i.e. the changing ratio between workers and retirees, which in turn would greatly influence migration, as the developed countries would have to import an increasingly large work force in order to support its elderly population. The changing complexion of society had great economic, social and political significance, with implications for pension schemes, health care systems and for society as a whole. In developed countries, people would have to work to an unacceptably high age if they were to provide for the retired population. In recent years, roughly 40 per cent of countries had wished to reduce immigration, yet if there was no inflow of immigrants, the population in the developed world would inevitably decline. Even with immigration, statistics showed that it was impossible to counteract the ageing process in the work force by migration.

47. There were enormous differences in all countries between socio-economic groups and, even in developed countries, there were rich and poor sections of the population. Hence behind statistics, averages and trends, there was great diversity. Nevertheless, government reactions to demographic statistics often consisted of denying their accuracy, delays in taking action and, in many cases, taking no action at all. On the contrary, governments should take a bold approach, facing up to the future challenges reflected in the demographic trends and providing the human, financial and other resources to meet them. Enlightened leadership was essential in a world where some lived in comfort and plenty, while half of the human race lived on less than two dollars a day.

48. One delegate observed that while recognizing the positive effects of migratory movements, developing countries which received migrants did not have the same capacity as developed countries to meet the responsibility of satisfying educational, health and other needs of their own increasingly growing population as well as the needs of immigrants. Moreover, as indicated in the demographic panorama presented by Mr. Chamie, it would appear that developing countries would not be able in the future to overcome poverty and illiteracy.

49. Another speaker expressed pessimism concerning the prospect of a future of increasing world population and dwindling food supplies. Already natural resources were being drained from poorer countries to richer countries as a result of globalization, which left the poorer countries without resources and forced their populations to emigrate in search of better working and living conditions.

50. Mr. Chamie said that analyses by the United Nations Food and Agriculture Organization (FAO) indicated that, taken overall, there would be sufficient quantities of food for the world in future. The problem was not so much the amount of food available as the lack of social, political

and economic systems for delivering food to people in need. The challenges of education, poverty and hunger must be faced without further delay, to ensure that in the next 50 years many more of the developing countries would move into the category of developed countries. He did not share the pessimistic view of the future. On the contrary, many situations had improved immensely. In 1900, for example, the average life expectancy was 30 years, women died in childbirth, people died before they reached retirement and children died in infancy. In comparison, the health situation in 2001 reflected major progress. Given the past situation and present trends, therefore, there was room for cautious optimism about the future.

51. Demographic research and studies in no way constituted policy recommendations for governments to follow. National policies were based on social, economic, political and cultural considerations, and demographic factors, although providing important input, could be taken into account or not, as the case might be. However, forecasts on the basis of those factors had proved remarkably accurate and could therefore be of considerable value to decision-makers. Regarding the possible consequences of current and projected migration trends, it was too early to make predictions, as accuracy depended on longer-term estimates. In view of the progress and achievements of humanity, however, he remained optimistic.

52. The second expert panellist, Mr. Mamdouh (Director, Trade in Services, World Trade Organization), speaking on the implications of globalization and trade liberalization for international migration policy, said that trade had traditionally always been a substitute for migration. International trade consisted in goods being produced in one economy then crossing the border into another economy in another country, and the corresponding payments crossing the border in the opposite direction. For trade in services, however, that definition was not valid, because the supply of a service often required the physical proximity of the consumer and the producer and therefore also involved simultaneity of production and consumption. In the context of WTO, therefore, the General Agreement on Trade in Services (GATS) had had to include a broader definition of trade, covering the supply of any service through any mode of supply, for example: cross-border supply through telecommunications and the Internet; consumption abroad, with the consumer going to the country of the producer, as in tourism; commercial presence such as the establishment of the branch of a bank or insurance company; and the cross-border movement of natural persons such as lawyers, accountants or nurses, to supply a service in another country.

53. It should be borne in mind that the GATS was a legal framework which covered temporary movement of people only incidentally in the context of supply of services, but did not cover migration in the full sense of the term. It was the host country which decided on the length of stay of the persons in question. If a person moved to another country and started functioning as the supplier of a service, however, longer-term migration might be involved and the legal coverage of WTO or the GATS would cease to apply. When the GATS had been negotiated in the Uruguay Round the question of cross-border movements of persons as a subject for trade negotiations in the legal framework had emerged as an extremely sensitive political issue, because it touched on the immigration policies of all countries, both developed and developing. The commitments negotiated had therefore been limited in coverage and of doubtful effectiveness. They were confined to limited categories of persons such as managers, executives or specialists within the context of intra-corporate transfers, under which people were transferred within the same corporation from one country to another or followed the establishment of a commercial presence

in the export market. That excluded independent service suppliers such as lawyers, accountants, nurses, doctors or software specialists who might move to another market to supply a service in their personal capacity.

54. In the current round of negotiations, however, considerable progress had been made and negotiators were adopting a different approach to the matter, which had now become the subject of common interest to both developed and developing countries alike. Discussions on immigration policies and administrative procedures were more open and covered, for example, the streamlining of visa procedures, work permits or access to social security facilities. It was essential to simplify and speed up those procedures. Developed and developing countries were now reviewing their existing procedures and policies and making new commitments, in order to give fresh impetus to the services negotiations, including those relating to liberalization of the movement of natural persons.

55. The third expert panellist, Mr. Kazancigil (Deputy Director General for Social and Human Sciences, United Nations Educational, Scientific and Cultural Organization), speaking on behalf of the Director General of UNESCO, Mr. Koichiro Matsuura, congratulated IOM on the work it had accomplished since its establishment in 1951. International migration, the integration of migrants and the preservation of cultures were aspects of migration which were of interest to both IOM and UNESCO.

56. Cross-border population flows led to increasing diversity within societies, which called for policies and programmes that protected the rights of migrants and underscored the benefits of cultural and ethnic diversity in societies and the need for tolerance, mutual understanding and shared values within populations. Such considerations had given rise, over the years, to a number of key legal instruments which formed an international framework for action.

57. The need for policy responses to diversity in multicultural societies was becoming increasingly acute. Considerable debate had already taken place concerning the sociological, ethical and philosophical foundations of diversity: how far a society could accept diversity, what was the right balance in each society between unity and diversity and between respect for the identities and rights of immigrants and of the autochthonous populations. Such considerations involved socio-economic differences, inequalities, poverty and discrimination, all of which had to be combated in order to prevent conflict and violence.

58. Other factors to be taken into account were the changing nature of multi-ethnic and multicultural societies due to international migration, and the changing characteristics of migrants in terms of origin and gender. Women were being increasingly involved in labour migration and often found themselves victims of trafficking or discrimination. There were increased flows of highly-skilled technical professionals and managers, on the one hand, and of unskilled labourers, on the other. Irregular migration and trafficking, controlled by international criminal organizations, had become a major problem. In the 1980s and 1990s refugee movements, asylum seeking, permanent migration, contract labour and illegal migration had increased not only on account of demographic factors but also as a result of globalization. There was therefore a need to manage migration flows through agreed long-term strategies and policies involving both the sending countries and the receiving countries, with support from the international organizations.

59. The broader applicability of multicultural policies as a response to the impact of migration was a complex issue covering many areas: language and education policies, housing, health and welfare problems, the legal status of immigrants, their representation, autonomy and access to

employment. Countries that had developed participatory approaches to understanding and regulating the social changes induced by such population movements were in a better position to achieve improved relations between the local and the migrant populations. In many cases there was a certain dissociation between nationality and citizenship, as migrants obtaining citizenship rights did not necessarily regard themselves as nationals of the country. An effort would have to be made to achieve greater recognition of the identities of migrant populations and acceptance of their differences.

60. International migration and integration issues should also be related to sustainable development, in environmental, economic and social terms. In UNESCO such issues were addressed through the MOST (Management of Social Transformations) programme. It was important that the international organizations should pool their resources and develop joint activities. UNESCO would be willing to work with IOM to produce a feasibility study on ways and means of developing joint programmes on aspects of international migration of interest to both organizations.

61. The Director General welcomed the willingness of UNESCO to work with IOM on joint programme activities, as the mandates of the two organizations converged on certain aspects of migration.

62. One delegate stressed the urgency of finding ways of solving problems in multicultural societies. In his country, initial optimism had given way to increasing pessimism, particularly concerning the situation in the large cities where, in one case, over 30 per cent of people were foreigners. Socio-economic, cultural and demographic developments, including the pressure of international migration, did not really come together in a harmonized way.

63. Mr. Kazancigil agreed that even the best-intentioned governments were often simply at a loss to know what to do in such situations. Furthermore the receiving countries were now not only the richer industrialized countries but also included many countries in the developing world, which further complicated the situation. There was therefore a need to establish a joint international migration strategy which would be acceptable to both developing and developed countries.

64. The fourth expert panellist, Mrs. Frith (Director General, Integration Branch, Citizenship and Immigration Canada), speaking on measures to combat racism and xenophobia through integration policy, stressed that immigration had always played a central role in Canada's history. At first mostly European in origin, immigrants now also came from many other source countries in the Asia-Pacific region, Africa, Central and South America and the Caribbean. Today more than 85 per cent of immigrants settled in urban areas. Migrants would probably constitute 20 per cent of the Canadian population by 2016.

65. As Canada's mosaic now included most races, religions and cultures and was expected to become more diverse with time, integration meant finding a two-way process of accommodation between newcomers and Canadians. Canadian policy welcomed all immigrants and endeavoured to ensure their full participation in economic, social, political and cultural life, with a view to the

acquisition of citizenship after a relatively short period of time. Eighty-five per cent of immigrants took that step, although research showed that full integration sometimes required several generations. They were free to settle anywhere in Canada. Racial violence was not tolerated and legislation existed to ensure equitable treatment of migrants and nationals. As xenophobic attitudes tended to arise when absorption capacities in areas such as housing and schooling were exceeded or when the public was ill-informed, programmes were implemented to encourage better understanding and respect for migrant workers.

66. Labour market performance was one of the yardsticks for measuring economic integration and it was expected that rates of employment and working conditions for migrants would equal those of the Canadian-born population. Research had shown, however, that under-employment and wage inequalities existed - a problem which needed to be overcome by public education programmes at provincial and community levels, including language training.

67. Citizenship was granted equally to newcomers and to the Canadian-born, which implied a commitment to certain core values, such as mutual respect, the rule of law, equality and the peaceful resolution of disputes. In return, Canada guaranteed basic human rights such as individual autonomy and freedom of association and religion. Canada depended on its education system to impart citizenship values to newcomers. Her country remained a close-knit society with low rates of inter-ethnic conflict and crime. Canada's multicultural experiment had been successful, but required constant vigilance, to avoid potential divisions and instabilities.

68. The two guest commentators then took the floor. Mr. De Brouwer, representing the European Commission, said that if effective migration policies were to be established, a better understanding of migration was essential. Statistics showed, however, that figures for requests for asylum and for irregular immigration, although high, could not constitute an accurate basis for migration policies. For example, they did not show that a certain number of migrants originally in an irregular situation had subsequently been issued with papers. During the past six years, 1,800,000 immigrants in an irregular situation in seven European Union states had had their situation regularized, and 36,000 persons out of 352,000 had been given refugee status, but those figures gave no indication as to what had happened to the others - whether they had been returned, granted other forms of protection or relapsed into clandestinity. Nor did the figures distinguish between immigrants who had crossed borders illegally and those who had entered the country legitimately on a tourist visa but had subsequently prolonged their stay illegally. Statistics therefore required further refining and explanation.

69. In the past, many problems had been solved simply by dialogue between countries of origin and countries of destination. That was no longer possible, because many former countries of emigration had now become transit countries or countries of immigration, which made dialogue much more complex and attitudes towards immigrants more difficult to change.

70. Although international legal instruments might have considerable influence on world migration strategies, they were nevertheless controlled by ministers of labour and not ministers of the interior, or those specifically in charge of migration. In the European Union, decisions

concerning migrant workers and their integration in the labour market had been defined by ministers of labour, not by ministers of the interior. Hence immigration policies could not be conceived in isolation but were closely linked to, for example, social and health policies, foreign policy, justice and police policies, especially in connection with irregular migration and trafficking in human beings. The experience of the European Union was relevant in that the member states and neighbouring states had agreed that questions of migration should be not only matters of common interest but of common policy.

71. Mr. Abella, representing the International Labour Organization agreed with Mr. Chamie's conclusions in his review of the dramatic changes in the demographic structure of populations, particularly concerning the decline in the fertility rate. Some of his conclusions, however, depended on implicit assumptions, such as that concerning the support ratio (the number of members of the working population required to support every retiree) which might well alter according to time and place and to changes in national productivity patterns.

72. Regarding the relationship between trade and migration, it had always been assumed that, with liberalization and an increased flow of goods, world incomes would converge, yet the expected results had not materialized. A recent ILO study had shown that only 13 developing countries in the world had successfully managed to integrate in the global market for manufactured products and were responsible for 88 per cent of the total exports of manufactured goods from developing countries. The rest of the developing world had seen its traditional markets decline over the past two decades, resulting in a divergence instead of a convergence of incomes. Hence the main challenge was to ensure that development reached the poorest countries.

73. With the liberalization of the labour market, resistance to the movement of persons and other barriers to trade and services were likely to be overcome within a generation, especially if improvements occurred in the transfer of technology and capital to the developing world.

74. Canada's successful policy of multiculturalism might be regarded as a model for all countries which were endeavouring to raise the status of marginalized communities and to combat racism. In many countries the majority of migrants were accepted for secondary status in the labour market and were only tolerated by the local population because of that fact. Integration was often achieved only in the long term. ILO had been working on ways of finding a solution to conflicts of interest between those who benefited from migration and those who suffered from it, and to the problem of prejudice and xenophobia. He hoped that ILO would work closely with IOM and UNESCO in the near future on developing successful models for integration.

75. In the ensuing discussion, one delegate stressed the need to face the problem of increasingly rapid demographic growth and its impact on economic and social development – an area in which international cooperation was essential. He had concluded from the statements that social development should be continuous and sustainable; that coordination was essential between developed and developing countries with regard to development policies and the accountability of resources, and that such measures could only be effectively accomplished with the help of the United Nations and other agencies.

76. Another speaker outlined her country's experience as a developing country which had long served as host to foreign migrant workers, stressing the problems of integration and xenophobia. While integration was important, it might not be the only option: certain societies might find it appropriate to integrate migrants while others might not, on account of physical, economic, social or cultural constraints. Furthermore, an appropriate balance had to be achieved between the need for integration and the need to preserve the cultural identities of the immigrants, and care should be taken to ensure that integration policies were not used as a tool for enforced assimilation. In the process of integration, which should reflect the changing social context, both the immigrants and the host society had to make an effort to adapt to their new social context. In that connection she listed a number of measures which might be useful in combating xenophobia and discrimination. The media should also be encouraged to adopt an appropriate code of conduct, with emphasis on non-discrimination, tolerance and respect for cultural differences.

77. Thought should also be given to the planned reintegration of temporary migrants in their home countries. This depended greatly on the level of social and economic development of the countries in question, and to irregular migration which had to be combated through focus on its root causes, one of which was poverty. Integration called for dialogue and cooperation between host governments and migrant communities, on the one hand, and between host countries and the international community on the other, and also with IOM, in order to ensure technical cooperation and adequate resources. Her delegation welcomed the proposal by the representative of UNESCO to conduct a feasibility study on joint migration projects.

78. One delegate stressed the importance of achieving better coordination between the various national authorities dealing with different aspects of migration and its ramifications, as measures taken in one area often had negative effects on other areas. The same need for coordination applied at international level, where IOM could play an important role in achieving more effective correlation between migration policies and their application.

79. Another speaker said that the United States, while supporting integration, pursued a less active policy than Canada at federal level, except in the case of refugees, for whom there was a special programme. Immigrants were treated equally under United States labour law and had full rights in the work place with respect to wages, working conditions and union organization, regardless of whether they had legal status or were in an irregular situation. There was strong reliance on the public school system to integrate immigrant children in the community. The availability of citizenship constituted a key element in the United States' approach to integration and contributed to a positive public perception of migrants in society and to combating racism and xenophobia. Government policy did not consider integration to be equivalent to assimilation, but rather to be a deliberate choice by migrants to join the United States civic society through shared values.

80. The Director General, replying to a question about IOM's intentions concerning its status *vis-à-vis* the United Nations system, said that it was for the Member States to determine whether or not IOM should formally enter the United Nations system. As there were both advantages and disadvantages, the matter was one which required careful consideration. He then thanked the panellists, commentators and participants in the discussion which had been most constructive, placing migration and migration management in a broader, longer-term global context.

GENERAL DEBATE: MIGRATION CHALLENGES FOR THE 21st CENTURY

(a) Statements by the Director General and the Deputy Director General

81. The Director General welcomed all new Members and observers. It was gratifying that the Eighty-second session of the Council was being attended by a large number of high-level delegations. The discussions had highlighted many important aspects of migration trends, management and policy which would provide valuable guidance to IOM in its future work. Introducing his Report to the Council (MICEM/7/2001) which gave an overview of IOM's work during 2001, he highlighted specific points.

82. The events of September 11 in the United States of America had had a profound effect on the world, both broadly on migration issues, and specifically in Afghanistan, where IOM had provided assistance since early summer to people displaced by conflict and drought in the north and west of the country. IOM had been present in the country for almost 10 years and had stayed there throughout the recent fighting. IOM's Afghan staff, who were to be highly commended, had remained in all the Organization's six offices in the west and the north of the country. Their work had largely involved helping internally displaced persons (IDPs) - victims of the drought or of fighting who had taken refuge in camps near the big cities where fresh water, food and shelter were obtainable. During his recent visit to Herat and the Maslakh camp he had noted that IOM staff had succeeded in organizing convoys of supplies to enable the internally displaced persons to survive the harsh winter. The IDPs had also been participating in preparations for winter, in the form of brick-making for shelters.

83. IOM was currently turning its attention to the post-war phase in Afghanistan, planning for programmes of transportation, water and food assistance to communities that would enable displaced persons to return home. There was also a programme to encourage qualified Afghans outside the country to return and help their countrymen. IOM was in touch with representatives of the Afghan diaspora in many countries, including the Islamic Republic of Iran, where IOM enjoyed good contacts with the Iranian authorities and with the Red Crescent Society of the Islamic Republic of Iran, important partners for main Afghan-related programmes. IOM welcomed the generous funding provided by a wide range of governments and expressed satisfaction at the good partnership existing between IOM and the other countries neighbouring Afghanistan.

84. The events of September 11 had had a considerable impact on approaches to migration matters, highlighting the need to address migration challenges in a comprehensive manner. Increased attention was being paid to: combating irregular migration, smuggling and trafficking; assisting the integration of migrants; and strengthening the relevant legislation. Cooperation and partnerships between countries would develop as the need for bilateral, regional and international cooperation became increasingly obvious.

85. Developments in the past year included: an increase in IOM's membership (now 91) and observership, reflecting its relevance and scope; the successful launching of the Migration Policy and Research Programme (MPRP); IOM participation in a large number of important

international fora covering key aspects of migration; the consolidation of the Migration for Development in Africa (MIDA) programme; the addition of a new service area on labour migration; and progress in the "cluster" initiative promoting co-management of migration.

86. The report gave a brief overview of IOM's achievements by region: Western Mediterranean, Latin America, Africa, Asia; of progress made in the various regional processes; and experience with regard to the Resolution 1035 facility, which would provide valuable input for management of the fund in 2002. He was confident that the Eighty-second session of the Council would provide both inspiration and guidance to IOM to face the future and to find its place in the globalized system and continue its work to help governments and migrants seek and find the benefits of properly managed migration.

87. The Deputy Director General, welcoming all new Members and observers, delivered her statement to the Council, reproduced in full in document MICEM/8/2001. Highlighting a number of areas of activity in which she took particular interest, she outlined the progress made over the past year and the expected future trends.

88. Regarding gender issues, the Working Group on Gender Issues (WGGI) had continued to work on eight field projects (listed in document MICEM/8/2001), six of which were now completed. Four new projects were planned for 2002. Within IOM some progress had been made concerning the representation of women on the staff – 34.2 per cent in June 2001, compared with 28.1 per cent in December 2000. Efforts would be made in 2002 to check the decline in the number of women in the P3 to D grades. IOM's role in organizing and participating in thematic conferences concerning migrant women would be enhanced, with focus on efforts to combat trafficking in women.

89. The promotion of the use of French as a working language within the Organization would continue in 2002 with a specific project planned in association with the *Agence intergouvernementale de la Francophonie* and joint activities with French-speaking countries.

90. Regarding international relations, IOM had participated in a number of international conferences, together with other organizations both within and outside the United Nations system. Consultations had also been held, and would continue, with the World Bank, the African Development Bank, the Islamic Development Bank, the European Union, the Canadian International Development Agency and the African Capacity-building Foundation, as well as with donor countries, including France, Belgium and the Netherlands, with a view to supporting programmes such as the Migration for Development in Africa (MIDA) programme.

91. African membership of IOM had increased substantially and relations with African continental or regional bodies had been consolidated. Contacts with the Organization of African Unity (OAU) had been instrumental in launching the MIDA programme which she outlined in detail on account of its importance. The programme focused on the links between migration and development and migration and education, operating both at country level and in the diasporas. It would be of particular value in strengthening national capacities throughout the African continent.

(b) Statements by the newly admitted Members and observers

92. The representative of the Federal Republic of Yugoslavia thanked the Member States for his country's admission to IOM as a Member. Faced with the highest number of refugees in Europe and the concomitant migration-related problems, his Government was currently focusing on measures to facilitate the return and reintegration of migrants, to curb brain drain to other countries, to prevent irregular migration and trafficking in human beings, to encourage reinvestment in the country by Yugoslav workers abroad, to amend legislation relating to migration management and to encourage more tolerant attitudes to migrants.

93. The representative of Cape Verde expressed appreciation for his country's admission to IOM as a Member, thus consolidating a decade of constructive relations with the Organization. Future migration strategies would have to take account of many other factors such as globalization, human rights, science and technology, trade and investment, and the alleviation of poverty. His Government was currently focusing on measures to promote the integration of Cape Verdean migrants in host countries and to establish closer ties between them and their home country.

94. The representative of Madagascar, thanking Member States for his country's admission to the Organization as a Member, welcomed the opportunity for international dialogue on migration policy and problems. The complexity of migration matters, with their social, cultural, economic, health, security and human rights aspects, was such that national efforts alone were insufficient and regional and international cooperation was required.

95. The representative of the Islamic Republic of Iran, expressing appreciation for his country's admission to IOM as a Member, said that his Government had provided substantial assistance to international humanitarian relief operations in Afghanistan. One solution to problems such as irregular migration and trafficking might be to set up a mechanism for identifying economic migrants and matching their abilities with demand in countries in need of additional labour. It was also important that the expectations placed in host countries should correspond to their capacities and needs.

96. The representative of Ukraine, thanking Member States for his country's admission to IOM as a Member, expressed appreciation of IOM's assistance to Ukrainian nationals who were victims of trafficking. As Ukraine was not only a transit country but was now also a country of destination on account of its political and social stability, his Government was endeavouring to consolidate its relevant political, legislative and economic framework and to increase international cooperation.

97. The representative of Nepal, thanking Member States for having granted his country observer status within IOM, stressed the importance of IOM's work in migration management, migration-related legislation and counter-trafficking. Firm action should also be taken to prevent the upsurge of intolerance and extremist attitudes, and to reduce the emerging tension between the globalization of economics and the localization of politics. Describing the violence to which his country was currently subjected, he expressed his delegation's appreciation of the understanding of the international community in his country's hour of need.

98. The representative of the *Union du Maghreb Arabe (UMA)* expressed gratitude to Member States for having granted the *Union du Maghreb Arabe (UMA)* observer status in IOM. Global

changes were having an increasing impact on the whole of the Mediterranean region, which called for closer and more multifaceted cooperation between European countries and the Maghreb. Countries of origin and destination should be linked through an appropriate regional approach, in order to manage migration flows more effectively.

(c) Statements by Members and observers

99. The general statements took up the 436th, 437th, 438th and part of the 439th meetings (see MC/C/SR/436, MC/C/SR/437, MC/C/SR/438 and MC/C/SR/439). Over 60 speakers took the floor.

100. Delegations welcomed the dialogue on migration policy which had been organized to mark IOM's fiftieth anniversary. It was generally acknowledged that migration had become a policy concern requiring priority attention. As migration increased in scope and complexity covering a broad spectrum including social, economic, health, political and security matters, the need to devise a more comprehensive and coordinated approach to migration-related problems was becoming urgent at all levels and IOM could provide an appropriate international forum for the exchange of views and experience upon such matters.

101. A large number of speakers referred to the tragic events of 11 September 2001 in the United States of America, which had had negative effects on attitudes towards migrants and their situation in the countries of destination, where security concerns were now taking precedence. It was important to avoid associating terrorism with migration, especially as migrants were already a vulnerable category of persons. IOM should endeavour to discourage Member States from adopting restrictive or discriminatory legislation and to combat any rise in intolerant or racist attitudes. Many speakers underlined the need to take into account the relevant conclusions and recommendations of the recent World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in combating intolerance with regard to migrants in developed and developing countries alike. These recommendations should form the basis for international, regional and national programmes of action.

102. The events of 11 September 2001 had, however, drawn attention, world-wide, to migration concerns, stimulating the global migration debate and countries were becoming increasingly aware of the need for viable, coordinated migration policies.

103. In that context, comprehensive regional approaches to managing migration flows were gaining in importance. Many delegates highlighted the success and importance of existing regional processes and frameworks, for example in The Americas (the Puebla Process), in South-East Asia (the Bangkok Declaration), in the Mediterranean area (EUROMED) and in Central Europe (the "cluster" initiative in South Caucasus). The establishment of cooperation agreements between countries of origin, transit and destination within a given region was welcomed and encouraged, particularly with regard to improved border control and immigration procedures, as well as bilateral agreements between countries, covering, for example, matters relating to migration for employment. The need for accurate data analyses on migration flows and the impact of migration factors on labour, cultural and economic issues was also stressed.

104. Regarding the African region, at least fifteen delegates commended IOM on the Migration for Development in Africa (MIDA) programme, which deserved further support and funding.

Enhanced cooperation with the Organization of African Unity (OAU) and between North Africa and Europe was also recommended. IOM was well placed to foster such regional cooperation, in particular through its Missions with Regional Functions (MRFs).

105. The importance of the Resolution 1035 facility was also highlighted in connection with migration projects in developing countries and countries with economies in transition. One delegate considered that the facility could usefully be transformed into a permanent, institutionalized organ that would encourage implementation of viable migration projects and enhance the national capacities of the countries concerned. Another speaker called for further consideration of the criteria for distribution of funds under the 1035 facility and two others expressed concern over the inclusion of projects for countries which were not members of IOM.

106. International cooperation was also important, in particular sustained coordination with other organizations working on migration especially within the United Nations system. In this context, several delegates welcomed the proposal made by UNESCO for a joint project with IOM.

107. Many speakers urged Member States to ratify and implement the international conventions relating to migration, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990, which, it was hoped, would soon enter into force; the Vienna Convention on Consular Relations, especially its Article 36; the United Nations Convention on the Rights of the Child; and the relevant conventions of the International Labour Organization (ILO), notably No. 97 concerning Migration for Employment and Nos. 138 and 182 on child labour. Several delegates made reference to the importance of ratifying the 1951 Convention on Refugees.

108. One speaker pointed out the lack of a comprehensive international instrument addressing the rights and obligations of states with regard to migration matters. It should be recognized that the right to migrate required the consent of the state of destination. Migration policies must include principles both for the receiving country and for the migrants themselves, as part of a two-way process. New legislation should also be developed through bilateral agreements to strengthen ties between migrant workers and their home country and protect their rights and their cultural identity.

109. The need for adequate national legislation was also underlined, particularly in the area of readmission for rejected asylum-seekers and for migrants in an irregular situation. Better coordination was required, within a given country, between the national services applying the migration laws.

110. The impact of economic globalization on migration was mentioned by a great number of speakers. Migration processes had not kept pace with the growth of trade, services and capital flows. Restrictive migration policies had discouraged cross-border movement of people, creating economic asymmetries between countries. It was therefore essential that economic globalization should be accompanied by an orderly migration system.

111. The links between migration and human rights were given special emphasis by the presence of guest speaker Ms G. Rodriguez, United Nations Special Rapporteur on the Rights of Migrants, who addressed the Council. She commended IOM on the work which it had accomplished to ensure orderly and humane migration throughout the world. She also thanked IOM for its support to her in her mission. Her tasks included: the examination of ways and means of overcoming obstacles to full and effective protection of the human rights of all migrants; the review of existing bilateral and regional agreements, particularly concerning the return and reinsertion of undocumented migrants or migrants in an irregular situation; and the establishment of criteria, strategies and recommendations for the promotion and application of policies for the protection of migrants' rights. If such objectives were to be achieved, relevant information was required from Member States, civil society, social and international organizations and the migrants themselves, concerning violations of migrants' rights. Special attention would be given to the situation of women migrants and unaccompanied minors, smuggling and trafficking of persons, xenophobic attacks by extremist groups, arbitrary detention, ill treatment and exploitation.

112. The regularization of migrants' situations, the creation of a framework for migration management and for the protection of migrants' rights, and the prevention of trafficking and smuggling in human beings were among the main challenges of the time. Countries of origin, transit and destination all had a duty to take vigorous measures to combat trafficking and impose severe sanctions against traffickers, including irregular migration prevention measures. IOM's counter-trafficking programmes were of particular relevance in that area. A framework was required to manage migration and to prevent irregular migration, starting with the countries of origin, where corruption and discrimination often led to violations of human rights, forcing nationals to leave their country. Effective integration and insertion measures and proper documentation of state nationals were required.

113. The protection of the human rights of migrants should not be dealt with in isolation but be directly linked to migration management and should also cover areas such as the return of undocumented migrants, the situation of unaccompanied minors and women migrants and the protection of asylum seekers. It should also be set clearly within the framework of the relevant international instruments. She appealed to Member States to ratify the International Convention against Organized Transnational Crime and its two protocols and the International Convention on the Protection of All Migrant Workers and Members of Their Families. IOM should give priority to orderly and humane migration closely linked to the protection of migrants and their rights within an appropriate migration management framework.

114. A message from Pope John Paul II to the Director General of IOM was read out, welcoming IOM's broadening commitment to the solution of migration challenges, commending its involvement in work to combat trafficking in human beings and encouraging international cooperation to eradicate discrimination and unequal treatment of migrants.

115. Many delegates deplored the existence of trafficking and smuggling in human beings. One speaker emphasized the need to identify the root causes of the phenomenon such as poverty and social instability. There were too few opportunities for orderly migration of individuals from high population-density countries where employment and development levels were low. That factor, combined with the constant need of some of the developed countries to renew their labour force, tempted workers from developing countries to use illegal migration channels. Consolidated

institutional arrangements could achieve a better balance between countries of origin and destination. Several speakers laid special emphasis on the protection of women and children who were particularly vulnerable to trafficking and abuse. The displacement of minors also created serious problems of instability and stress, with the accompanying threat of the children being forced into clandestinity.

116. Some delegates expressed concern that developing countries, previously countries of origin, were now also becoming countries of destination, mostly as a result of natural disasters, conflicts or economic difficulties in surrounding areas. Many of those countries had difficulty in accepting large numbers of migrants, often in an irregular situation, which could give rise to resentment and xenophobia. It was therefore important to take into account the capacities and needs of the host countries. Delegates from both developed and developing countries stressed the need to develop common migration policies in order to reduce irregular migration and non-declared work.

117. Stressing the positive aspects of migration, several speakers drew attention to the need to channel migration towards the development of the countries of origin and reverse the negative impact of brain drain from developing to developed countries. Migrants not only provided labour in the production system of the host country, but also contributed financially to their country of origin. Their remittances constituted a major source of income in their home countries. It was suggested that IOM should expand its technical cooperation programmes so as to improve management of migration flows and achieve more orderly labour migration. Return programmes, such as the RQAN programme, were also of considerable importance to the development of the countries of origin. Several speakers welcomed the establishment of the Migration Policy and Research Programme (MPRP) which would prove valuable in identifying best practices and providing a framework for their application.

118. It emerged from the debate that IOM might usefully focus on a number of topics: the need to combat irregular migration and particularly the trafficking of women and children; the need to channel migration to the benefit of the development of countries of origin and reverse the negative effect of the brain drain; the need for new attitudes towards migrants and migration which recognized the positive contribution of migrants to society and worked towards the elimination of xenophobia and racism, the need to ensure the protection of the rights of all migrants including migrant workers, as well as refugees and asylum seekers; and the need for more understanding and cooperative action with partner organizations and institutions and between states in addressing migration challenges.

119. At its 439th meeting the Council adopted Resolution No. 1055 (LXXXII) on the role of the Council as a forum for migration policy dialogue.

DRAFT REPORTS ON THE EIGHTIETH SESSION AND THE EIGHTY-FIRST (SPECIAL) SESSION OF THE COUNCIL

120. As there had been no proposal to amend the draft reports on its Eightieth Session (MC/2021) and its Eighty-first (Special) Session (MC/2033) the Council, at its 439th meeting, adopted Resolution No. 1056 (LXXXII) approving those reports.

REPORT ON THE NINETY-EIGHTH SESSION OF THE EXECUTIVE COMMITTEE

121. By Resolution No. 1057 (LXXXII) adopted at the 439th meeting, the Council took note with appreciation of the report of the Executive Committee (MC/2043) and the Report of the Director General on the work of the Organization for the year 2000 (MC/2042 and MC/2042/Corr.1-English only), and approved the Financial Report for the year ended 31 December 2000 (MC/2041).

SUMMARY UPDATE ON THE PROGRAMME AND BUDGET FOR 2001

122. The Council heard the report by the Rapporteur of the Subcommittee on Budget and Finance on the relevant discussions of the Subcommittee and examined the Summary Update on the Programme and Budget for 2001 (MC/2048).

123. At its 439th meeting the Council took note of the Summary Update for the Programme and Budget for 2001 (MC/2048).

PROGRAMME AND BUDGET FOR 2002

124. The Council examined the Programme and Budget for 2002 (MC/2049) at its 439th meeting, after the Rapporteur of the Subcommittee on Budget and Finance had given a summary of the Subcommittee's discussions and recommendations. A separate document "Migration Initiatives 2002" (MC/INF/246) contained project proposals which did not have sufficient funding but were of priority interest to Member States.

125. One delegate, representing a regional group reiterated the concern that had been expressed previously at the reduction in staff positions in the Missions with Regional Functions in his region, at a time when migratory flows and their related problems were increasing.

126. Another delegate stressed that the Organization should be given the necessary capacities to accomplish its mandate in the field and at headquarters. The Executive Committee and the Subcommittee on Budget and Finance had made considerable efforts to establish the new scale of assessed contributions and to decide upon the use of the surplus from contributions from new Members in the Administrative Part of the Budget for 2001. The establishment of the level of the Operational Part of the Budget for 2002, now before the Council, should be based on a common view of the issues at stake and the migration challenges facing IOM.

127. He expressed concern over the substantial adjustments to the Operational Part of the Budget in the course of the year. In 2001 that part of the budget had risen from USD 303 million to USD 358 million, partly due to the implementation of two compensation programmes managed by IOM. Furthermore, the uneven development of the Organization's service sectors was a cause for concern. The distinction between the Administrative and Operational Parts of the Budget should be maintained, with full transparency in the financing, programming and accounting mechanisms. The Administration was to be commended on its efforts in the field of human resources: the

increase in the number of international and national staff members in IOM made it all the more essential to respect the principles of transparency and equity. The level of arrears in payment of assessed contributions was of serious concern, as it now amounted to over 10 per cent of the Administrative Part of the Budget for 2001. Member States should be urged to strengthen IOM's capacities by payment of arrears. IOM could only fulfil its mandate if the Administration and the Member States continued to take their full share of responsibility, in complete transparency.

128. Another speaker stressed the need for more funds for the integration of gender considerations into all IOM's activities. He also considered that IOM should refrain from expanding its activities towards areas not firmly set within its core functions without prior dialogue with Member States.

129. At its 439th meeting the Council took note of document MC/INF/246 "Migration Initiatives 2002" and adopted Resolution No. 1058 (LXXXII) approving the Programme and Budget for 2002.

OTHER ITEMS ARISING FROM THE REPORT OF THE SUBCOMMITTEE ON BUDGET AND FINANCE

130. Concerning the use of additional assessed contributions from new Member States in 2001, the Rapporteur of the Subcommittee on Budget and Finance said that the Subcommittee had: recalled that any decision on the use of surpluses was of the exclusive competence of the Member States; stressed the extraordinary circumstances which had led to those additional contributions and the subsequent specific nature of the decision that would be taken in that regard, which should not constitute a precedent; noted the administrative nature of the additional amount of resources and stressed the formal distinction to be maintained between the Administrative and the Operational Parts of the Budget; recalled the decision adopted by the Council, through Resolution No. 1035 (LXXX) of November 2000 concerning the level of the Administrative Part of the Budget for 2001 and 2002; welcomed the proposal put forward by the Administration in document MC/2051, as modified by document MC/2051/Add.1, option 1, and recommended that it be approved by the Council; further recommended that the Director General be requested by the Council to implement it in the course of 2002 and to submit a report on its implementation at the 2003 Spring sessions of the IOM governing bodies; also recommended that the balance of those additional assessed contributions in excess of CHF 1 million be placed at the disposal of Member States for possible reimbursement; and invited the Administration to review the matter of a systemic solution for the use of surplus in the Administrative Part of the Budget and to submit a report to the Subcommittee on Budget and Finance at its next session.

131. At its 439th meeting, the Council endorsed the conclusions and recommendations of the Subcommittee on Budget and Finance concerning the use of additional assessed contributions from new Member States in 2001.

132. Regarding the question of outstanding assessed contributions to the Administrative Part of the Budget which totalled some CHF 4.23 million, the Subcommittee on Budget and Finance had noted with appreciation the efforts made by some Member States to pay their outstanding

contributions; had taken note of the current situation with serious concern and urged all Member States in arrears to make every effort to pay their outstanding contributions as soon as possible; had urged Member States whose contributions had been outstanding for two or more consecutive years to pay their contributions in full, or to agree to a repayment plan with the Administration and make payment of a first instalment as soon as possible. One delegation announced that its Government would begin to carry out a payment plan.

133. The Council endorsed the conclusions and recommendations of the Subcommittee on Budget and Finance concerning the outstanding contributions to the Administrative Part of the Budget.

134. After hearing a summary by the Rapporteur of the Subcommittee on Budget and Finance of the Subcommittee's discussion on the Report on Human Resources (MC/INF/247) and on the statement by the Chairperson of the Staff Association, the Council took note of the Report on Human Resources (MC/INF/247) and invited the Administration to continue to update the information on human resources and to keep the governing bodies of IOM informed on a regular basis, taking into account the relevant comments made by Member States and the statement by the Chairperson of the Staff Association.

135. Regarding the question of office space, the Council noted the current problems and various options which had been discussed with the Swiss authorities and reviewed by the Subcommittee on Budget and Finance and endorsed the Subcommittee's view that more detailed information should be provided before further discussion at governing body sessions.

ELECTION OF THE EXECUTIVE COMMITTEE

136. By Resolution No. 1059 (LXXXII), adopted at its 439th meeting, the Council decided that, from the date of the resolution until its regular session in 2003, the Executive Committee should be composed of the following 16 Member States: Belgium, Canada, Colombia, Costa Rica, Croatia, Germany, Honduras, Italy, Japan, Norway, Paraguay, Peru, Thailand, Tunisia, United States of America and Yemen.

ANY OTHER BUSINESS

137. There was no other business.

DATE AND PLACE OF THE NEXT SESSION

138. By Resolution No. 1060 (LXXXII), adopted at its 439th meeting, the Council decided to hold the next regular session of the Council from 2 to 4 December 2002 and invited the Executive Committee to hold its Ninety-ninth Session on 4 and 5 June 2002 in the Palais des Nations, Geneva. The Eighty-seventh Session of the Subcommittee on Budget and Finance was scheduled

to be held on 7 and 8 May 2002 and the Eighty-eighth Session on 5 and 6 November 2002 at the Palais des Nations, Geneva.

Addendum

MEETING OF THE NEWLY-ELECTED EXECUTIVE COMMITTEE

139. The Executive Committee, which the Council had elected by Resolution No. 1059 (LXXXII) at its 439th meeting, convened briefly on 29 November 2001 to elect its officers.

140. The meeting was attended by representatives of Belgium, Canada, Colombia, Costa Rica, Croatia, Germany, Honduras, Italy, Japan, Norway, Paraguay, Peru, Thailand, Tunisia, United States of America and Yemen, members of the Executive Committee.

141. The Executive Committee elected Mr. F. Barreiro Perrotta (Paraguay) Chairman and Ms. S.I. Ammar (Tunisia) Vice-Chairwoman.