



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

COUNCIL

CONSEIL

CONSEJO

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)".