

2nd Edition

Constitution and Basic Texts



International Organization for Migration (IOM)

The UN Migration Agency

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Constitution



CONSTITUTION¹

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,

1 The present text incorporates into the Constitution of 19 October 1953 of the Intergovernmental Committee for European Migration (former designation of the Organization), which entered into force on 30 November 1954, the amendments adopted on 20 May 1987 by the 55th Session of the Council (Resolution no. 724), which entered into force on 14 November 1989, and the amendments adopted on 24 November 1998 by the 76th Session of the Council (Resolution No. 997), which entered into force on 21 November 2013.

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 cooperation 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 cooperation and other international activities for migration the needs of developing countries should be taken into account,

that there is a need to promote the cooperation 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 cooperation and coordination 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 cooperation 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 cooperation and coordination 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 cooperate closely with international organizations, governmental and non-governmental, concerned with migration, refugees and human resources in order, inter alia, to facilitate the coordination of international activities in these fields. Such cooperation 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 29²

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.

Article 30²

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.

2 Articles 29 and 30 were implemented upon the entry into force on 30 November 1954 of the Constitution of 19 October 1953 (at that time Articles 33 and 34) of the Intergovernmental Committee for European Migration (former designation of the Organization).

Rules of Procedure of the Council



RULES OF PROCEDURE OF THE COUNCIL³

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.

³ As adopted by the Council at its First Session in accordance with Resolution No. 78, amended by Resolution No. 772 (effective 28 November 1989), and last amended by Resolution no. 1263 (effective 26 November 2013).

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 15 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 – SUBCOMMITTEES

Rule 17

The Council may set up such subcommittees 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 subcommittees 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 subcommittees. 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 subcommittees. 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 subcommittees; 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 subcommittees 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 subcommittees 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 24 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 subcommittee shall have one vote.

Rule 38

1. Decisions of the Council and of all subcommittees 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 subcommittees, 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. If 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.

**Terms of Reference
of the Standing
Committee on
Programmes and
Finance**



TERMS OF REFERENCE OF THE STANDING COMMITTEE ON PROGRAMMES AND FINANCE⁴

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;

⁴ As adopted by the Council at its 93rd Session in accordance with Resolution No. 1151 (7 June 2007), amended by Resolution No. 1263 adopted by the 103rd Session of the Council on 26 November 2013.

- (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.

**Rules of Procedure
for the Standing
Committee on
Programmes and
Finance**



RULES OF PROCEDURE FOR THE STANDING COMMITTEE ON PROGRAMMES AND FINANCE⁵

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.

⁵ As adopted by the Council at its 94th Session in accordance with Resolution No. 1160 (30 November 2007), amended by Resolution No. 1263 adopted by the 103rd Session of the Council on 26 November 2013.

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 – SUBCOMMITTEES

Rule 11

The Standing Committee may set up such subcommittees 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 of 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 of 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 of 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.

**Agreement concerning
the Relationship
between the International
Organization for Migration
and the United Nations**



AGREEMENT CONCERNING THE RELATIONSHIP BETWEEN THE INTERNATIONAL ORGANIZATION FOR MIGRATION AND THE UNITED NATIONS

The International Organization for Migration and the United Nations,

Bearing in mind the relevant provisions of the Charter of the United Nations and of the Constitution of the International Organization for Migration,

Recognizing the need to take into account migration and human mobility in the activities of the two Organizations and for close cooperation among all relevant organizations to strengthen their efforts in coordinating their respective activities related to migration and human mobility,

Recalling General Assembly resolution 47/4 of 16 October 1992 inviting the International Organization for Migration to participate in the sessions and the work of the General Assembly in the capacity of observer,

Recalling also the Cooperation Agreement between the United Nations and the International Organization for Migration of 25 June 1996,

Recalling further General Assembly resolution 51/148 of 13 December 1996 on the cooperation

between the United Nations and the International Organization for Migration,

Recalling the Memorandum of Understanding between the United Nations and the International Organization for Migration regarding a Global Safety and Security Management Partnership of 25 June 2013,

Desiring to establish a mutually beneficial relationship whereby the discharge of respective responsibilities of the United Nations and the International Organization for Migration may be facilitated,

Taking note of the International Organization for Migration Council Resolution No. 1309 of 24 November 2015, which, inter alia, requested the Director General of the International Organization for Migration to develop with the United Nations a way in which the legal basis of the relationship between the International Organization for Migration and the United Nations could be improved,

Taking note of General Assembly resolution 70/263 of 27 April 2016 which, inter alia, recognized the need to establish a closer relationship between the United Nations and the International Organization for Migration and invited the Secretary-General to take steps to conclude an agreement concerning the relationship between the United Nations and the International Organization for Migration and to submit the negotiated draft agreement to the General Assembly for approval,

Have agreed as follows:

Article 1

Purpose of the Agreement

The present Agreement defines the terms on which the United Nations and the International Organization for Migration shall be brought into relationship with each other in order to strengthen their cooperation and enhance their ability to fulfil their respective mandates in the interest of migrants and their Member States.

Article 2

Principles

1. The United Nations recognizes the International Organization for Migration as an organization with a global leading role in the field of migration. The United Nations recognizes that the Member States of the International Organization for Migration regard it, as per the International Organization for Migration Council Resolution No. 1309, as the global lead agency on migration. The foregoing shall be without prejudice to the mandates and activities of the United Nations, its Offices, Funds and Programmes in the field of migration.
2. The United Nations recognizes the International Organization for Migration as an essential contributor in the field of human mobility, in the protection of migrants, in operational activities

related to migrants, displaced people and migration-affected communities, including in the areas of resettlement and returns, and in mainstreaming migration in development plans.

3. The United Nations recognizes that the International Organization for Migration, by virtue of its Constitution, shall function as an independent, autonomous and non-normative international organization in the working relationship with the United Nations established by this Agreement, noting its essential elements and attributes defined by the Council of the International Organization for Migration as per its Council Resolution No. 1309.
4. The International Organization for Migration recognizes the responsibilities of the United Nations under its Charter and the mandates and responsibilities of other United Nations organizations and subsidiary organs and agencies, including in the field of migration.
5. The International Organization for Migration undertakes to conduct its activities in accordance with the Purposes and Principles of the Charter of the United Nations and with due regard to the policies of the United Nations furthering those Purposes and Principles and to other relevant instruments in the international migration, refugee and human rights fields.

6. The United Nations and the International Organization for Migration will cooperate and conduct their activities without prejudice to the rights and responsibilities of one another under their respective constituent instruments.

Article 3

Cooperation and coordination

1. The United Nations and the International Organization for Migration, recognizing the need to work jointly to achieve mutual objectives, and with a view to facilitating the effective exercise of their responsibilities, agree to cooperate closely within their respective mandates and to consult on matters of mutual interest and concern. To that end, the United Nations and the International Organization for Migration shall cooperate with each other in accordance with the provisions of their respective constituent instruments.
2. The International Organization for Migration agrees to participate in, and to cooperate with, any body or bodies that have been established or may be established by the United Nations for the purpose of facilitating such cooperation and coordination at the global, regional or country level, in particular through membership in:
 - (a) The United Nations System Chief Executives Board for Coordination and its subsidiary

bodies (the High-level Committee on Programmes, the High-level Committee on Management (including the Inter-Agency Security Management Network), and the United Nations Development Group and its regional and country teams);

- (b) The Inter-Agency Standing Committee;
- (c) The Executive Committee on Humanitarian Affairs;
- (d) The Global Migration Group;
- (e) Country-level security management teams.

The International Organization for Migration agrees to participate in such bodies in accordance with their established rules of procedures and to contribute to their cost-shared budgets, as per established cost-sharing arrangements.

3. The International Organization for Migration may also consult with appropriate bodies established by the United Nations on matters within their competence and on which the International Organization for Migration requires expert advice. The United Nations, on its part, agrees to take such action as may be necessary to facilitate such consultation.

4. The United Nations bodies referred to above may also consult with the International Organization for Migration on all matters within its competence and on which they require expert advice. The International Organization for Migration, on its part, agrees to take such action as may be necessary to facilitate such consultation.
5. The United Nations and the International Organization for Migration, within their respective competencies and in accordance with the provisions of their respective constituent instruments, shall cooperate by providing each other, upon request, with such information and assistance as either organization may require in the exercise of its responsibilities.
6. The United Nations and the International Organization for Migration recognize the desirability of cooperation in the statistical field within the framework of their respective mandates.
7. The United Nations and the International Organization for Migration recognize the necessity of achieving, where applicable, effective coordination of the activities and services of the United Nations and the International Organization for Migration with a view to avoiding duplication of their activities and services.

Article 4

Reports to the United Nations

The International Organization for Migration may, if it decides it to be appropriate, submit reports on its activities to the General Assembly through the Secretary-General.

Article 5

Reciprocal representation

1. The Secretary-General of the United Nations shall be entitled to attend and to participate in relation to matters of common interest, without vote and in accordance with the relevant rules of procedure, in sessions of the Council of the International Organization for Migration. The Secretary-General shall also be invited, as appropriate, to attend and participate without vote in such other meetings as the International Organization for Migration may convene at which matters of interest to the United Nations are under consideration. The Secretary-General may, for the purposes of this paragraph, designate any person as his or her representative.

2. The Director General of the International Organization for Migration shall be entitled to attend plenary meetings of the General Assembly of the United Nations for the purposes of consultations. The Director General shall be entitled to attend and participate without vote in meetings

of the Committees of the General Assembly and meetings of the Economic and Social Council, and, as appropriate and in accordance with the relevant rules of procedure, meetings of subsidiary organs of the Assembly and the Council. The Director General may, at the invitation of the Security Council, attend its meetings to supply it with information or give it other assistance with regard to matters within the competence of the International Organization for Migration. The Director General may, for the purposes of this paragraph, designate any person as his or her representative.

3. Written statements presented by the United Nations to the International Organization for Migration for distribution shall be distributed by the Administration of the International Organization for Migration to all members of the appropriate organ or organs of the International Organization for Migration. Written statements presented by the International Organization for Migration to the United Nations for distribution shall be distributed by the Secretariat of the United Nations to all members of the appropriate organ or organs of the United Nations.

Article 6

Proposal of agenda items

1. The Secretary-General of the United Nations may propose agenda items for consideration by the International Organization for Migration. In such cases, the United Nations shall notify the Director General of the agenda item or items concerned, and the Director General shall, in accordance with his or her authority and the relevant rules of procedure, bring any such agenda item or items to the attention of the appropriate governing body of the International Organization for Migration.

2. The Director General of the International Organization for Migration may propose agenda items for consideration by the United Nations. In such cases, the International Organization for Migration shall notify the Secretary-General of the agenda item or items concerned, and the Secretary-General shall, in accordance with his or her authority and the relevant rules of procedure, bring any such item or items to the attention of the relevant principal organ of the United Nations or such other organ or organs of the United Nations as may be appropriate.

Article 7

Exchange of information and documents

1. The United Nations and the International Organization for Migration shall arrange for the exchange of information, publications and documents of mutual interest.
2. The International Organization for Migration shall, to the extent practicable, furnish the United Nations, upon its request, with special studies or information relating to matters within the competence of the United Nations.
3. The United Nations shall likewise, to the extent practicable, furnish the International Organization for Migration, upon its request, with special studies or information relating to matters within the competence of the International Organization for Migration.
4. The United Nations and the International Organization for Migration shall make every effort to achieve maximum cooperation with a view to avoiding duplication in the collection, analysis, publication and dissemination of information related to matters of mutual interest. They shall strive, where appropriate, to combine their efforts to secure the greatest possible usefulness and utilization of such information.

Article 8

Administrative cooperation

The United Nations and the International Organization for Migration shall consult, whenever required, concerning the most efficient use of facilities, staff and services with a view to avoiding the establishment and operation of overlapping facilities and services. They shall also consult to explore the possibility of establishing common facilities or services in specific areas, with due regard to cost savings.

Article 9

Cooperation between the secretariats

The Secretariat of the United Nations and the Administration of the International Organization for Migration shall maintain a close working relationship in accordance with such arrangements as may be agreed upon from time to time between the Secretary-General of the United Nations and the Director General of the International Organization for Migration. Similar close working relationships between the secretariats of the other organizations within the United Nations system shall also be maintained in accordance with arrangements between the International Organization for Migration and the organizations concerned.

Article 10

Personnel arrangements

The United Nations and the International Organization for Migration agree to consult whenever necessary concerning matters of common interest relating to the terms and conditions of employment of staff as well as to cooperate regarding the exchange of personnel based on conditions contained in supplementary arrangements concluded pursuant to Article 14 of this Agreement.

Article 11

United Nations laissez-passer

Members of the staff of the International Organization for Migration shall be entitled, in accordance with such administrative arrangements as may be concluded between the Secretary-General of the United Nations and the Director General of the International Organization for Migration, to use the laissez-passer of the United Nations as a valid travel document where such use is recognized by States in agreements defining the privileges and immunities of the International Organization for Migration.

Article 12

Expenses

Expenses resulting from any cooperation or provision of services pursuant to this Agreement shall be subject to separate arrangements between the United Nations and the International Organization for Migration.

Article 13

Protection of confidentiality

1. Nothing in this Agreement shall be so construed as to require either the United Nations or the International Organization for Migration to furnish any material, data and information the disclosure of which could, in its judgement, violate its obligation under its constituent instrument or policies on confidentiality to protect such material, data and information.
2. In case confidential material, data or information is provided, the United Nations and the International Organization for Migration shall ensure the appropriate protection of such material, data and information, in accordance with their constituent instruments and policies on confidentiality or in accordance with such supplementary arrangements as may be concluded between them for this purpose in accordance with Article 14 of this Agreement.

Article 14

Supplementary arrangements for the implementation of the present Agreement

The Secretary-General of the United Nations and the Director General of the International Organization for Migration may, for the purpose of implementing the present Agreement, make such supplementary arrangements as may be found appropriate.

Article 15

Amendments

The present Agreement may be amended by agreement between the United Nations and the International Organization for Migration. Any such amendment shall be approved by the General Assembly of the United Nations and by the Council of the International Organization for Migration. The United Nations and the International Organization for Migration shall notify each other in writing of the date of such approval, and the Agreement shall enter into force on the date of the later of the said approvals.

Article 16

Entry into force

1. The present Agreement shall be approved by the General Assembly of the United Nations and by the Council of the International Organization for Migration. The United Nations and the International

Organization for Migration shall notify each other in writing of the date of such approval. The Agreement shall thereafter enter into force upon signature.

2. Upon its entry into force, this Agreement supersedes and replaces the Cooperation Agreement between the United Nations and the International Organization for Migration of 25 June 1996.

In witness thereof, the undersigned have signed the present Agreement.

Signed this 19th day of September 2016 at New York in two originals in the English language.

For the
International
Organization for
Migration:

(Signed)
William Lacy Swing
Director General

For the
United Nations:

(Signed)
Ban Ki-moon
Secretary-General

2nd Edition

Constitution and Basic Texts



International Organization for Migration (IOM)

The UN Migration Agency