

# Constitution





# CONSTITUTION<sup>1</sup>

## 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 29<sup>2</sup>***

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 30<sup>2</sup>***

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).

