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

**INFORMAL CONSULTATIONS  
ON SCPF MATTERS**

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**POTENTIAL DISCUSSION TOPICS FOR THE TWELFTH AND THIRTEENTH  
SESSIONS OF THE STANDING COMMITTEE ON PROGRAMMES AND FINANCE**

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## **POTENTIAL DISCUSSION TOPICS FOR THE TWELFTH AND THIRTEENTH SESSIONS OF THE STANDING COMMITTEE ON PROGRAMMES AND FINANCE**

### **Introduction**

1. The purpose of this paper is to help Member States select topics on which to exchange views at the Twelfth and Thirteenth Sessions of the Standing Committee on Programmes and Finance (SCPF) on 13 and 14 May and 29 and 30 October 2013, respectively. The paper builds on documents IC/2012/1, IC/2011/4, IC/2011/1, IC/2010/6 and IC/2010/2, which contain the relevant background information and present the potential discussion topics for the most recent sessions of the SCPF. It should also be read in conjunction with document MC/2354, the report on the Eleventh Session of the SCPF. This paper contains topics previously suggested by the membership which have not yet been discussed and describes new topics for discussion proposed by the Administration.
2. The Administration is aware that the membership wishes to be updated on the impact of the structural reform and considers that it would be preferable for this to be discussed at the first session of the SCPF held in 2014.

### **Background**

3. The IOM Strategy adopted in June 2007 reflected, inter alia, the wish of Member States that a space be created where they could examine and review policy, programme, administrative and financial issues holistically, thus filling a gap in the previous governing body structure. The Standing Committee was established as a result (see MC/INF/287 for further details). The Member States subsequently decided to introduce a regular item on the SCPF agenda entitled "Exchange of views on items proposed by the membership" and agreed that the items for discussion would be decided in advance through the informal consultation process. Recent SCPF practice has been to select two topics for discussion at each session, although there have been occasions when only one topic has been selected.
4. For an overview of all proposed and discussed topics please see the annex.
5. The Administration suggests that, as was the case last year, Member States choose at the informal consultations topics for the two sessions of the SCPF in 2013. As in the past, and based on its analysis of current developments and ongoing dialogue with a range of stakeholders, the Administration proposes that the topics to be discussed at the Twelfth and Thirteenth Sessions of the SCPF be chosen from those suggested below.

### **Suggested topics for the Twelfth Session of the SCPF (May 2013)**

#### **(a) Update on preparations for the High-level Dialogue and an examination of IOM activities and possible 'high road scenarios' on the four round-table themes**

6. In December 2012, the United Nations General Assembly decided that the High-level Dialogue on International Migration and Development to be held on 3 and 4 October 2013 will consist of round tables on the following four themes:

- (i) Assessing the effects of international migration on sustainable development and identifying relevant priorities in view of the preparations of the post-2015 development framework;
- (ii) Measures to ensure respect for and protection of the human rights of all migrants, with particular reference to women and children, to prevent and combat the smuggling of migrants and trafficking in persons, and to ensure orderly, regular and safe migration;
- (iii) Strengthening partnerships and cooperation on international migration and mechanisms to effectively integrate migration into development policies and promoting coherence at all levels;
- (iv) International and regional labour mobility and its impact on development.

7. At the 101st Session of the Council, the membership adopted Resolution No. 1244 of 27 November 2012, in which it resolved to: “Request the Director General to keep Member States fully informed of preparations for the High-level Dialogue in 2013 in order to assist them in preparing for this event”. To fulfil this request, IOM could use the opportunity of the SCPF to provide an update on the preparations, an overview of related IOM activities, experiences and policies globally, and advice on the possible ‘high road scenarios’, under each of these four themes.

#### **(b) IOM’s work on and with the diaspora**

8. In 2012, the SCPF chose to discuss topics relevant to the theme chosen for the International Dialogue on Migration (IDM). This enabled the membership to look at IOM’s experience and activities in the SCPF, and at what States are doing and thinking in relation to the same topic in the IDM, thus promoting reflection and action on the combination of good policies and practices. The IDM in 2013 will be the Diaspora Ministerial Conference to be held in June at which States will be able to exchange ideas and practices on the four main themes of diasporas and: societies, States, development and crisis. An examination of the topic in the SCPF would enable the membership to learn about IOM’s activities and experience under this broad theme, and to exchange views on the most useful aspects which could be explored as delegations prepare to take part in the Diaspora Ministerial Conference.

#### **(c) International migration law and IOM**

9. Although there is no comprehensive international legal instrument establishing a framework for the governance of migration, a set of legal rules constrain, regulate and channel State authority over migration. Such rules – which have been created through State-to-State relations, negotiations and practice – are enshrined in multilateral and bilateral treaties and non-binding instruments or have become part of customary international law and, as such, constitute the legal framework for cooperative migration management. Recognition of the human rights of migrants and the need to promote and protect these rights in the exercise of State sovereignty has been present in IOM’s constituent documents since the Organization’s foundation. The IOM Constitution and certain Council decisions provide the

basis for IOM's involvement in promoting international migration law as part of its comprehensive migration management frameworks. These documents also provide the basis for IOM's protection role that supports and supplements the activities of States in the application of their duty to protect. Given this background, State and other actors are increasingly seeking IOM's advice on international migration law matters. Similarly, the SCPF could reflect on IOM's greater and dynamic role in fulfilling its prime objective "to enhance the humane and orderly management of migration and the effective respect for the human rights of migrants in accordance with international law" through its conceptual work and action (see Council Resolution No. 1150 of 7 June 2007, Annex: IOM Strategy document, Part I: Strategy, Activity No. 2; see also IC/2004/3, MC/INF/298 and IC/2007/3).

**(d) Privileges and immunities of IOM**

10. Article 28 of the IOM Constitution provides that the Organization shall enjoy such privileges and immunities as are necessary for the exercise of its functions and that they shall be defined in agreements between IOM and the States concerned. Not being part of the United Nations (UN) or a specialized agency, IOM does not benefit from the multilateral Convention on the Privileges and Immunities of the United Nations (1946) or the Convention on the Privileges and Immunities of the Specialized Agencies (1947). IOM has to negotiate and conclude agreements on the privileges and immunities it enjoys with each State individually, resulting in many cases where IOM has no or insufficient privileges and immunities.

11. The most prominent impact of the lack of such privileges and immunities is the difficulty encountered by the Organization when conducting basic legal activities such as concluding contracts, opening bank accounts, hiring staff and renting office space because of a lack of legal status in the State concerned. It also undermines IOM's ability to implement Council decisions to offer equal employment conditions to staff globally, and make it subject to local labour laws and courts. Second, the Organization's lack of immunity prevents it from being able to protect its property and assets, which in essence belong to all IOM Member States jointly, from seizure or violation under the jurisdiction of one Member State. Third, the lack of functional immunity of its staff not only restricts IOM's independent functioning, but also greatly limits the Organization's ability to intervene effectively to protect its staff in cases of harassment or detention by local authorities. Fourth, the lack of exemption from taxation for staff in respect of their IOM salaries and emoluments has direct and substantial cost implications for IOM. In terms of its Staff Regulations, IOM's salary scales are the same as those of the UN. These are calculated on a tax exemption basis, with the consequence that organizations are obliged to refund staff national taxes that are levied on their salaries and emoluments. The rationale for tax exemptions for organizations and their staff is to ensure that contributions by Member States to the organizations are not diverted into the treasuries of other Member States that host the organizations through national taxation. In the case of IOM, this has a direct impact on the Administrative Part of the Budget, Operational Support Income and project costs, depending from where the specific salaries and emoluments are paid.

12. This topic has been proposed for discussion to heighten the membership's awareness and understanding of the importance of the issue and of possible measures to address it.

## **Suggested topics for the Thirteenth Session of the SCPF (October 2013)**

### **(e) Review of the IOM Strategy**

13. The IOM Strategy was approved by the IOM Council in 2007 as Part I of the annex to Resolution No. 1150 of 7 June 2007. This important document was examined in conjunction with the Constitution and other Council resolutions that served as a legal framework for IOM action and covered activities that were not mentioned in the Strategy. The activities covered in the Strategy fell under three areas: service and assistance (providing migration services and assistance to Member States, migrants and affected communities); capacity-building (delivering technical assistance and know-how and developing capacity for migration management); and knowledge development (raising awareness of migration and related issues through policy-oriented research and various forms of inter-State and multi-stakeholder dialogue). By virtue of the fifth paragraph of Resolution No. 1150, Member States resolved to review the Strategy three years after its approval.

14. In 2010, the IOM Strategy was reviewed and the SCPF engaged in an exhaustive discussion of document MC/INF/302 (Review of the IOM Strategy). This document recalled that the Strategy listed 12 areas of activity on which IOM should focus in fulfilling its role as a global leader in migration management. In particular, the Strategy described IOM's priorities in each area of activity, the partnerships it forged with other organizations in order to achieve its goals and the challenges encountered in pursuing some of its activities. The Council adopted Resolution No. 1204 of 1 December 2010 on the review of the IOM Strategy, which stipulated, among other points, that the Strategy should be reviewed again in three years, on the basis of a background document to be prepared by the Administration in consultation with Member States.

15. The Administration proposes, in line with the decision of the membership in 2010, to include a review of the Strategy as one of the topics to be discussed during the October session of the SCPF, in preparation for consideration by the Council.

### **(f) Relationship with the United Nations**

16. The last time the membership had a dedicated discussion to this topic was in 2011, on the basis of document SCPF/62. At the Council session in November 2012, the Director General made an offer to the membership of a renewed discussion on the subject, on the basis of an updated paper. A number of delegations welcomed and accepted this offer as being timely and appropriate. The fact that the October SCPF session will be held after the second High-level Dialogue on International Migration and Development will enable the membership to reflect on what impact, if any, the High-level Dialogue discussions and outcomes have on IOM's relationship with the UN, and the SCPF discussion can serve as preparation for Council deliberations.

### **(g) Regional consultative processes**

17. Regional consultative processes (RCPs) and interregional forums on migration have emerged in recent decades as mechanisms for inter-State cooperation on migration. Despite

each one of these processes having its own specific focus and priorities, all have the potential to contribute to improved migration governance through collaborative approaches at the regional and, eventually, international level. Recent reflections have considered how discussions under the Global Forum on Migration and Development and in preparation for the second High-level Dialogue on International Migration and Development have had an impact, or could have an impact, on the discourse and actions of RCPs, interregional forums and their member states, and the extent to which these processes are spurring greater coherence in migration policymaking regionally.

18. The Administration will update the membership on the latest developments in these processes and in thinking on how they are, and might continue, interacting with key global dialogue processes on migration, particularly in the light of the fourth Global Meeting of RCP Chairs and Secretariats (May 2013) and the High-level Dialogue (October 2013).

**(h) IOM approach to migration, climate change and the environment**

19. Discussions on this topic would continue the exchange with the membership on a complex issue that is gaining increasing policy importance. In particular, such discussions would build on the recommendations made at the 2011 IDM intersessional workshop on “Climate change, environmental degradation and migration”, as well as on the Ninth Session of the SCPF discussion of IOM’s role in the humanitarian response to displacement induced by natural disasters (see SCPF/71). Additionally, it would respond to the concerns that many Member States expressed at the last two sessions of the Council as regards the increasing importance of environmental and climatic factors as migration drivers and the challenges they pose in terms of migration management capacities. IOM activities in this field were previously discussed in governing bodies meetings in 2007 (Ninety-fourth Session of the Council) and 2008 (Third Session of the SCPF).

20. The Administration will highlight how the Organization pursues its three broad objectives in managing environmental migration: (i) to minimize forced, unmanaged migration as much as possible; (ii) where forced migration does occur, to ensure assistance and protection for those affected and to seek durable solutions to their situation; and (iii) to facilitate the role of migration as a climate change adaptation strategy. IOM applies its comprehensive migration management approach to the complex linkages between climate change, the environment and migration.

21. The Administration will also update the membership on the contributions made by IOM and its partners on this topic in a number of key international policy processes, including the United Nations Framework Convention on Climate Change and the Nansen Initiative, and ongoing IOM policy, capacity-building, research and publications initiatives.





Annex

**List of proposed and selected discussion topics for SCPF**

<b>Topics</b>	<b>Session for which topic first proposed</b>	<b>Session at which topic discussed</b>	<b>Background document</b>
Institutional framework to assist and protect migrants caught in crisis situations	11th SCPF October 2012	11th SCPF October 2012	SCPF/87
IOM approach to migration, climate change and the environment	11th SCPF October 2012	Not yet discussed	
Migration consequences of complex crises: Institutional and operational responses	10th SCPF May 2012	10th SCPF May 2012	SCPF/80 + Rev.1
Knowledge management within IOM	10th SCPF May 2012	10th SCPF* May 2012	SCPF/79
Social protection for migrants	10th SCPF May 2012	10th SCPF May 2012	SCPF/78
Privileges and immunities of IOM	10th SCPF May 2012	Not yet discussed	
Migration health and IOM	9th SCPF November 2011	Not yet discussed	
International migration law and IOM	9th SCPF November 2011	Not yet discussed	
Return migration and IOM	9th SCPF November 2011	9th SCPF November 2011	SCPF/72
IOM's role in the humanitarian response to displacement induced by natural disasters	9th SCPF November 2011	9th SCPF November 2011	SCPF/71
Unaccompanied children and IOM's programmatic response	8th SCPF May 2011	Not yet discussed	
Capacity-building in migration management	7th SCPF November 2010	7th SCPF November 2010	SCPF/52
Migration profiles in IOM	7th SCPF November 2010	Not yet discussed	
Update on the implementation of International Public Sector Accounting Standards (IPSAS)	7th SCPF November 2010	11th SCPF* October 2012	SCPF/89
		8th SCPF* May 2011	CRP/32
Management of human resources in IOM	6th SCPF May 2010	6th SCPF May 2010	SCPF/43 + Rev.1

Topics	Session for which topic first proposed	Session at which topic discussed	Background document
Migrant smuggling	6th SCPF May 2010	11th SCPF October 2012	SCPF/86
Measuring programme performance in IOM	6th SCPF May 2010	Not yet discussed	
IOM cooperation with the United Nations system	6th SCPF May 2010	8th SCPF May 2011	SCPF/62
IOM's oversight and evaluation mechanisms (in more depth than discussed at the Fifth Session)	5th SCPF October 2009	8th SCPF May 2011	SCPF/61
Efforts to enhance capacity for border management, including the ability to deal with migrant smuggling	5th SCPF October 2009	5th SCPF October 2009	SCPF/38
IOM's involvement in demobilization, disarmament and reintegration	5th SCPF October 2009	Not yet discussed	
IOM's oversight and evaluation mechanisms	5th SCPF October 2009	5th SCPF October 2009	SCPF/37
IOM's emergency response capacity	4th SCPF May 2009	4th SCPF May 2009	SCPF/29
Trafficking	4th SCPF May 2009	Not yet discussed	
Research	4th SCPF May 2009	Not yet discussed	
Project-based versus programmatic approaches to funding	4th SCPF May 2009	Not yet discussed	
The impact of the financial crisis on international migration	4th SCPF May 2009	4th SCPF May 2009	SCPF/31
IOM's role in supporting regional consultative processes	4th SCPF May 2009	4th SCPF May 2009	SCPF/30
Efforts to enhance capacity for border management	4th SCPF May 2009	5th SCPF October 2009	SCPF/38
Labour mobility	3rd SCPF November 2008	3rd SCPF November 2008	SCPF/20
Migration and environment	3rd SCPF November 2008	3rd SCPF November 2008	SCPF/21
<i>Migration Initiatives: An assessment of 2007 and perspectives for 2008</i>	2nd SCPF May 2008	2nd SCPF May 2008	SCPF/14

Topics	Session for which topic first proposed	Session at which topic discussed	Background document
New security challenges for the staff of international organizations and their ramifications for IOM	2nd SCPF May 2008	Not yet discussed	
Migration and health: IOM's programmes and perspectives	2nd SCPF May 2008	2nd SCPF May 2008	SCPF/12
IOM's response to the needs of stranded migrants	2nd SCPF May 2008	6th SCPF May 2010	SCPF/45 + Rev.1
A walk through the IOM project development process	2nd SCPF May 2008	6th SCPF May 2010	SCPF/44
Regional consultative processes: where they are, where they are heading	2nd SCPF May 2008	4th SCPF May 2009	SCPF/30
Update on the International Partnership on Migration and Development	2nd SCPF May 2008	2nd SCPF May 2008	SCPF/13
Update on IOM's Processes and Resources Integrated Systems Management (PRISM)	2nd SCPF May 2008	3rd SCPF November 2008	SCPF/19
Discretionary Income: Legal basis, trends and oversight on its use	2nd SCPF May 2008	2nd SCPF May 2008	SCPF/15 + Add.1
IOM and "One UN" and IOM's role in the clusters	1st SCPF October 2007	3rd SCPF November 2008	SCPF/18
Global Migration Group, including the International Partnership on Migration and Development	1st SCPF October 2007	1st SCPF October 2007	No document issued – discussion only

\* Although not selected as a discussion topic, a paper on this subject was prepared and presented at the session in question.