

WORKING GROUP ON IOM–UN RELATIONS AND THE IOM STRATEGY

Fourteenth meeting

3 June 2016

**DRAFT RELATIONSHIP AGREEMENT
BETWEEN THE UNITED NATIONS AND IOM**

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Background

1. As requested by the Council in Resolution No. 1309 of 24 November 2015, the Director General has engaged in discussions with the United Nations in developing a proposal for the improved legal arrangements to strengthen the relationship with the United Nations.
2. Based on reports by the Director General, the Working Group has had several discussions affording Member States the opportunity to orient these discussions and to express their views on the progress made in this regard.

Annexes

3. The present document has attached to it a draft Agreement concerning the Relationship between the United Nations and the International Organization for Migration (Annex I). This text attempts to reflect the input given by Member States at the thirteenth meeting of the Working Group and has been drafted in coordination with the United Nations Office of Legal Affairs which has taken it upon itself to coordinate it internally within the United Nations system. Following such coordination, the United Nations proposed some changes that, in the view of the Director General, need further consideration. These changes are reflected in red in Annex I.
4. The present document also has attached to it a draft Council Resolution which will be necessary for the approval of the draft Agreement (Annex II). It is submitted to the Working Group for its consideration.

Annex I

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

The United Nations and the International Organization for Migration,

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 may be facilitated,

Taking note of General Assembly resolution 70/263 of 27 April 2016 and of the International Organization for Migration Council Resolution No. 1309 of 24 November 2015, calling for a relationship agreement between the United Nations and the International Organization for Migration,

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.

Article 2 Principles

1. The United Nations recognizes the International Organization for Migration, in relationship to the United Nations as specified in this Agreement, as ~~the~~ **an** organization with a **crucial** global **leading** role in the field of migration and 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, without prejudice to the rights and responsibilities of the United Nations in this field under its Charter.

2. The United Nations recognizes that the International Organization for Migration, by virtue of its Constitution, shall function as an independent and autonomous international organization in the working relationship with the United Nations established by this Agreement, with full regard to its essential elements and attributes defined by the Council of the International Organization for Migration.

3. The International Organization for Migration recognizes the responsibilities of the United Nations under its Charter and the mandates and responsibilities of other UN organizations and subsidiary organs and agencies under international law.

4. 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 under international law in the international human rights, refugee and migration fields.

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 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); in the Inter-Agency Standing Committee; in the Executive Committee on Humanitarian Affairs; and in country-level security management teams. The International Organization for Migration agrees to contribute to the cost-shared budgets of such bodies, as per established cost-sharing arrangements.

3. Cooperation and coordination of activities between the International Organization for Migration and the United Nations shall also take place through the Global Migration Group, an inter-agency group established by the Secretary-General in 2006, bringing together heads of agencies to promote the wider application of the relevant international and regional instruments and norms related to migration.

4. 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.

5. 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.

6. 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.

7. The International Organization for Migration recognizes the mandate of the United Nations in promoting and protecting the human rights of all migrants, and shall cooperate with the United Nations, its departments, agencies and mechanisms, in the fulfillment of this mandate, including by sharing with the United Nations all relevant information pertaining to migrants' human rights and by coordinating with the United Nations on issues regarding migrants' human rights.

8. 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 deems it 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 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 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 Statistical services

1. The United Nations and the International Organization for Migration, recognizing the desirability of maximum cooperation in the statistical field and of minimizing the burdens placed on governments and other organizations from which information may be collected, undertake to avoid duplication between them with respect to the collection, analysis and publication of statistics, and agree to consult with each other on the most efficient use of resources and of technical personnel in the field of statistics, including for building national capacities in the collection and use of migration statistics.

2. The United Nations recognizes the International Organization for Migration as ~~the appropriate-an important~~ organization ~~to-that~~ collects, analyzes, publishes, ~~standardize~~ and improves statistics on migration and ~~agrees~~ to promote the integration of these statistics within the United Nations ~~system~~.

3. ~~The International Organization for Migration recognizes the United Nations as the body responsible for servicing the United Nations intergovernmental processes mandated with the normative and strategic work for the development of data and statistics on migration and agrees to follow existing and future standards, recommendations and guidelines on migration statistics, as decided or adopted by the United Nations Statistical Commission. The International Organization for Migration also recognizes the United Nations as the appropriate organization to compile, standardize, improve, analyze, and disseminate the statistics on migration coming from national statistical systems and to promote the integration of these statistics within the sphere of the United Nations.~~

Article 9 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 10 Cooperation between the secretariats

1. 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.

2. It is recognized that similar close working relationships between the secretariats of the other organizations within the United Nations system and the Administration of the International Organization for Migration are desirable and should be maintained in accordance with such arrangements as may exist or may be made between the International Organization for Migration and the organizations concerned.

Article 11 Personnel arrangements

1. 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.

2. The United Nations and the International Organization for Migration agree to cooperate regarding the exchange of personnel and to determine conditions of such cooperation in supplementary arrangements to be concluded for that purpose in accordance with Article 15 of this Agreement.

Article 12 United Nations laissez-passers

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-passers 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 13 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 14 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 15 of this Agreement.

Article 15

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 16

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 17

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 xxth day of xx 2016 at xxx in two originals in the English language.

For the United Nations:	For the International Organization for Migration:
<p>Ban Ki-Moon Secretary-General</p>	<p>William Lacy Swing Director General</p>

Annex II

**DRAFT RESOLUTION ON THE
AGREEMENT CONCERNING THE RELATIONSHIP BETWEEN
THE UNITED NATIONS AND
THE INTERNATIONAL ORGANIZATION FOR MIGRATION**

(Submitted by the Secretariat to the Council for consideration
under item **xx** of the **revised** provisional agenda)

The Council,

Recalling its Resolution No. 1309 of 24 November 2015 requesting the Director General to formally approach the United Nations to convey to it the views of IOM Member States as set out in that Resolution and develop with it a way in which the legal basis of the relationship between IOM and the United Nations could be improved, based on the essential elements and under the conditions contained therein,

Recalling also its request to the Director General in that Resolution to develop proposals for improved legal arrangements with the United Nations for the Council's evaluation and action,

Having received the Director General's proposal, contained in document **xxx**, in the form of a draft Agreement concerning the Relationship between the United Nations and the International Organization for Migration which defines the terms on which the United Nations and the Organization shall be brought into relationship with each other,

Noting that the General Assembly of the United Nations has for its part in its resolution 70/263 of 27 April 2016 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 a negotiated draft agreement to the General Assembly for approval,

Reaffirming its willingness to improve and strengthen the legal basis of the relationship between the United Nations and the Organization in all areas related to migration and human mobility,

1. *Expresses its appreciation in particular* to the Chairperson of the Working Group on IOM–UN Relations and the IOM Strategy for the way in which he guided its work in 2015 and 2016, building on the good work of the Chairperson of the Working Group in 2014;

2. *Expresses its appreciation* to the Director General for his consultative and transparent engagement throughout the process and the proposal he has submitted in the form of the draft Agreement contained in document **xxx**;

3. *Approves* the draft Agreement concerning the Relationship between the United Nations and the International Organization for Migration contained in document **xxx**;

4. *Invites* the Director General to notify the United Nations of this approval and to take the necessary steps, in cooperation with the Secretary-General of the United Nations, to conclude, sign and implement the Agreement;

5. *Calls* upon Member States and other interested States to provide the support needed for the conclusion, signing and effective implementation of the Agreement;

6. *Requests* the Director General to report to the next regular session of the Council on the conclusion, signing and implementation of the Agreement.
