

**MC/2251**

**Original: English  
27 June 2008**

**NINETY-FIFTH (SPECIAL) SESSION**

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**DRAFT REPORT ON THE  
NINETY-FIFTH (SPECIAL) SESSION OF THE COUNCIL**

Geneva

18 June 2008

Rapporteur: Mr. M. Benjaber (Morocco)

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**DRAFT REPORT ON THE  
NINETY-FIFTH (SPECIAL) SESSION OF THE COUNCIL**

**OPENING OF THE SESSION**

1. The Council convened for its Ninety-fifth (Special) Session on Wednesday, 18 June 2008, at 10.03 a.m. in the Palais des Nations. One meeting was held, chaired by H.E. Mr. J. Garrigues (Spain).

**ATTENDANCE<sup>1</sup>**

2. The following Member States were represented:

Afghanistan	Denmark	Libyan Arab	Slovenia
Albania	Dominican	Jamahiriya	Somalia <sup>2</sup>
Algeria	Republic	Lithuania	South Africa
Angola	Ecuador	Luxembourg	Spain
Argentina	Egypt	Madagascar	Sri Lanka
Armenia	El Salvador	Mali	Sudan
Australia	Estonia	Malta	Sweden
Austria	Finland	Mauritania	Switzerland
Azerbaijan	France	Mauritius	Thailand
Bahamas	Gabon	Mexico	Togo
Bangladesh	Gambia	Moldova	Tunisia
Belarus	Georgia	Mongolia <sup>2</sup>	Turkey
Belgium	Germany	Montenegro	Uganda
Benin	Ghana	Morocco	Ukraine
Bolivia	Greece	Nepal	United Kingdom
Bosnia and	Guatemala	Netherlands	of Great Britain
Herzegovina	Guinea	New Zealand	and Northern
Bulgaria	Guinea-Bissau	Nicaragua	Ireland
Burkina Faso	Haiti	Niger	United Republic
Burundi	Honduras	Nigeria	of Tanzania
Cambodia	Hungary	Norway	United States
Cameroon	India <sup>2</sup>	Pakistan	of America
Canada	Iran (Islamic	Panama	Uruguay
Cape Verde	Republic of)	Paraguay	Venezuela
Chile	Ireland	Peru	(Bolivarian
Colombia	Israel	Philippines	Republic of)
Congo	Italy	Poland	Viet Nam
Costa Rica	Jamaica	Portugal	Yemen
Côte d'Ivoire	Japan	Republic of Korea	Zambia
Croatia	Jordan	Romania	Zimbabwe
Cyprus	Kazakhstan	Rwanda	
Czech Republic	Kenya	Senegal	
Democratic	Kyrgyzstan	Serbia	
Republic of	Latvia	Sierra Leone	
the Congo	Liberia	Slovakia	

<sup>1</sup> See List of Participants (MC/2250).

<sup>2</sup> See paragraph 6.

### **CONFIRMATION OF THE BUREAU'S COMPOSITION**

3. The Council confirmed the agreement in principle, reached at the Second Session of the Standing Committee on Programmes and Finance, to appoint the successors to the Permanent Representatives of Spain, the Bolivarian Republic of Venezuela and Japan as the Chairperson, First Vice-Chairperson and Second Vice-Chairperson respectively.

### **CREDENTIALS OF REPRESENTATIVES**

4. The Council took note that the Director General had examined the credentials of the representatives of the Member States listed in paragraph 2 and found them to be in order.

### **ADOPTION OF THE AGENDA**

5. The Council adopted the agenda set out in document MC/2241/Rev.1.

### **APPLICATIONS FOR MEMBERSHIP IN THE ORGANIZATION: MONGOLIA, THE REPUBLIC OF INDIA AND THE SOMALI REPUBLIC**

6. The Council adopted by acclamation Resolutions Nos. 1164, 1165 and 1166 (XCV) admitting Mongolia, the Republic of India and the Somali Republic, respectively, as members of IOM.

7. The representative of the Republic of India thanked the Council for admitting India as a member of the Organization, along with Mongolia and Somalia. India was a country of origin, destination and transit for many migrants, and had a long history of attracting people from and sending them to other lands. It had recently had a very positive experience of IOM, namely the return of Indian nationals stranded in the Gulf and in other parts of the world. IOM's relief efforts in Gujarat in 2001 and its programme for trafficking victims had also been noteworthy. In addition, India and IOM had cooperated on capacity-building regarding outward labour migration. It was therefore only natural that India had sought to cement its growing relationship with IOM through formal membership.

8. International migration was an important aspect of globalization, whose benefits could be maximized by facilitating and managing international labour mobility with a view to transforming it into a humane, orderly and mutually beneficial process that was a boon to all. IOM was well equipped to play a significant role in that process, as outlined in the Strategy adopted in June 2007, and it would find a willing partner in that endeavour in India.

9. The Director General welcomed the three new Member States to the Organization. While all three countries had migration dimensions of great importance, those dimensions varied significantly. Mongolia had already worked with the Organization, and was making a noted entry into the employment market, along with other Asian States. India had a wealth of experience of migration around the globe, to which it would doubtless add in the future. Owing to its divided status, the Somali Republic had posed challenges to the work IOM had already done from its

offices in the north of the country. A new office would be opened in Mogadishu soon. The Organization's presence in the country would facilitate efforts to manage migration flows through the Horn of Africa.

## **ELECTION OF A DIRECTOR GENERAL**

10. The Chairman stated that the election would be governed by the following rules: Article 18, paragraph 1, of the Constitution, which stated that the Director General had to be elected by a two-thirds majority of the Council and that the term of office was normally five years but could, in exceptional cases, be less if a two-thirds majority of the Council so decided; Article 29, paragraph 2, of the Constitution, which stated that: "Majorities provided for in this Constitution or rules made by the Council or the Executive Committee shall refer to members present and voting"; Rule 38, paragraph 4, of the Rules of Procedure for the Council, according to which: "For the purpose of the 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"; Rule 45 of the Rules of Procedure for the Council, which stipulated that: "On decisions relating to individuals, a secret ballot shall be taken [...]".

11. It would also be governed by the additional elements adopted by the Council on 30 November 2007 to enhance transparency (MC/2236/Rev.1) and by the decisions taken at the 16 May 2008 briefing for ambassadors.

12. The official list of four candidates had been communicated by the Council Bureau on 23 April 2008. Lots had been drawn on 16 May to determine the order in which the candidates would appear on the ballot paper, with the following result: Mr. Swing, Mr. Marchi, Mr. McKinley and Mr. Riccardi. There would be as many ballots as necessary until a candidate had obtained the required two-thirds majority. After four open ballots, the name of the candidate having obtained the smallest number of votes on ballot four would not be placed on the ballot paper for the fifth ballot. As from ballot five, if there was a tie between candidates having obtained the smallest number of votes, a separate ballot would be taken with only those candidates to determine who stayed on the next ballot. If only two candidates remained on the ballot and the candidate having obtained the greater number of votes had obtained the absolute majority but not the required two-thirds majority, that candidate alone would be put on the last ballot, unless the Council agreed to an election by consensus or acclamation in favour of that candidate. However, the whole electoral process would begin anew if that candidate withdrew or did not obtain the required two-thirds majority on the last ballot. As agreed at the 16 May meeting, any withdrawals would be communicated to the Chairperson, who would notify the Council accordingly. Lastly, any Member State or the Chairperson could propose that the Council suspend the meeting between ballots.

13. The countries holding the First and Second Vice-Chairmanship of the Council designated the following tellers: H.E. Mr. Juan Arias Palacio (Bolivarian Republic of Venezuela) and Mr. Sakaniwa Masayuki (Japan). The counting took place in the conference room and the tellers read the name appearing on each ballot out loud. The tellers were assisted by the Legal Adviser and the Rapporteur of the Council.

14. At the first round of voting, 119 Member States were present and received a ballot paper. The results of the first round were as follows:

(a)	Number of ballot papers distributed to members present:	119
(b)	Number of ballot papers taken from the ballot box:	119
(c)	Number of invalid ballot papers:	1
(d)	Number of abstentions:	0
(e)	Number of valid ballot papers:	118
(f)	Two-thirds majority:	79
(g)	The candidates obtained the following number of votes:	
	Mr. Swing	60
	Mr. Marchi	24
	Mr. McKinley	20
	Mr. Riccardi	14

15. Since the two-thirds majority required by Article 18 of the Constitution had not been obtained, the Council proceeded to a second ballot, the results of which were as follows:

(a)	Number of ballot papers distributed to members present:	120
(b)	Number of ballot papers taken from the ballot box:	120
(c)	Number of invalid ballot papers:	1
(d)	Number of abstentions:	0
(e)	Number of valid ballot papers:	119
(f)	Two-thirds majority:	80
(g)	The candidates obtained the following number of votes:	
	Mr. Swing	77
	Mr. Marchi	24
	Mr. McKinley	12
	Mr. Riccardi	6

16. Mr. Riccardi withdrew after the second round. Since the two-thirds majority required by Article 18 of the Constitution had not been obtained, the Council proceeded to a third ballot, the results of which were as follows:

(a)	Number of ballot papers distributed to members present:	121
(b)	Number of ballot papers taken from the ballot box:	121
(c)	Number of invalid ballot papers:	1
(d)	Number of abstentions:	0
(e)	Number of valid ballot papers:	120
(f)	Two-thirds majority:	80
(g)	The candidates obtained the following number of votes:	
	Mr. Swing	90
	Mr. Marchi	20
	Mr. McKinley	10

17. The Chairperson declared that Mr. Swing, having obtained the required two-thirds majority, was elected.
18. The Director General congratulated Mr. Swing on his election. The overwhelming result constituted a consensus that would enable the Organization to go forward strongly. As Director General for the forthcoming three months, he would consult closely with Mr. Swing, and would strive to hand over to his successor under the best possible circumstances. He thanked those who had supported him in the election.
19. The representative of the United States of America thanked all Member States for participating in the voting process and congratulated all the candidates. As those who had met Mr. Swing would know, the Director General-elect would work with all Member States in a collaborative, member-driven fashion in order to meet the challenges and opportunities that arose. He was a man of unimpeachable integrity and honour, under whose leadership the Organization would tackle the vitally important work ahead. He requested that all Member States assist the Organization in carrying out that work.
20. The Director General-elect said that he was deeply honoured and humbled that the Member States had chosen him to follow in the Director General's footsteps. He would work to maintain the trust they had expressed in their vote and the confidence of the migrant community around the world.
21. He congratulated the other candidates on running a very spirited campaign - the first ever for the office of Director General - that had poignantly illustrated the exponential increase in interest in the issue of migration and had highlighted IOM's major role in that respect.
22. He attached great importance to open and transparent dialogue with the Member States on all matters (budget, personnel, delocalization, the IOM-United Nations relationship) and would consult them regularly and heed their concerns. He planned to focus on strengthening the Organization's partnerships with the United Nations agencies, NGOs, think tanks and other organizations based on respect for the mandate and institutional integrity of each. In that regard, he wished to avoid duplication of effort and build on each organization's strength, in recognition that no one organization or agency had the capacity to address migration issues on its own. During his tenure he hoped to continue reinforcing IOM's management capabilities, particularly regarding its financial, operational and personnel processes, and to match external transparency between the Organization and its partners with internal transparency between management and staff.
23. He looked forward to working closely with the Director General and his team in ensuring a seamless transition in the interests of migrants, the Member States and IOM.
24. The Council had before it the draft resolution on the election of a director general, which, in the absence of any proposals to amend it, was adopted (Resolution No. 1167 (XCV)).
25. The Chairperson reminded the Member States that they had had the opportunity to examine the Director General-elect's contract at the occasion of the Hundred and Fifth Session of the Executive Committee. He asked them to consider the draft resolution approving the contract and empowering him to sign it.

26. The Council adopted Resolution No. 1168 (XCV) on the contract of the Director General.

**CLOSURE OF THE SESSION**

27. The Chairperson declared the Ninety-fifth (Special) Session of the Council closed on Wednesday, 18 June 2008, at 12.50 p.m.