

Amendments to the Constitution of the International Organization for Migration (IOM)

Introduction

- 7.1 The amendments to the constitution of the International Organization for Migration (IOM) will strengthen the governance structure of the Organization. The amendments will streamline IOM processes, further strengthening its responsiveness and service efficiency; provide an incentive for states to settle outstanding contributions, thereby reducing adverse effects on IOM's ability to deliver services from non-paying members; free up administrative resources by abolishing the IOM executive committee without affecting Australia's ability to influence IOM decision making; and explicitly provide that new states must join, in accordance with their own domestic constitutional processes.¹

Background

- 7.2 The International Organization for Migration was established in 1951 as an intergovernmental organisation to resettle European displaced persons, refugees and migrants. Since the end of the Cold War and

¹ Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 1.

with the effects of globalisation, the IOM has grown very rapidly in size and stature. With this growth has come an increase in its reach and capacity to deliver migration management services worldwide. The IOM's mission is to assist in meeting the growing operational challenges of migration management, to advance understanding of migration issues, to encourage social and economic development through migration and to uphold the dignity and wellbeing of migrants.²

- 7.3 The IOM's income is derived from the sale of its services on a fee-for-service basis. In addition, the IOM receives administrative contributions from Member States.³
- 7.4 In the 2005 calendar year, Australia purchased services to the value of just over \$US42 million.⁴ In addition, Australia annually provides approximately \$A700 000 to the IOM's administrative budget.⁵
- 7.5 The Department of Immigration and Multicultural Affairs informed the Committee of the services that Australia has recently purchased from the IOM:

The range of services we purchase from IOM includes the payment of all airfares for offshore humanitarian entrants being resettled under the offshore humanitarian program. We pay for extensive worldwide medical checking services, particularly for the refugee program. IOM has very sophisticated medical services around the world and it is more efficient and cheaper for us to use those services. We have made a contribution to an IOM loan scheme that allows special humanitarian program entrants who are required, with their sponsors in Australia, to pay their own airfares to get cheaper loans to pay for their passage to Australia. Also, in our capacity building activities we assist neighbouring countries with projects like assessing the strengths and weaknesses of their border management systems. In many cases we contract IOM to do that kind of operation on our behalf. We also use IOM to provide services such as the offshore processing centre in Nauru.⁶

2 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 1.

3 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 3.

4 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 3.

5 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 3.

6 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 3.

The Amendments

- 7.6 The constitutional Amendments to the IOM would:
- abolish the Executive Committee, freeing up administrative resources⁷
 - explicitly provide that new States must join in accordance with their own domestic constitutional processes as is the practice in other international organisations⁸
 - provide incentive for States to settle their outstanding contributions by automatically suspending the voting rights of States with overdue fees of two years or more. (Voting rights can be reinstated by a simple majority vote of the IOM Council if it is satisfied that failure to pay is due to conditions beyond the control of the Member State).⁹

Consultation

- 7.7 The Department of Foreign Affairs and Trade, the Attorney-General's Department and the Department of Prime Minister and Cabinet were consulted and each supported the Amendments.¹⁰
- 7.8 As the Amendments concern the internal operations of the IOM, consultation with State and Territory governments was unnecessary.¹¹

Costs and obligations

- 7.9 The Amendments to the IOM do not impose additional obligations on Australia to those which currently exist, nor do they impose extra costs or require legislative change.¹²

7 National Interest Analysis (NIA), para. 8.

8 NIA, para. 8.

9 NIA, para. 8.

10 NIA, Consultation Annex, para. 2.

11 NIA, Consultation Annex, para. 1.

12 NIA, para. 19.

Entry into force

- 7.10 The *Amendments to the Constitution of the International Organisation for Migration* were written up on 24 November 1998. As of February 2006, 41 States had accepted the Amendments.
- 7.11 The Amendments must be accepted by two-thirds majority or 78 of the 116 Member States. The Committee received evidence that it is likely to be some time before the IOM has received notification of acceptance from the two-third majority.¹³
- 7.12 The current slow rate of acceptance is not considered to result from any objection to the Amendments.¹⁴

Conclusion and recommendation

- 7.13 Although there are a number of international bodies involved with migration related issues, the Committee acknowledges that no other agency matches the IOM's worldwide presence and breadth of services.¹⁵
- 7.14 As Australia purchases a range of IOM services and makes a considerable contribution to the Organizations administrative budget, it is clearly in Australia's interests that the Organization operates with improved efficiency.

Recommendation 6

The Committee supports the *Amendments to the Constitution of the International Organization for Migration* and recommends that binding treaty action be taken.

13 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 6.

14 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 6.

15 Mr Peter Hughes, *Transcript of Evidence*, 20 June 2006, p. 2.

Dr Andrew Southcott MP

Committee Chair

