Doc. 155
12 June 1953

Draft Constitution for the Intergovernmental Committee for European Migration

Communication

1.

INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

The Director

Geneva, 12th May, 1953.

Sir,

I have the honour to bring to your no lice the decision of the Intergovernmental Committee for European Migration with regard to its preliminary draft Constitution, which was taken at its Fifth Session recently held in Geneva. This matter was discussed in pursuance of Resolution No. 31, adopted at its previous session.

After detailed examination, the Committee approved a revised text, which is to be reconsidered by t h e Member Governments with a view to reaching a final decision at t h e next session. I haAre received instructions from t he Committee to transmit this document to all those member and non-member Governements, and to all international organisations, intergovernmental or non-governmental, which were officially represented at its Fifth Session, so t h a t they may communicate their observations.

Enclosed is a copy of t he revised text. I should be obliged if you would let me have the views of your Organisation by 5 t h August, 1953.

I am, Sir,

Your obedient Servant,

signed : HUGH GIBSON,

Director.

The Secretary-General,

Council of Europe,

STRASBOURG.

2. Draft Constitution

Preamble

The Governments members of the Intergovernmental Committee for European Migration,

reaffirming

the principles embodied in t h e Resolution adopted on 5th December, 1951 by t he Migration Conference in Brussels and attached as Annex I;[1]

recognising

that the furnishing of special migration services is often needed in order to increase the volume of European emigration and to ensure the smooth accomplishment of migratory movements and, in particular, the settlement of t h e migrants under t h e most favourable conditions for their integration at an early date into the economic and social life of their countries of adoption;

that international financing of European emigration would not only contribute to solving the problem of population in Europe, but may also stimulate the creation of new economic opportunities in countries lacking manpower ;

that the movement of migrants should as far as possible be effected by the normal shipping and air transport services and that there has been evidence of a need for additional transport facilities from time to time;

that there is need to promote the cooperation of Governments and international organisations with a view to the emigration of persons who desire to emigrate to overseas countries where they may achieve self-dependence through useful employment and live with their families in dignity and self-respect, thus contributing to the achievement of peace and order in the world,

do hereby establish

the Intergovernmental Committee for European Migration (hereinafter called the Committee) as a non-permanent organisation and

accept this Constitution.

2.1. Chapter 1 - Purpose and functions

Article 1

1. The purpose and functions of the Committee shall be :

a. to make arrangements for the transport of migrants, for whom existing facilities are inadequate and who could not otherwise be moved, from European countries having surplus elements of population to countries overseas which offer opportunities for orderly immigration ;

b. to promote the increase of t h e volume of migration from Europe by providing, at the request of and in agreement with the Governments concerned, services in the processing, reception and initial placement of migrants which other international organisations are not in a position to supply, and such other assistance to this purpose and in the settlement of migrants as falls within the capacity of the Committee.

In carrying out its functions, the Committee shall conform to the policies of the emigration and immigration countries concerned.

The Committee shall be concerned with refugees for whose migration arrangements may be made between the Committee and the Governments of t h e countries concerned, including those undertaking to receive them.

2.2. Chapter II - Membership

Article 2

The Members of the Committee shall be :

a. th e Governments being Members of the Intergovernmental Committee for European Migration, as specified in Annex III of this Constitution, which have accepted this Constitution according to Article 33, or to which the terms of Article 34 apply;

1. Not printed.

b. other Governments which have shown an interest in t h e principle of t h e free movement of persons and which undertake to make a financial contribution at least to the administrative requirements of t h e Committee, the amount of which will be agreed to by t h e Council and by the Government concerned, subject to a twothirds majority vote of the Council and upon acceptance of this Constitution.

Article 3

Any Member may give notice of withdrawal from the Committee effective at t h e end of a financial year. Such notice must be in writing and must reach the Director of the Committee at least four months before the end of the financial year. The financial obligations to the Committee of a Member which has given notice of withdrawal shall include the entire financial year in which the notice is given.

Article 4

Any Member may be disqualified from membership by a two-thirds majority vote of t h e Council, if it fails to meet its financial obligations to the Committee for two consecutive financial years or if it persistently violates the principles contained in this Constitution.

2.3. Chapter III - Organs

Article 5

There are established as the organs of the Committee :

a. the Council;

b. the Executive Committee;

c. the Administrative Services.

2.4. 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 the policies of the Committee;

b. to review the reports and to approve and direct the activities of the Executive Committee;

c. to review the reports and to approve and assist the Director in his work;

d. to review and approve the budget, the plan of expenditure and the accounts of the Committee;

e. to take any other appropriate action to further the purpose of the Committee.

Article 7

2. The Council shall be composed of representatives of the Member Governments.

3. Each Member Government shall have one representative and such alternates and advisers as it may deem necessary.

4. The Council shall elect a Chairman and other officers at the beginning of each session.

5. Each Member Government shall have one vote in the Council.

Article 8

6. The Council shall meet normally twice a year, at such times as shall be determined by it, unless a majority of the Council decides that only one session is necessary in any given year.

7. The Council shall meet in special session at the request of :

a. one-third of its members;

b. the Executive Committee;

c. the Director, in urgent circumstances.

Article 9

The Council may set up such Sub- Committees as may be required for the proper discharge of its functions.

Article 10

The Council shall adopt its own rules of procedure.

2.5. Chapter V - Executive Committee

Article 11

The functions of t h e Executive Committee shall be :

a. to prepare the sessions of the Council by studying, in particular, the Annual Reports of the Director as well as all special reports and questions falling within the competence of the Council and having a budgetary or financial implication, and to transmit its recommendations there on to the Council;

b. to study any specific questions referred to it by t h e Council, and to make recommendations thereon to the Council;

c. to study all financial and budgetary questions falling within the competence of the Council, and to transmit its recommendations thereon to the Council;

d. to advise the Director on any matters which he may refer to it;

e. to ; consider any matter specifically referred to it by the Council and t o take such action as may be deemed necessary thereon ;

f. to make, in exceptional circumstances between sessions of the Council, any emergency decisions on matters falling within the competence of the Council, which shall be reviewed by t h a t body at its next following session.

Article 12

8. The Executive Committee shall be composed of representatives of at least onethird, but at no time less than nine, of the Member Governments.

9. These Member Governments shall be elected by the Council for one year and shall be eligible for re-election.

10. Each member of the Executive Committee shall have one representative and such alternates and advisers as it may deem necessary.

11. The Executive Committee shall elect a Chairman and a Vice-Chairman from among its members and determine their terms of office.

12. Each member of the Executive Committee shall have one vote.

Article 13

13. The Executive Committee shall meet regularly before each session of the Council.

14. A special session may be called at the request of its Chairman, of the Director after consultation with the Chairman of the Council, or of a majority of the members of the Executive Committee.

Article 14

The Executive Committee shall adopt its own rules of procedure.

2.6. Chapter VI - The Administrative Services

Article 15

The Administration shall comprise a Director, a Deputy Director and such staff as the Council may determine.

Article 16

15. The Director and the Deputy Director shall be appointed by a two-thirds majority vote of the Council and shall serve under contracts approved by the Council, which shall be signed on behalf of the Committee by the Chairman of the Council.

16. The Director shall be responsible to the Council and the Executive Committee. He shall carry out the administrative and executive functions of t h e Committee in accordance with this Constitution and the policies and decisions of the Council and the Executive Committee and the rules and regulations established by them. He shall formulate proposals for appropriate action by t h e Council.

Article 17

The Director shall appoint the staff of the administrative services in accordance with the Staff Regulations adopted by the Council.

Article 18

17. In the performance of their duties the Director, the Deputy Director and the staff shall not seek or receive instructions from any Government or from any authority external to the Committee. They shall refrain from any action which might reflect on their position as international officials.

18. Each Member Government undertakes to respect the exclusively international character of the responsibilities of the Director, the Deputy Director and the staff and not to seek to influence them in the discharge of their responsibilities.

19. 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 countries whose Governments are Members of the Committee.

Article 19

The Director shall be present, or be represented by the Deputy Director or another official designated by him, at all sessions of the Council, the Executive Committee and any Sub-Committees. He or his representative may participate in any such sessions but shall have no vote.

Article 20

At t h e next regular session of t h e Council following the end of each financial year, the Director shall make to the Council, through the Executive Committee, a report on the work of the Committee, giving a full account of its activities during t h a t year.

2.7. Chapter VII - Headquarters

Article 21

20. The Committee shall have its Headquarters in Geneva. The Council may, by a two-thirds majority vote, select some other place.

21. The meetings of the Council and the Executive Committee shall be held at Headquarters, unless two-thirds of the members of the Council or the Executive Committee respectively have agreed to meet elsewhere.

2.8. Chapter VIII - Finance

Article 22

The Director shall submit to the Council, through the Executive Committee, an annual budget covering the administrative and operational requirements and the anticipated resources of the Committee, such supplementary estimates as may be required and the annual or special accounting statements of the Committee.

Article 23

22. The requirements of the Committee shall be financed as to the administrative part of the budget by cash contributions from Member Governments, and as to the operational part of the budget by contributions in cash or services from Member Governments, other Governments, organizations or individuals. Payments should be made promptly, and in full, prior to the expiration of the financial year for which the contribution is required.

23. Every Member Government shall be required to contribute to the administrative expenditure of the Committee an amount agreed to by the Council and by the Member Government concerned.

24. Contributions to t h e operational expenditure of t h e Committee shall be voluntary, and any contributor to the operating fund may stipulate the terms and conditions under which its contribution may be used.

25. The Committee shall ensure that its administration is conducted in an efficient and economical manner.

Article 24

Financial regulations shall be established by the Council.

2.9. Chapter IX - Legal Status

Article 25

The Committee shall possess full judicial personality and enjoy such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purpose, and, in particular, the capacity, in accordance with the laws of the territory :

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 26

26. The Committee shall enjoy, according to agreements with the Governments concerned, such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its purpose.

27. Representatives of Member Governments, the Director,, the Deputy Director 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 Committee.

28. The conditions of application of such privileges and immunities may form the object of arrangements between the Committee and the Governments concerned.

2.10. Chapter X - Relations with other organizations

Article 27

29. The Committee shall establish relations with international organizations, governmental and non-governmental, concerned with migration or refugees.

30. The Committee may invite any international organization, governmental or nongovernmental, concerned with migration of refugees to be represented at the meetings of the Council under conditions prescribed by the Council. No representative of such an organization shall have the right to vote.

3. Chapter XI - MUcellaneou* provitiont

Article 28

31. Except as otherwise expressly provided in this Constitution or rules made by the Council or the Executive Committee, all decisions of the Council, the Executive Committee and all Sub-Committees shall be taken by a simple majority vote.

32. Majorities provided for in this Constitution or rules made by the Council or the Executive Committee shall refer to members present and voting.

33. No vote shall be valid unless a major i ty of the members of the Council, the Executive Committee or the Sub-Committee concerned are present.

Article 29

34. Texts of proposed amendments to this Constitution shall be communicated by the Director to Member Governments at least three months in advance of their consideration by the Council.

35. Amendments shall come into force when adopted by two-thirds of the members of the Council and accepted by two-thirds of the Member Governments in accordance with their respective constitutional processes, provided, however, that amendments involving new obligations for Members shall come into force in respect of each Member only on acceptance by it.

Article 30

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 by the Member Governments concerned to the International Court of Justice, in conformity with the Statute of the Court, unless the Member Governments concerned agree on another mode of settlement within a reasonable period of time.

Article 31

Subject to approval by two-thirds of the members of the Council, the Committee may take over from any other international organization or agency the purposes and activities of which lie within the purpose of the Committee 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 organisations.

Article 32

The Council may, by a three-quarters majority vote, decide to dissolve the Committee.

Article 33

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 when at least two-thirds of the Members, representing 75 % of the contributions to the administrative part of the budget, shall have communicated to the Director their acceptance of this Constitution.

Article 34

Those Governments Members of the Intergovernmental Committee for European Migration as specified in Annex II which have not by the date of coming into force of this Constitution communicated to the Director their acceptance of this Constitution may be 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 Article 23, paragraph 2, and they shall retain during that period the right to accept the Constitution.

Article 35

The English, French and Spanish texts of this Constitution shall be regarded as equally authentic.