

COUNCIL

Fourth Special Session

RESOLUTION No. 1385

STRENGTHENING THE SENIOR LEADERSHIP STRUCTURE OF THE ORGANIZATION

The Council,

Recalling the proposal made by the Director General for the appointment of two Deputy Directors General and consequential amendments to the IOM Constitution, initially communicated to all Member States on 24 May 2019, and subsequently discussed at three informal consultations with Member States held in October and November 2019,

Recalling also its Resolution No. 1383 of 29 November 2019, by which it decided to establish a working group, under the chairmanship of the Chairperson of the Council, to formulate recommendations regarding the proposal of the Director General and to present them for consideration and decision at a special session of the Council,

Noting that said working group held six meetings and, during its discussions, considered the consolidated proposal presented by the Director General, as contained in document WG/1383/2020/1 of 8 January 2020, *Noting also* that the working group was compelled to continue its work beyond the original time frame established in Resolution No. 1383 owing to the extraordinary circumstances stemming from the coronavirus disease 2019 (COVID-19) pandemic,

Having considered the Chairperson's proposal contained in his letter dated 15 June 2020, further amended on 2 October 2020, following which the Director General was requested to update his proposal,

Having examined the Adjusted proposal by the Director General for the appointment of two Deputy Directors General and consequential amendments to the IOM Constitution, contained in document C/Sp/4/4 of 12 October 2020,

Aware that the consequential amendments to the IOM Constitution were identical to those communicated on 24 May 2019,

Having considered the document entitled Working group established by Council Resolution No. 1383: Chairperson's summary of activities and recommendations for the adjustment of the proposal of the Director General (C/Sp/4/3 of 14 October 2020),

Convinced of the need for strengthening the senior leadership structure of the Organization through the establishment of two Deputy Director General positions, one focusing on operations and one focusing on management and reform,

Mindful that strengthening the senior leadership structure of the Organization by establishing two Deputy Director General positions, whose incumbents shall be appointed, will require amendments to the Constitution,

Confirming that the provision of Article 25, paragraph 1, of the Constitution, which requires that the texts of proposed amendments to the Constitution be communicated by the Director General to the governments of Member States at least three months in advance of their consideration by the Council, has been duly respected,

Noting that the amendments to the Constitution contained in Annex IV of document C/Sp/4/4 of 12 October 2020 will, pursuant to Article 25, paragraph 2, of the Constitution, enter into force on the same date that the present resolution is adopted by a two-thirds majority of the Council,

Acknowledging that consequential changes, contained in Annexes V and VI of document C/Sp/4/4 of 12 October 2020, are necessary to the Rules of Procedure of the Council and the Rules of Procedure for the Standing Committee on Programmes and Finance,

1. *Approves* the Adjusted proposal by the Director General for the appointment of two Deputy Directors General and consequential amendments to the IOM Constitution as set out in document C/Sp/4/4 of 12 October 2020;
2. *Adopts* the amendments to the Constitution contained in Annex IV of document C/Sp/4/4, the texts in the English, French and Spanish language being equally authentic;
3. *Also adopts* the amendments to the Rules of Procedure of the Council contained in Annex V of document C/Sp/4/4;
4. *Further adopts* the amendments to the Rules of Procedure for the Standing Committee on Programmes and Finance contained in Annex VI of document C/Sp/4/4;
5. *Authorizes* the Director General to select and appoint, as soon as possible and from within existing resources, two Deputy Directors General in accordance with the approved process.

Annex IV

Text of amendments to the IOM Constitution

Article 12

The Administration shall comprise a Director General, ~~a two~~ Deputy **Directors** General and such staff as the Council may determine.

Article 13

1. The Director General ~~and the Deputy Director General~~ shall be elected by a two-thirds majority vote of the Council and may be re-elected for one additional term. ~~Their~~ *The* term of office *of the Director General* shall normally be five years but may, in exceptional cases, be less if a two-thirds majority of the Council so decides. ~~They~~ *The Director General* shall serve under a contract approved by the Council, which shall be signed on behalf of the Organization by the Chairman of the Council.
2. ...

Article 15

1. In the performance of their duties, the Director General, the Deputy **Directors** General and the staff shall neither seek nor receive instructions from any State or from any authority external to the Organization. They shall refrain from any action which might reflect adversely on their position as international officials.
2. Each Member State undertakes to respect the exclusively international character of the responsibilities of the Director General, the Deputy **Directors** General and the staff and not to seek to influence them in the discharge of their responsibilities.
3. ...

Article 16

The Director General shall be present, or be represented by ~~the~~ *a* Deputy Director General or another designated official, at all sessions of the Council and any subsidiary bodies. The Director General or the designated representative may participate in the discussions but shall have no vote.

Article 23

1. ...
2. Representatives of Member States, the Director General, the Deputy **Directors** General 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 Organization.
3. ...

[Key: ~~**Bold strikethrough**~~ – delete existing text; ***Bold italic*** – insert new text]