

No. 2807

**AUSTRIA, AUSTRALIA, CANADA, CHILE,
DENMARK, etc.**

Constitution of the Intergovernmental Committee for European Migration (with annex). Adopted by the Intergovernmental Committee for European Migration at its 59th meeting, on 19 October 1953

Official texts: English, French and Spanish.

Registered by Switzerland on 21 March 1955.

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Acte constitutif du Comité intergouvernemental pour les migrations européennes (avec annexe). Adopté par le Comité intergouvernemental pour les migrations européennes lors de sa 59^{ème} séance, le 19 octobre 1953

Textes officiels anglais, français et espagnol.

Enregistré par la Suisse le 21 mars 1955.

No. 2807. CONSTITUTION¹ OF THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION. ADOPTED BY THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION AT ITS 59th MEETING, ON 19 OCTOBER 1953

PREAMBLE

The Governments members of the Intergovernmental Committee for European Migration,

Reaffirming

The principles embodied in the Resolution adopted on 5 December 1951 by the Migration Conference in Brussels and annexed hereto ;²

Recognizing

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 the migrants under the most favourable conditions for their quick integration 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 but that, from time to time, there is evidence of a need for additional transport facilities ;

That there is need to promote the co-operation of Governments and international organizations with a view to the emigration of persons who desire to emigrate to overseas countries where they may achieve self-dependence through

¹ Came into force on 30 November 1954, in accordance with article 33, in respect of the following States, on behalf of which the notifications of acceptance were deposited with the Director of the Committee on the dates indicated :

Italy	15 January 1954	Austria	25 June 1954
Sweden	11 February 1954	Greece	8 July 1954
Denmark	26 February 1954	United States of America	21 September 1954
Israel	1 March 1954	Chile	20 October 1954
Australia	22 March 1954	Federal Republic of Ger-	
Canada	29 March 1954	many	8 November 1954
Switzerland	7 April 1954	Argentina	18 November 1954
Netherlands	12 April 1954	Norway	26 November 1954
Paraguay	29 April 1954		

² See p. 208 of this volume.

useful employment and live with their families in dignity and self-respect, doing their part to contribute to peace and order in the world ;

Do hereby establish

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

Accept this Constitution.

CHAPTER I — 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 population to countries overseas which offer opportunities for orderly immigration ;
- (b) To promote the increase of the volume of migration from Europe by providing, at the request of and in agreement with the Governments concerned, services in the processing, reception, first placement and settlement of migrants which other international organizations are not in a position to supply, and such other assistance to this purpose as is in accord with the aims of the Committee.

2. The Committee shall recognize the fact that control of standards of admission and the number of immigrants to be admitted are matters within the domestic jurisdiction of States, and, in carrying out its functions, shall conform to the laws, regulations, and policies of the emigration and immigration countries concerned.

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

CHAPTER II — MEMBERSHIP

Article 2

The Members of the Committee shall be :

- (a) The Governments being Members of the Intergovernmental Committee for European Migration which have accepted this Constitution according to article 33, or to which the terms of article 34 apply ;
- (b) Other Governments with a demonstrated interest in the principle of the free movement of persons which undertake to make a financial contribution at least to the administrative requirements of the Committee, the amount of which will be agreed to by the Council and by the Government concerned,

subject to a two-thirds majority vote of the Council and upon acceptance by the Government of this Constitution.

Article 3

Any Member may give notice of withdrawal from the Committee effective at the 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 the 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.

CHAPTER III — ORGANS

Article 5

There are established as the organs of the Committee :

- (a) The Council ;
- (b) The Executive Committee ;
- (c) The Administration.

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 direct the activities of the Director ;
- (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

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

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

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

Article 8

1. The Council shall normally meet twice a year, at such times as shall be determined by it, unless two-thirds of its Members decide that only one session is necessary in any given year.

2. 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.

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

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.

CHAPTER V — EXECUTIVE COMMITTEE

Article 11

The functions of the Executive Committee shall be :

- (a) To prepare the sessions of the Council, by studying the annual reports of the Director and all special reports ;
- (b) To study all financial and budgetary questions falling within the competence of the Council, and to transmit its recommendations thereon to the Council ;
- (c) To study any specific questions referred to it by 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 to 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 that body at its next following session.

Article 12

1. The Executive Committee shall be composed of the representatives of nine Member Governments.
2. These Member Governments shall be elected by the Council for one year and shall be eligible for re-election.
3. Each Member of the Executive Committee shall have one representative and such alternates and advisers as it may deem necessary.
4. Each Member of the Executive Committee shall have one vote.

Article 13

1. The Executive Committee shall meet regularly before each session of the Council.
2. A special session of the Executive Committee 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.
3. The Executive Committee shall elect a Chairman and a Vice-Chairman from among its members for a one-year term.

Article 14

The Executive Committee shall adopt its own rules of procedure.

CHAPTER VI — ADMINISTRATION

Article 15

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

Article 16

1. 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.
2. The Director shall be responsible to the Council and the Executive Committee. He shall discharge the administrative and executive functions of the 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 the Council.

Article 17

The Director shall appoint the staff of the Administration in accordance with the staff regulations adopted by the Council.

Article 18

1. In the performance of their duties the Director, the Deputy Director and the staff shall neither seek nor 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.

2. 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.

3. 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, taking into account, as far as possible, their geographical distribution.

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 the discussions but shall have no vote.

Article 20

At the regular session of the Council next 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 that year.

CHAPTER VII — HEADQUARTERS

Article 21

1. The Committee shall have its Headquarters in Geneva. The Council may, by a two-thirds majority vote, change its location.

2. 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.

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

1. The requirements of the Committee shall be financed :
 - (a) As to the administrative part of the budget, by cash contributions from Member Governments ;
 - (b) As to the operational part of the budget, by contributions in cash or services from Member Governments, other Governments, organizations or individuals.

Payments shall be made promptly, and in full prior to the expiration of the financial year for which the contribution is required.

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

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

4. (a) All Headquarters administrative expenditure and all other administrative expenditure except that incurred in pursuance of the objectives outlined in paragraph 1 (b) of article 1 shall be attributed to the administrative part of the budget ;

- (b) All operational expenditure and such administrative expenditure as is incurred in pursuance of the objectives outlined in paragraph 1 (b) of article 1 shall be attributed to the operational part of the budget.

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

Article 24

The financial regulations shall be established by the Council.

CHAPTER IX — LEGAL STATUS

Article 25

The Committee shall possess full juridical 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

1. The Committee shall enjoy, subject 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.

2. Representatives of Member Governments, the Director, the Deputy Director and the staff of the Administration shall likewise, subject to agreements with the Governments concerned, enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Committee.

CHAPTER X — RELATIONS WITH OTHER ORGANIZATIONS

Article 27

1. The Committee shall co-operate with international organizations, governmental and non-governmental, concerned with migration or refugees.

2. The Committee may invite any international organization, governmental or non-governmental, concerned with migration or 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.

CHAPTER XI — MISCELLANEOUS PROVISIONS

Article 28

1. 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.

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

3. No vote shall be valid unless a majority of the Members of the Council, the Executive Committee or the Sub-Committee concerned are present.

Article 29

1. 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.

2. 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 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 organizations.

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, on the day of the first meeting of that Committee after :

- (a) At least two-thirds of the Members of the Committee, and
 - (b) A number of Members whose contributions represent at least 75 per cent. of 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 which have not by the date of coming into force of this Constitution communicated to the Director their acceptance of this Constitution may remain Members of the Committee for a period of one year from that date if they con-

tribute to the administrative requirements of the Committee in accordance with paragraph 2 of article 23, 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.

ANNEX

RESOLUTION TO ESTABLISH A PROVISIONAL INTERGOVERNMENTAL COMMITTEE FOR THE
MOVEMENT OF MIGRANTS FROM EUROPE

The Governments adopting this resolution

Recognize

That there exists a problem of surplus population and refugees in certain countries of Europe, while certain overseas countries offer opportunities for the orderly absorption of additional population ;

That the problem is of such magnitude as to present a serious obstacle to economic viability and co-operation in Europe ;

That, whereas a general improvement in economic conditions and increased production would provide increased possibilities for employment and settlement in Europe and, by facilitating intra-European migration, would offer a very important contribution to the solution of the problem, an increase in European emigration to countries overseas nevertheless remains another necessary element ;

That a close relationship exists between economic development and immigration ;

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

That, while technical assistance may make an important contribution to the solution of the economic problems of the underdeveloped countries, the development of all existing or potential possibilities of immigration into these countries also constitutes an important factor for the solution of these problems ;

That the present volume of migration is insufficient to meet the needs of emigration countries or to allow full use of the possibilities offered by immigration countries ;

That there is need for the pursuit by the appropriate international agencies of all migration activities falling within their respective fields ;

That the provision of facilities for the transport of migrants who could not otherwise be moved without such facilities can make an important contribution to increased migration ;

That, although the movement of migrants should as far as possible be effected by the normal commercial shipping and air transport services, co-ordination in this field is necessary in order to enable the movement of the largest possible number of migrants by those services, and furthermore to ensure that the I.R.O.'s present shipping facilities are applied to the extent necessary to secure an additional movement of migrants ;

That steps should be taken to provide transport facilities for such refugees as may desire and have the opportunity to emigrate from overpopulated countries ; and

That, consequently, provisional intergovernmental arrangements between the democratic Governments which adopt or may hereafter adopt this resolution are necessary in order to move persons who are attached to the principles to which these Governments subscribe and who desire to emigrate to overseas countries where their services can be utilized in conformity with generally accepted international standards of employment and living conditions, with full respect for human rights ; and

Agree

(1) To constitute a "Provisional Intergovernmental Committee for the Movement of Migrants from Europe" ;

(2) That the purpose of the Committee will be to make arrangements for the transport of migrants, for whom existing facilities are inadequate and who could not otherwise be moved, from certain European countries having surplus population to countries overseas which offer opportunities for orderly immigration, consistent with the policies of the countries concerned ;

(3) That the terms of reference of the Committee will be :

(a) To provide and arrange for land, sea and air transportation, as required ;

(b) To assume responsibility for the charter of such ships operated under the auspices of the I.R.O. as may be required ;

(c) To co-ordinate a shipping programme utilizing commercial shipping facilities to the maximum extent possible and the chartered ships transferred from the I.R.O. to secure those movements for which commercial facilities are inadequate ;

(d) To take such actions as may be directly related to these ends, taking account of such national and international services as are available ;

(e) To take such other actions as will be necessary and appropriate to discharge the foregoing functions ;

(4) That among the migrants with whom the Committee will be concerned are included refugees and new refugees for whose migration arrangements may be made between the Committee and the governments of the countries affording asylum ;

(5) That membership in the Committee will be open to governments with a demonstrated interest in the principle of the free movement of persons and which undertake, subject to approval by the proper governmental authorities, to make a financial contribution to the Committee, the amount of which will be agreed to by the Committee and by the government concerned ;

(6) That the Committee will elect its own officers, establish its rules of Procedure, establish such sub-committees as it may decide (including an intergovernmental sub-committee on the co-ordination of transport), and exercise the powers required to carry out its purpose ;

(7) That the Committee will agree to a plan of operations, a budget, a plan of expenditure and the terms and conditions under which available funds shall be spent, in accordance with the following principles :

- (a) Each country of reception will retain control of standards of admission and the number of immigrants to be admitted ;
 - (b) Only those services will be undertaken by the Committee which are essential to the movement of migrants who could not otherwise be moved ;
 - (c) The Committee will ensure that its administration is conducted in an efficient and economical manner ;
 - (d) Any Member Government making a contribution to the operating fund will be able to stipulate the terms and conditions under which that contribution can be used ;
- (8) That the Committee will appoint a Director responsible to the Committee ;
 - (9) That the Committee shall vest the Director with the powers necessary to carry out the responsibilities entrusted to him by the Committee ;

(10) That the Committee will give early consideration to the question of the relations to be established with international, non-governmental and voluntary organizations conducting activities in the field of migration and refugees ; and

(11) That the Committee will examine the need for its continuing existence beyond a twelve-month period.
