

## **AGREEMENT**

between

the Swiss Confederation,

and

the Republic of Austria

## **REGARDING**

### **THE ESTABLISHMENT AND FUNCTIONING OF THE INTERNATIONAL CENTRE FOR MIGRATION POLICY DEVELOPMENT (ICMPD) IN VIENNA**

of 1 June 1993

as amended by the Agreement between the Swiss Confederation, the Republic of Austria and the Republic of Hungary regarding the Modification and Prolongation of the Agreement signed regarding the Establishment and Functioning of ICMPD of 27 March 1996, and by the Agreement between the Swiss Confederation, the Republic of Austria and the Republic of Hungary regarding the Modification of the Agreement regarding the Establishment and Functioning of ICMPD of 26 April 1996, as well as by the Agreement regarding the Third Modification of the Agreement regarding the Establishment and Functioning of ICMPD of 25 June 2003 between the Swiss Confederation, the Republic of Austria, the Republic of Hungary, the Republic of Slovenia, the Czech Republic, the Kingdom of Sweden, the Republic of Bulgaria, the Republic of Croatia and the Republic of Poland.

**Art. 1 Objectives of the agreement \***

During the last years, irregular and even more asylum-oriented South-North flows of people have increased and have been exacerbated by recently emerging East-West flows. Although fully necessary, national entry control measures do not suffice to keep the extent and composition of immigration flows at levels which correspond to the wishes of parties. Hence, the elaboration and implementation of long-term strategies to cope with the migration phenomenon have to be given priority. Such strategies aim at facilitating early warning, combatting root causes, harmonizing entry control measures and co-ordinating aliens, asylum and refugee policies.

The agreement aims at promoting international co-operation in the area of migration policies as well as relevant research in these areas.

**Art. 2 International Centre for Migration Policy Development**

(1) The Contracting Parties establish the International Centre for Migration Policy Development (ICMPD), with headquarters in Vienna, as an international organization. The ICMPD will analyse current and potential migratory flows to European receiving countries, follow and examine the situation in the major countries of origin of migrants and develop measures for the improved recognition and control of migratory movements.

(2) The above international organization is a legal personality.

(3) The legal personality, privileges and immunities of ICMPD in the Republic of Austria will be regulated by the Republic of Austria.

**Art. 3 Policy Steering Group**

Representatives of contracting parties constitute a Policy Steering Group. Each contracting party is represented in this Steering Group with one seat.

The chair of the Steering Group is taken in rotation by each of the contracting parties.

The Steering Group meets as often as required, however at least three times a year.

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\* The 2003 Modification Agreement includes in its preamble a text which provides an interpretation of Art. 1, and which is attached as annex.

#### **Art. 4 Duties of the Policy Steering Group**

The Steering Group

- exercises general supervision of ICMPD,
- appoints the ICMPD Director,
- approves the annual report of the ICMPD Director,
- approves and finances the ICMPD ordinary annual budget,
- approves the ICMPD annual account,
- approves the ICMPD working programme,
- approves the ICMPD conference programme,
- approves ICMPD agreements,
- approves projects proposed by or to the ICMPD,
- supports the ICMPD in its political contacts,
- takes note of the ICMPD progress reports,
- advises the ICMPD Director on substantial matters,
- nominates the members of the Advisory Body,
- advises and decides on the admission of further parties.

#### **Art. 5 The ICMPD Director**

The ICMPD Director works closely together with international and national organizations and institutions active in the area of migration policy. He may undertake tasks at the request of international organizations, conferences, mechanisms and processes, such as the Vienna, Berlin and Budapest processes and other relevant fora. He follows national migration policies and practices of the industrialized and other relevant countries as well as research findings in this area and maintains a documentation base on these subjects. He analyses policies and trends and develops strategies required for the solution to relevant problems.

The Strategy Platform adopted within the framework of the „Informal Consultations“ forms an important basis for his work. In this regard, he shall give special consideration to the issue of reception capacities of parties from demographic, economic, social, political, cultural and ecological aspects. Furthermore, the ICMPD Director monitors and develops existing efforts aimed at combating the causes of migration with a view to better control migratory movements. Finally, the ICMPD Director draws up proposals for the international harmonization of migration policies and practices.

The ICMPD Director is directly responsible to the Policy Steering Group. He recruits and supervises the staff to which funds have been allocated. The duties of the ICMPD Director are regulated in detail in a separate duty document.

**Art. 6           The utilization of the services of ICMPD**

The contracting parties are vested with the rights to make unlimited use of any results of ICMPD activities for their own purposes in terms of formulating their migration policies as well as for their endeavours in the area of international migration policy.

They may place these results at the disposal of interested institutions should they consider this appropriate.

Within the limits of available capacity, the services of ICMPD are at the full disposal of contracting parties.

**Art. 7           The funding of ICMPD**

The contracting parties assume full financial responsibility for the ICMPD's regular costs.

Every year the Steering Group receives from the ICMPD Director a draft budget for the following year, covering expenditures for staff, travel, premises, administration, representation and other costs. The Steering Group approves the budget and decides on the distribution of costs among the contracting parties. It is preferable that the costs should be divided among them in equal shares.

ICMPD may accept project grants, voluntary contributions, donations and other gifts.

Alterations to the budget plans, including any necessary increase in the contributions of the contracting parties, require the approval of the Steering Group.

**Art. 8           Participation of further parties and international organizations**

The Steering Group may invite States or international organizations to become parties to this agreement.

A condition for the admission of other parties to this Agreement is mutual trust and common interests.

**Art. 9            Advisory Body**

The ICMPD Director is supported by an Advisory Body, which may be constituted of personalities from the fields of politics and science and from various countries and international organizations. The Advisory Body may not give instructions to the ICMPD Director. It may, however, propose projects and help to procure their funding.

**Art. 10           Accomodation and administration of ICMPD**

The Republic of Austria undertakes to facilitate to the extent possible the functioning and activities of ICMPD and of its staff in executing the present Agreement.

**Art. 11           Termination of the agreement**

Each contracting party may terminate its membership subject to a three month notice.

**Art. 12           Entry into force**

The present agreement enters into force with retroactive effect on May 1, 1993.

Vienna, 1 June 1993

For the Swiss Confederation:            (signed)

For the Republic of Austria:            (signed)

The signatories of the 2003 Modification Agreement have in its preambular part adopted the following clarification as to the mandate of ICMPD:

“Appreciating the measures and actions taken by ICMPD

- to contribute to the development of innovative, comprehensive and internationally harmonized solutions to migration challenges within the framework of internationally accepted legal principles;
- to identify and further develop best practices and standards in order to improve the efficiency and effectiveness of the migration management of States;
- to improve and facilitate regional and international co-operation in the field of migration policy and migration management, including contacts and dialogue between countries of origin, of transit and of destination;
- to promote and develop strategies to combat and to reduce irregular migration and smuggling and trafficking of human beings;
- to facilitate the establishment of sustainable and comprehensive systems for orderly migration, and
- to facilitate the exchange of information on migration-relevant data including information on countries of origin;”