



The Manila Conference on the Future of Migration : Global Migration Governance, Human Rights, and Sustainable Development in the Context of the Global Compact on Migration (GCM)

Statement on behalf of the Chair –in-Office of the Abu Dhabi Dialogue (ADD)

By

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At the

Panel on 'Perspectives on International Cooperation and Governance of Migration in all its Dimensions, including at Borders, on Transit, Entry, Return, Readmission, Integration and Reintegration.

15 August 2018

Manila-the Philippines

Distinguished Panellists, Excellencies,
Friends from Civil Society Organizations, Ladies and Gentlemen,

It is an honour for me to be here today, and I wish to thank the Government of Philippines for this timely initiative and for the excellent arrangements made to bring all of us to Manila -the city of warm hospitality.

I will endeavour to share some experience from the Abu Dhabi Dialogue (ADD), in Sri Lanka's capacity as the current Chair-in-Office, and also as the immediate former Chair of the Colombo Process, regarding the regional dimension of cooperation and migration governance, particularly in the context of managing contractual labour migration and the collective efforts. With your indulgence I will also naturally bring in some thoughts from my own country's national actions and perspectives.

Abu Dhabi Dialogue- is a Regional Consultative Forum (RCP) on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia to improve labour governance through the cycle of migration. **It is a unique consultative forum of a voluntary nature that represents 11 contractual labour sending countries** who are also Members of the Colombo Process (Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, The Philippines, Sri Lanka, Thailand and Viet Nam) **and 7 destination countries** (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, UAE) mainly in the GCC plus Malaysia, with three other popular destination countries as observers, namely Japan, Republic of Korea, and Singapore. The ILO, IOM and UN Women, Swiss Development Cooperation are supporting and participating as observers. **Certain initiatives taken in the Colombo Process as a forum of contractual labour sending countries mainly to GCC, has been practically implemented in the framework of ADD, demonstrating the desire for collective action on issues of mutual interest.**

This collaboration of sending and receiving countries of contractual labour represents the largest, if not **a sizable migration corridor** in terms of the numbers (approx. 2.4 million migrants per year). According to World Bank statistics, in terms of remittances these contractual labour force make **substantive contribution to the economies and development outcomes of the sending countries** while making an **equally important contribution to the economic growth of the destination countries.**

The ADD is one of the first RCPs to express its intention to contribute to the GCM process. As a result of our commitment to dialogue, and confidence building efforts, the Ministers decided to explore the possibility of ADD's **Engagement in the GCM process as a Regional Consultative Process.** The ADD took active involvement in the GCM process and we moderated some of the Panels during the consultative phase of the GCM. The experts of the ADD including selected IT specialists met in

Dubai from 5-6 July 2017, for a two-day back to back workshops on the technical areas of skills , ethical recruitment, CIOPs, which are important elements in migration governance and **recommended** that the GCM in its stocktaking exercise in Mexico look into the practical measures that has worked in RCPs and **build a compendium of workable, pragmatic actions and standards that others could consider replicating.**

We also noted that many sending countries need **practical mechanisms to gather data** and to synchronize them for effective development of their national policies, and hence the GCM must consider galvanizing support in this aspect.

The **GCM was never an exercise of trying to build things from scratch or trying to reinvent the wheel.** In fact, when we look at the 23 elements in the GCM final document agreed in New York on 23 July, as ADD and CP, we could say we have already been doing some pragmatic and collaborative work based on evidence, in regards to certain elements such as skills development, and recognition, Information sharing –Particularly on Pre-departure, ethical recruitment, remittances, consular cooperation etc. Also, we can note with satisfaction that it has recognized the role of RCPs, particularly in the implementation and follow up, a detailed list of actions that needs to be taken in data management, and also in **establishing an online global knowledge platform as a repository for existing evidence, practices, and initiatives.**

We are yet to have a debriefing on GCM in the ADD or CP, hence it will be prejudicial to pronounce how the ADD as a RCP views the GCM outcome. In Sri Lanka's national perspective, we could have wished GCM to be a much stronger document, but true to the spirit of multilateral negotiations it was more important to make compromises to reach consensus. Under turbulent political dynamics, the GCM has given us a satisfactory reference framework, which is sufficiently flexible, voluntary and ambitious. **For us the Red Line was to preserve the fundamental principles, that is; the GCM respects the basic rights and dignity of migrants as human beings irrespective of their migratory status, and the sovereign right of Member States to make decisions in line with their own obligations under international law.** Within these contours we must now endeavour to **keep the positive momentum built, and find ways to engage on the next level – that is on the implantation and follow up in an inclusive manner.**

We are aware that more **work is in the pipe line** in this regard, including setting the structure of the new **Global Migration Network**, gathering the required human and financial resources to enable IOM to execute its new responsibilities as the Coordinator of the Global Migration Network, and its secretariat, enabling formation of a strong coordination within the UN system to contribute at the country

level in taking forward and supporting the priorities set by Member States within their national policies in implementing the GCM in line with their plans for realizing the related SDGs.

In getting back to the specific experience of the ADD and CP, one could look at the labour originating countries (COOs) in the ADD or CP as **competitors for the same labour market opportunities** in particular for the low skilled category. So, what was the motivation for us to work as a regional consultative forum? How have we ensured key concerns such as **empowerment, protection and welfare, development benefits for our labour migrants during the migration cycle.**

As ADD marks **10 years of collaborative work in 2018**, it is also timely to look back on what it has achieved in building confidence among both sending and Receiving countries, how it has influenced in streamlining national labour migration policies, how best it can address challenges so that labour migrants from across all sectors, all levels of skill categories, receive decent environment for work and better pay for their skills.

In this context, I wish to draw the attention on **three key areas** which the 4th ADD Ministerial Meeting held in Colombo in January 2017 mandated, which can be attributed as some of the **best practices from a RCP, that has motivated both sending and receiving governments to revisit and improve their policies, regulations, and even attitudes slowly but surely, which are essential for effective governance;**

1) Labour Recruitment

From the sending countries perspective what matters is that the **recruitment industry is regulated to ensure fair and ethical recruitment practices** and that any **unlawful practices are prevented** so that the **cost for the migrants are minimum if not zero**. We understand that from the destination country perspective it is to get the correct person that fits to the job (to ensure that it was a 'good investment', and in turn ensure the rights and wellbeing of the migrant workers. As a tool, the ADD's Member States are encouraged to follow the **voluntary principles and guidelines on fair recruitment developed by ILO**. As per the mandate of the ILO Governing Body, a tripartite expert group will be meeting up shortly in Geneva to discuss on 'recruitment fee', including a definition. Sri Lanka will represent the Governmental Group from Asia Pacific Region in this working Group and it will help getting better clarity and uniformity on recruitment fee. Our experience as labour sending countries of Colombo Process who are the COOs in the ADD, is that the active involvement of the Governments in streamlining regulations and procedures, monitoring the levying of fees has provided some positive results. **However, without a change of culture in the recruitment industry it won't be a full success.** The ADD is looking into alternative models particularly the one based on Canada and the Philippines as the recruitment process cannot be managed by Governments alone. It has to be a private- public partnership with effective

cooperation from civil society groups. In this regard it is apt to also recall the first ever engagement held in Colombo in March 2016, where the Alliance of **Asian Associations of Overseas Employment Service Providers (OESPAAA)** engaged in a symposium with the CP sending countries on the ethical labour recruitment practices and agreed to work towards building capacities of OESPAAA members on international standards and instruments on ethical recruitment.

A research report commissioned by **UAE on recruitment practices between UAE with India and Nepal as a pilot project of the ADD** showed certain lessons on the need to promote regulatory harmonization of recruitment intermediaries within the COOs and with CODs and to find alternative recruitment models. It further revealed that;

- There is tendency to **seek jobs through social networks** and in such cases the Government authorities may not be in a position to properly document them as labour migrants and accord the welfare facilities if in distress.
- Migrants do **pay illegal costs to recruiters**, and sometimes to employers, but the workers are reluctant to disclose such practices, which means perpetrators go unabated.
- There is a need for **simplified information for job seekers**, and better pre-departure training. In this regard, we commend the work initiated by Philippines with the support of IOM, which is now fully backed by the ADD to develop a **Comprehensive and integrated pre-departure and post-arrival worker orientation program (CIOPs)**. ADD will be replicating this experience in several COOS and CODs including in Sri Lanka by pairing them and supporting to develop localized CIOPs.
- The consular and labour attaches from CP sending countries based in Kuwait had an opportunity in March 2017, under the auspicious of IOM and MICIC secretariat to **network for sharing experience and to better understand issues and help the labour migrants from the respective countries**. Sri Lanka is of the view that this practice should continue as information empowers to be better prepared for responding emergencies and to improve the governance back at all levels of migration cycle.

2) Skills driven market policies and skills recognition and certification
Matching employment and training policies in the COOs with the mapping of skill needs in CODs is a good recipe for safe, orderly, regular and responsible labour mobility. The pilot project launched focusing on skills certification in the construction, catering and electrical sectors in the UAE, Kuwait and CP countries, namely India, Pakistan, Philippines Nepal and Sri Lanka demonstrated that if the COOS can match the

skill requirements in the destination countries it would have an edge for niche markets. In this process **partnership with accredited training centres in the COO's and CODs**, the engagement of a **quality control and attestation service** provider and the **collection of baseline data** on participating workers (administration of surveys) were considered. Further, **skill certification can leverage to improve practices associated with the recruitment of contract workers, labour market policies and return and reintegration policies, thus contributing to improved governance of the temporary contract employment cycle in the region**. It has also been agreed that skilling, up skilling and certification of qualification could enhance the mobility of employees and empower them, and ADD is considering a model such as a skill-passport. Bahrain already has a system in practice on labour mobility. Sri Lanka has made it mandatory to obtain NVO level 2 skills for migrant workers in order to enhance their skill development and recognition.

3) Use of advance technology in governance of labour mobility

The ADD has noted the advantages of using the cutting edge advance technology in to the labour recruitment and to make it more transparent and accountable. The ADD Ministerial meeting agreed in designing a prototype of a regional digital labour platform that streamlines labour mobility, subject to the considerations of national sovereignty, privacy and confidentiality of personal data.

- Well managed Labour migration with minimum or zero cost to the migrants can be an alternative for irresponsible human mobility.
- Using advance technology in recruitment can improve accountability and transparency.
- Confidence building measures between sending and receiving countries are essential to amicably resolve issues of labour mobility through the circle of migration and RCPs provide a good platform for that. They have the flexibility to work on selected issues first as pilot groups and share results collectively.

So my first observation from the perspective of ADD is; what ADD as a RCP may need in the implementation process of the GCM is to identify areas where we need capacity development, rather than capacity building to enhance effective management of borders, and helping migrants through the entire migration cycle.

In regards to the aspects of **return, readmission, integration and reintegration**, as much of these processes happen at bilateral and national levels, It will be useful to share some national perspectives to show what has worked and what challenges exist.

As per the **Migration Governance Indicator (MGI) analysis done for Sri Lanka** by the IOM and the Economist Intelligence Unit in 2018, there are several strong policy initiatives taken by Sri Lanka namely, the National Migration Health Policy, Social Security Portability Agreements with some OECD countries and with ROK, Establishment of a dedicated Ministry for Foreign Employment, National border management Committee and an integrated border management strategy, National Steering Committee on Return and Re-integration for labour migrants implementing the national sub policy and the action plan. Anti Trafficking Task Force. The challenges for us is to have a unifying coordination of all different functional bodies, while ensuring the whole of government approach and ownership. Also, more work needs to be done on better management of migration data, and to have necessary assessments on local labour market needs in order to avoid shortage of labour supply in certain sectors.

The second observation is that when economies are reinvigorated and peaceful environments exists those countries will naturally attract migrants from the neighbourhoods. None of our countries will in the years to come be able to claim that they are 'migrant originating' or more strikingly said 'migrant exporters', or migrant receiving countries alone. Each one of us will have to be ready with necessary policies, and mechanisms to respond to both situations effectively and in a transparent manner in line with our international commitments and moral obligation of 'shared responsibility'.

In this regard a cross-sectoral dialogue including all stakeholders in identifying priorities and debriefing on the implementation aspects of GCM is important. We have had such useful engagement nationally prior to the GCM negotiations, and I learn that the Migrant Forum Asia has very recent organized a civil society engagement in Colombo on GCM outcome, where useful recommendations has been generated. I believe it is timely to continue dialogue, in keeping the momentum. Translating the GCM including agreed actions into local languages, Identify targets for each of the 23 elements, ways and means to meet them must be deliberated further. We know from first-hand experience how **regular engagement** in CP helped us to keep the momentum and share experience more vibrantly particularly through the five Thematic Area Working Groups (TAWGs).

As a Third observation, although Readmission Agreements are legally binding agreements between two countries, it is imperative to make sure that **readmission** takes place respecting human dignity and in a manner paving the way for sustainable reintegration. The shared responsibility lies in humane and dignified treatment and respect of human rights of the migrants in the repatriation process by the host country and cooperation and acceptance of own nationals by the origin country.

Finally, we believe that having brought migration into the front burner of the UN Agenda following decades of work by all stakeholders through various means, including by the civil society, the GCM will be meaningful to the extent it is put to practice through singular and collective efforts, as no country alone will be able to address this complex human reality of our time.

I thank you.