



GFMD Dialogue on the Global Compact on Migration

6th April 2017

Statement by H.E. Ravinatha Aryasinha, Permanent Representative of Sri Lanka to the United Nations in Geneva, Chair of the Working Session III on GCM Cluster 6: Irregular Migration and Regular Pathways, including decent work, Labour mobility, recognition of Skills and Qualifications and Other Relevant Measures

Distinguish delegates,

Colleagues and Friends of the GFMD,

It is my distinct pleasure to Chair this important meeting at the invitation of the GFMD and I wish to sincerely thank the two Co-chairs of the GFMD 2007-2008, Germany and Morocco for giving Sri Lanka this opportunity to first, share some of our own experience on the thematic cluster VI of the Global Compact on Migration (GCM) which is on irregular migration and regular pathways. Secondly, to steer today's dialogue so that the GFMD would be able to provide its input to the GCM stocktaking meeting in Mexico in late November this year.

The whole concept of a 'Global Compact' came about due to "**large scale movements**" of people, often due to reasons beyond their control. Many were forced to move from their own habitats, and migration wasn't a choice for them but a sheer necessity. Hence, most of them even took most perilous paths. At times without been able to reach their intended destinations. In the first place, there was a need to respond to the most crucial humanitarian needs arising from such unsafe, irregular migration including saving the precious lives by rescue operations. As per the records of IOM, the situation is still grave with 314 deaths as of date in 2017 and 7509 deaths worldwide in 2016¹. This is only one side of the Story- and it is a fact that the large scale movements are also often 'mixed migration flows', posing challenges on transit and host countries to respond to the basic and specific needs of the millions of people on the move, including the so called 'economic migrants', who move for different reasons, but may be using similar routes.

The other side of the coin is the **regular pathways of migration**, often for contractual labour, studies, temporary humanitarian settlements etc. The New York Declaration although primarily speaks about the large scale movements, we should in our deliberations explore how, opening up space for alternative regular and legal pathways in conformity with obligations under international law could ease out the risks and challenges of large scale, sudden and prolonged migration processes on the

¹ <https://gmdac.iom.int/> (IOM Global Migration Data Analysis Center)

countries that host them as well as on the migrants themselves. The Space provided within the GFMD to engage with a broad spectrum of stakeholders will enable us to look into the depth and the breadth of the substance under this Cluster. We do not need to reinvent the wheel, but we may need to consider realigning some of the existing policies and responses and be prepared to think out of the box, so that there will be a win-win situation for all.

In the context of the primary motive of 'leave no one behind', in the realization of the **2015 Sustainable Development Goals**, we note that there are seven Goals with specific references to migrants, including the explicit reference on 'orderly migration through well managed polices' as stipulated in target 10.7 and 10 C focusing on 'remittances', with a further seven other entry points², where migrants and their needs also to be included for SDGs to be truly universal. We therefore have to pay serious attention on the means of implementation of each of these substantive goals and targets besides pursuing Goal 17 as a whole on revitalizing global partnerships for sustainable development. A mechanism for capacity building support for migrant originating countries to implement the above related SDGs could have positive impact in discouraging irregular migration, and I believe it is an option worth exploring as an outcome of the GCM.

While we take this opportunity to salute the yeomen service done by Mr. Peter Sutherlands- the former SRSG on International Migration and also to welcome Madam Louise Arber on board as the successor, we should have a closer look on the five major areas and the 16 specific recommendations presented in the **Sutherlands report**³, for management of migration by furthering international cooperation, in particular the recommendation on '**Building opportunities for labour and skills mobility**' which has pertinent relevance to our discussion today. For example, as outlined in the guiding questions for this session; are there any labour mobility models that work well, that ensures responsible, accountable and dignified migration. How best originating and receiving countries could collaborate, what would be the role of the other stakeholders- the private sector and business, civil society etc. What kind of polices and governance structures would individual countries need in order to mitigate the consequences of irregular migration including trafficking in persons, slavery and human smuggling and alternatively enhance pathways for regular flows.

As the immediate former Chair of the **Colombo Process (CP)**- a voluntary regional consultative process of 12 Asian Contractual Labour Sending Countries and as the incumbent Chair of a much larger gathering of both labour sending and labour receiving countries in the GCC-Asia migration corridor-the **Abu Dhabi Dialogue (ADD)**, allow me to share our experience on how opportunities for regular labour migration, augmented by good policies and collective wisdom could ensure safety, security and human rights of our people wishing to migrate for better prospects, which is estimated to be an annual flow of 2.5 million people mainly along the Asia-GCC Corridor.

² <https://unofficeny.iom.int/2030-agenda-sustainable-development>

³ A/71/728 - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/002/18/PDF/N1700218.pdf?OpenElement>

As we established the Colombo process in 2003, the conventional wisdom remained that the Colombo Process countries in most instances being competitors, many of the issues that we have to grapple with were considered as beyond the capacity of leveraging as a Group. However, after nearly 15 years of collective work, we could look back with satisfaction that we sought to tackle some of the most pressing issues faced by labour migrants of CP member countries, which we accelerated executing during the last 3 ½ years of our Chairmanship, to put in place some of the best practices to mitigate and overcome problems faced by labour migrants, developed some of the most vital linkages between the sources of supply and demand that could help, and strengthened both the institutional and financial capacity for the CP to be better prepared for the future. Among them;

- **First**, on the issue of **recognition of skills and qualifications**; identifying it as a crucial priority in ensuring that the CP nationals do not have to accept jobs that are below their skill levels, thus paving the way for better employment terms and conditions, we have made small but concrete steps in this regard, for example a pilot initiative of the ADD focusing on skills certification in the construction, catering and electrical sectors in the UAE, Kuwait and CP countries, namely India, Pakistan, Philippines Bangladesh and Sri Lanka. The CP has agreed to promote the wider replication of these good practices and lessons learned to other CP Member States (CPMS). The ADD too agreed at their last Ministerial Meeting on certification of skills and up-skilling, and to document and mutually recognize the skills of departing workers acquired in the place of work and the accumulated skills of returnees;
- Furthermore, a national assessment of labour market trends and skills profiles of a selection of construction workers going to the GCC has been completed; and a detailed mapping of all the different skills assessment and certification standards between countries of origin and destination, which has resulted in important recommendations on how CP workers can be trained for more niche markets in the GCC and gain a competitive edge over workforces from non-CP origin countries.
- **Second** Reducing recruitment cost and exploitation through **ethical recruitment practices**, The CP's focus has been on ensuring more protection from unscrupulous employers, less exposure to labour exploitation and trafficking, and the abolition of practices such as extortionate fees and confiscation of passports. The CP has encouraged and promoted a culture change in the private sector, by supporting the Alliance of Asian Associations of Overseas Employment Service Providers (OESPAAA) - a network of lead recruitment industry representatives from each CP country, and supported their Fourth Regional Conference in March 2016. The conference gave the recruitment industry an opportunity to discuss and agree on the promotion of ethical recruitment as a common objective through enhanced partnership with the Colombo Process. Under the SDC-funded regional project in support of the CP thematic priorities, IOM facilitated the

OESPAAA in convening two sub regional consultations to advance the recruitment industry's actions towards ethical recruitment. OESPAAA representatives were invited to the CP events, including the 3rd SOM and the First Symposium on Ethical Recruitment. Through the sub regional consultations, OESPAAA has agreed to work towards building capacities of OESPAAA members on international standards and instruments on ethical recruitment.

A series of symposiums for CP Member States and recruitment stakeholders to discuss ways to promote regulatory harmonization in the field of ethical recruitment held on 23rd August 2016 in Colombo. A follow-up session is due to take place in May 2017. A synthesis report with solid recommendations to promote regulatory harmonization of recruitment intermediaries within the CPMS and with CODs will be the expected outcome.

A research project on the labour recruitment industry in the UAE, with Nepal and India (Kerala) conducted with the support of SDC and the recommendations, as well as more broadly the voluntary "Principles and Guidelines on Fair Recruitment" recently adopted by ILO⁴; are being considered in the ADD for implementing joint responses to non-compliance, in accordance with the national laws of Member States⁵.

Standard terms of employment for domestic workers are currently being developed, with the support of SDC and UN Women.

- **Third Strengthening the governance and policies of labour mobility** collective efforts have been made by pairing COO and COD namely; Sri Lanka and UAE, KSA and Bangladesh, the Philippines and the UAE, in the design and implementation of localized **Comprehensive Information Orientation Programs (CIOPs)**. In the CP with the support of IOM Up to seven module guides have been developed under pre departure orientation (PDO), ranging from Remedies in Cases of Distress and Crises Situations; right through to Health Management while Working Abroad. This will enable migrants making informed choices, and to be better prepared for the situation in Destination countries.

The CP Member States are using the advance IT communication facilities to regularly exchange views through **Thematic Area Working Groups** on above areas.

The ADD envisages in designing a prototype of a **regional digital labour platform** that streamlines labour mobility subject to considerations of national sovereignty, privacy and confidentiality of personal data;

⁵ Colombo Ministerial Declaration of the ADD, January 2017

In **Sri Lanka's national capacity** we have made considered efforts to bring policy coherence to manage migrant flows from Sri Lanka. Under a dedicated Ministry of Foreign Employment, we have

- Developed a national policy on Decent work (2006) and a National Labour Migration Policy (2008)
- Introduced regulations for fair recruitment including facilitating recruitment agencies and the sub agents as a vital part of the supply chain.
- A National Advocacy Council on labour migration consisting all key stakeholders related to labour migration such as private sector, recruitment agents, trade unions, civil society, international organizations make regular engagement.

As a country with a national migration health policy, Sri Lanka is of the view that we should, in the process of GCM pay greater attention to provide **access to health for migrants**, and should make it an element in the GCM, going beyond the currently proposed element⁶ on 'access to basic services for migrants' in the New York Declaration for Refugees and Migrants. By hosting the second Global Consultation on migrant Health in Colombo this February, the 19 participating Member States agreed to "lead in mainstreaming the migration health agenda within key national, regional, and international fora, in domains such as migration and development, disease control, global health, health security, occupational safety, disaster risk-reduction, climate and environmental changes, and foreign policy as guided by the 2020 Agenda for Sustainable Development"⁷. We invite you to consider supporting this initiative to have Migrant Health included in the GCM, as it is a cross cutting issue that require multi-sectoral cooperation.

In conclusion, as the first phase of the GCM process kick starts by holding informal thematic sessions- the first being scheduled in Geneva this month on 'human rights of all migrants and social inclusion', we should use this opportunity provided by the GFMD to contribute to the GCM process, as the modalities resolution prominently recognizes GFMD as a forum that has wealth of experience and good practices that the GCM process could be benefitted. I invite all participants to provide your candid views on the guiding questions introduced in the concept note, following the interventions by the 'input speakers'.

I thank you.

⁶ New York Declaration for Refugees and Migrants (A/RES/71/1), element –(o)

⁷ The Colombo Statement –Second Global Consultation on Migrant Health-22 February 2017 Colombo