

# REGIONAL CONSULTATIVE PROCESS ON OVERSEAS EMPLOYMENT AND CONTRACTUAL LABOUR FOR COUNTRIES OF ORIGIN IN ASIA (THE “COLOMBO PROCESS”)

## **Proposed Operating Modalities<sup>1</sup>**

### **A. Introduction**

The Colombo Process, established in 2003, as a Regional Consultative Process (RCP) on the management of overseas employment and contractual labour for countries of origin in Asia, is a Member-driven, non-binding, flexible and informal forum to facilitate dialogue and cooperation on issues of common interest and concern relating to labour mobility.

The main area of focus is the protection of and provision of services to migrant workers, in particular, protecting migrant workers from abusive practices in recruitment and employment, and providing services to migrant workers in terms of pre-departure orientation as well as post-arrival information dissemination, and the provision of welfare services.

Through concerted dialogue, the Colombo Process seeks to optimize the benefits of organized labour migration as a key issue for Colombo Process Member States. This includes the development of new overseas employment markets, increasing remittance flows through formal channels, reduction of transaction cost for labour migration and enhancing the development impact of remittances.

In addition, the Colombo Process provides a platform to pursue initiatives aimed at capacity building, data collection and inter-state cooperation. This includes institutional capacity building and information exchange to meet labour migration challenges; growing cooperation with destination countries in the protection of migrant workers and access to labour markets; and enhancing cooperation and dialogue among countries of origin.

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<sup>1</sup> These operating modalities address how the Colombo Process will be carried out and provide overall guidelines in which to structure this dialogue and related activities. The proposals are of a preliminary nature and make recommendations subject to discussion for further refinement in order to ensure the continuity of the process and consistency of its practical arrangements.

## **B. Objectives**

The Colombo Process aims to provide a forum for Asian labour countries of origin to:

- 1) Share experiences and best practices on overseas employment and contractual labour;
- 2) Consult on issues faced by overseas workers, labour origin and destination countries, and propose practical solutions for the well-being of overseas workers;
- 3) Optimize development benefits from organized overseas employment;
- 4) Pursue initiatives aimed at capacity building, data collection and inter-state cooperation;
- 5) Enhance dialogue with countries and regions of destination;
- 6) Review progress of the implementation of recommendations and identify further steps or follow actions, as appropriate;
- 7) Coordinate the issues of common interest.

The Colombo Process seeks to realize these objectives through both dialogue and programmatic activities, including relevant technical assistance.

## **C. Membership**

Currently the Colombo Process comprises eleven member countries, namely:

- Afghanistan;
  - Bangladesh;
  - China;
  - India;
  - Indonesia;
  - Nepal;
  - Pakistan;
  - Philippines;
  - Sri Lanka;
  - Thailand;
  - Vietnam.
- 1) Membership of the Colombo Process remains open to other like-minded countries of origin in Asia provided that they fulfill the following terms and conditions for membership:

- i) Agree to work collaboratively towards the achievement of the goals of the Colombo Process;
  - ii) Commit to the responsibilities that come with being a Member State of the Colombo Process;
  - iii) Contribute to substantive discussions of both thematic preparations and activities of the Colombo Process;
  - iv) Participate in the meetings and consultations of the Colombo Process.
- 2) A request for membership will be submitted in writing to the Chair-in-Office and, in consideration of the above conditions, to be tabled for discussion and endorsement at the following Colombo Process Ministerial Meeting;
  - 3) A request to withdraw from membership will be submitted in writing to the Chair-in-Office.

#### **D. Observers**

The participation of States, Regional Economic Communities (RECs) and other Organizations as Observers in the Colombo Process shall be guided by the following:

- 1) States, UN agencies, other international organizations, shall communicate their interest to become observers to the Colombo Process to the Chair-in-Office. Chair will circulate such requests among the Colombo Process Member States for their consideration. Following criteria will be generally considered for granting observer status on an *ad hoc* basis:
  - i. the benefit to be derived by the Colombo Process from the relevant experience, expertise and/or perspective on issues of concern to the Colombo Process countries of the prospective Observer(s);
  - ii. the ability and readiness of the prospective Observer(s) to conduct complementary activities at national, regional and international levels that are of relevance to the Colombo Process objectives;
  - iii. the ability of the prospective Observer to mobilise financial and other resources to support the proposed actions of the Colombo Process and/or their willingness to align their activities with those of the Colombo Process;
- 2) The RECs and Organizations that have attended previous Colombo Process meetings as observers may be formally invited to become Observers to the Colombo Process, provided that they continue to indicate demonstrable interest in the Colombo Process and they fulfill the conditions set out in paragraph D 1) above, be confirmed as Observers to the Colombo Process;

- 3) The Chair-in-Office, with due regard to the considerations in Section D 1(i-iii), may invite on an *ad hoc* basis relevant United Nations agencies, other international, regional, organizations, institutions and affiliates to participate as Observers for that particular meeting. The Chair-in-Office will duly inform the Colombo Process Member States of such invitation;

## **E. Chairmanship**

The Chairmanship of the Colombo Process will be held within parameters that provide for the following:

- 1) A voluntary rotational system;
- 2) The term of office will generally be for a two-year period;
- 3) The country that is the Chair-in-Office of the Colombo Process will play the role of host country for the Senior Officials Meetings (SOMs) and the Ministerial Meeting of the Colombo Process and any other meeting as necessary;
- 4) The Chair-in-Office will, lay out a written agenda for distribution to the entire membership covering the priority issues and/or actions it will consider during the course of its Chairmanship as well as proposed timeframes for meetings and consultations;

## **F. Operational and Technical Support**

The International Organization for Migration (IOM) will provide operational and technical support to the Chair, including for the Senior Officials' and Ministerial meetings. The relevant IOM mission of the respective country of the Chair-in-Office will be primarily responsible for coordinating operational and technical support for the Colombo Process, in collaboration with the Chair-in-Office. As necessary, the IOM through its Headquarters will participate in any discussions that need to be undertaken at the Geneva-level with the respective Colombo Process Permanent Missions to the United Nations and other International Organizations in Geneva, Switzerland.

The IOM will provide additional administrative support to the Chair-in-Office of the Colombo Process, and under the guidance of the Chair-in-Office, will perform the following tasks:

- 1) Serve as the reference point of contact among participating countries;
- 2) Provide operational and technical support with the substantive preparations, including the thematic discussions, agenda, reports,

studies for the Colombo Process as well as any other substantive matters, particularly in relation to the Ministerial and Senior officials' meeting;

- 3) Provide support for fundraising, follow-up activities and any other Colombo Process initiatives and projects;
- 4) Host and maintain the Colombo Process website;
- 5) Provide any other operational and technical support related to Colombo Process activities.

### **G. Format and Hosting of Meetings**

The Colombo Process will hold a Ministerial Meeting every two years hosted by the Chair-in-Office.

Senior Officials Meeting (SOM) will be convened once every year and will generally precede Ministerial-level consultations, when applicable.

At the end of each Ministerial Meeting, the Chair-in-Office will prepare a report on the proceedings of the Meeting.

The Ministerial Meetings and SOMs will be managed as follows:

- 1) The Chair-in-Office, in consultation with the membership, will determine according to the established agenda, which sessions will be open and which will be closed;
- 2) Observer entities to the Colombo Process may participate only in open sessions of the Ministerial meetings at which they may be invited to take the floor as determined by the Chair-in-Office;

### **H. Dialogue with Destination Countries**

The Colombo Process will enhance dialogue with destination countries and other relevant stakeholders on contractual labour mobility in the following ways:

- 1) Fostering dedicated dialogue with identified regions of destination with the support of the IOM;
- 2) Expanding collaboration between the Colombo Process and the Abu Dhabi Dialogue (ADD);
- 3) Continuing engagement with the European Union (EU) as well as other countries and regions;

- 4) Participating in and initiating dialogue with any other relevant stakeholders through the Chair-in-Office, in consultation with Colombo Process Member States.

## **I. Funding**

Voluntary contributions from the Colombo Process Member States and externally obtained funding will contribute towards the cost of Colombo Process Ministerial Meetings and SOMs, and the maintenance of operational and technical support staff for the Colombo Process under an IOM mission as follows:

- 1) The Chair-in-Office will undertake to make the necessary material contributions, including the provision of equipment; meeting space for the SOMs and Ministerial meeting that take place in the course of its Chairmanship;
- 2) Funding received by the Colombo Process will be used to cover the participation of experts for Colombo Process meetings from each of the 11 Member States, with priority to the Least Developed Country Members, or other costs as decided by the Member States;

## **J. Participation of Civil Society Organizations (CSO) and Other Interested Stakeholders**

The Colombo Process will provide for the participation of CSOs and other interested stakeholders in open sessions of its meetings.

CSOs and other interested stakeholders will include the following:

- Recruitment agencies;
- Independent experts;
- Migrant associations;
- Non-Governmental Organizations (NGOs)
- Diaspora organizations;
- Trade union representatives;
- Private sector entities;

The participation of CSOs and other interested stakeholders will be determined by the following:

- 1) Formal request for participation will be submitted to the Chair-in-Office, subsequently tabled for discussion and decision at the following Colombo Process Senior Officials' Meeting;

- 2) The consideration for CSO and other interested stakeholder participation will be based on the following criteria:
  - i. Relevance, competence and operational interest on migration in general, and on labour migration issues more specifically;
  - ii. Regional, national, gender and thematic balance in the representations;
- 3) The Chair-in-Office may, with due regard to the considerations in Section J 2(i-ii) and the respective requirements of the agenda, invite relevant CSOs and other interested stakeholders to participate in open sessions of the Ministerial Meeting.
- 4) CSOs and other interested stakeholders will participate only in open sessions of the Ministerial Meetings at which they can take the floor as and when invited by the Chair-in-Office.

#### **K. Decision making process**

The decisions at the Colombo Process meetings will be made on the basis of consensus.

#### **L. Amendments to the Operating Modalities**

The operating modalities may be amended by the Colombo Process Ministerial meetings with the consent of all Member States.