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Ministry of Labour, Industrial Relations and Employment Creation

NATIONAL LABOUR MIGRATION POLICY

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MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT CREATION

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Foreword

Namibia has one of the highest percentages of international migration in the Southern Africa Region, constituting over 6% of the country's population. As a country of origin, and destination, Namibia has benefited and can benefit further from labour migration, but this potential is not yet being explored to a large extent. In this regard, the country is committed to facilitate orderly, safe, regular and responsible labour migration through the implementation of an integrated national labour migration policy.

This Policy considers a range of matters relevant to labour migration in the Namibian context. It takes note of what the Government has already done, and intends doing, to address these matters and the challenges associated with them. The areas covered in this policy include the deficient institutional framework informing labour migration; retain and reintegration; public and private recruitment; the Namibians in diaspora; remittances; human resource management; skills development and training; migration health and well-being; irregular migration and human trafficking; refugees and asylum-seekers; social security protection of migrant workers; the regional (SADC) approach to integration and harmonisation of labour migration; and data collection. Succeeding in all of this, we will make enormous progress toward protecting the rights of migrants and enhancing their developmental impact.

The National Labour Migration Policy was prepared with contributions from the Technical Working Group (TWG) comprising of relevant stakeholders in the fields of labour migration and Namibian labour market in general. We are grateful to everyone who took the time to comment on earlier drafts, but in particular to International Organisation for Migration (IOM) for technical and financial support towards the development.

It is my hope that the successful implementation of this Policy will achieve the much-desired development and improvement of Namibian economy. It is in this regard that I recommend this Policy document to all Namibians, in particular the social partners and also indeed the international communities and development partners to take advantage of this initiative for effectively managing labour migration to achieve development for the benefit of the country, and beyond.



Erkki Nghimtina (MP)
Minister of Labour, Industrial Relations and Employment Creation

Acknowledgement

The Ministry of Labour, Industrial Relations and Employment Creation (MLIREC) expresses its deep gratitude to the International Organization for Migration (IOM), which arranged for a consultant to carry out extensive research on the development of this Policy suited for the unique context of Namibia, and who worked closely with the national (inter-ministerial) Labour Migration Technical Working Group (TWG) established for this purpose.

MLIREC would like to thank all the other government departments and other partners involved in the development of this Policy, especially the institutional members of the TWG, in particular the Office of the Prime Minister, the Ministry of Home Affairs and Immigration, the Ministry of Health and Social Services, the Ministry of Agriculture, Water and Forestry, the Ministry of Urban and Rural Development, the Ministry of Defence, the Ministry of Education, Arts and Culture, the Ministry of Poverty Eradication and Social Welfare, the National Planning Commission, Social Security Commission, Namibia Statistics Agency, the Employment Equity Commission, the Namibia Training Authority, the Namibia Qualifications Authority, the Namibian Employers' Federation, and the National Union of Namibian Workers, for their much-appreciated and valuable support in providing relevant administrative data and information, and in commenting on the various preceding reports and draft versions of this Policy. MLIREC also wishes to express its gratitude to the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organization (ILO) for their technical advice.

MLIREC extends its gratitude to all stakeholders who made contributions to the content of this important government initiative.

Acronyms and Abbreviations

AU	African Union
AUC	African Union Commission
BLA	Bilateral Labour Agreement
BON	Bank of Namibia
BRC	Border Resident Card
BSA	Bilateral Social Security Agreement
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DHS	Demographic and Health Survey
DIP	Decentralisation Implementation Plan
HPP	Harambee Prosperity Plan
IHR	International Health Regulations
ILO	International Labour Organisation
IMS	Information Management System
IOM	International Organization for Migration
KAPEA	Kenya Association of Private Employment Agencies
LMIS	Labour Market Information System
MGECW	Ministry of Gender Equality and Child Welfare
MHAI	Ministry of Home Affairs and Immigration
MHETI	Ministry of Higher Education, Training and Innovation
MIRCO	Ministry of International Relations and Cooperation
MLIREC	Ministry of Labour, Industrial Relations and Employment Creation
MoHSS	Ministry of Health and Social Services
MURD	Ministry of Urban and Rural Development
MoU	Memorandum of Understanding
MPF	Migration Policy Framework (AU)
MTO	Money Transfer Operator
NDP	National Development Plan
NEP	Namibian National Employment Policy
NGO	Non-Governmental Organisation
NHIES	Namibia Household Income and Expenditure Survey
NOSAS	Namibia Occupational Skills Audit Survey
NPC	National Planning Commission
NQA	Namibia Qualifications Authority
NSA	Namibia Statistics Agency
NTA	Namibia Training Authority
OPM	Office of the Prime Minister
POCA	Prevention of Organised Crime Act (POCA), 2004 (Act No. 29 of 2004)
PREA	Private Recruitment Agencies
RECs	Regional Economic Communities
SACU	Southern African Customs Union
SADC	Southern Africa Development Community
SAMP	Southern African Migration Project
SDGs	Sustainable Development Goals

SME	Small and Medium Enterprises
TVET	Technical and Vocational Education and Training
TWG	Technical Working Group
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNODC	United Nations Office on Drugs and Crime
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
VOTs	Victims of Trafficking
WHO	World Health Organization

Glossary

Table: Typology of international migration

Type of Migration	Main Characters
Asylum-seekers	Persons seeking to be admitted into a country as refugees and awaiting decision on their application for refugee status under relevant international and national instruments. In case of a negative decision, they must leave the country and may be expelled, as may any alien in an irregular situation, unless permission to stay is provided on humanitarian or other related grounds.
Diaspora	Individuals and members of networks, associations and communities, who have left their country of origin, but maintain links with their homelands. This concept covers more settled expatriate communities, migrant workers based abroad temporarily, expatriates with the nationality of the host country, dual nationals, and second-/third generation migrants.
Irregular migrant	Someone, who does not comply with the national legislation and international agreements concerning the entrance, stay and employment in the host State (see Article 5 of the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990)
Labour migration	Movement of persons from one State to another, or within their own country of residence, for the purpose of employment.
Migrant flow	The number of migrants counted as moving or being authorized to move, to or from a country to access employment or to establish themselves over a defined period of time.
Migrant stock	The number of migrants residing in a country at a particular point in time.
Migrant workers	"A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national" (Article 2(1) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990).
Mixed flows	Complex population movements including refugees, asylum-seekers, economic migrants and other migrants.
Permanent residence	The right, granted by a host State to a non-national, to live and work therein on a permanent (unlimited) basis.
Refugee	A refugee, according to Article 1(A)(2), Convention relating to the Status of Refugees Article 1A(2), 1951 as modified by the 1967 Protocol, is a person who, "owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country." In addition, the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa defines a refugee as any person compelled to leave his or her country "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality."
Remittances	Monies earned or acquired by non-nationals that are transferred back

	to their country of origin.
Temporary migrant workers	Migrant workers who remain in the receiving country for definite periods as determined in a work contract with an individual worker or a service contract concluded with an enterprise, or for any other reason. (Adapted from the IOM <i>Glossary on Migration</i> definition)
Trafficking in persons	"The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (Article 3(a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000). Trafficking in persons can take place within the borders of one State or may have a transnational character.

Source: IOM *Glossary on Migration* (2nd edition, Geneva) 2011, unless otherwise indicated.

Executive Summary

Namibia has thus far not had an integrated labour migration policy dealing with the position of immigrant workers in Namibia and Namibian workers employed abroad. Yet, many foreign workers render their services in Namibia to help fill critical skills gaps in the labour market, while large numbers of Namibians are working overseas.

Human resource development in Namibia faces several challenges, despite progress made. There is a shortage of critical skills and a mismatch of skills; many people acquire qualifications but not necessarily for occupations where their skills are required. In addition to the need for ongoing reforms in the education sector, immigrant labour is not optimally used to enhance the skills set of Namibian workers, among others in view of problems experienced with the requirement to appoint and equip understudies. A systematic approach to utilise the engagement and in particular the skills of Namibian workers abroad to help build the Namibian skills base is not in place.

This Policy considers a range of matters relevant to labour migration in the Namibian context. It takes note of what Government has already done, and intends doing, to address these matters and the challenges associated therewith. The areas covered in this regard in the Policy include the deficient institutional framework informing labour migration; labour immigration; labour emigration, return and reintegration; public and private employment agencies; the Namibian diaspora; remittances; human resource management, skills development and training; migration health and well-being; irregular migrants and human trafficking; refugees and asylum-seekers; social security protection of migrant workers; the regional (SADC) integration and harmonisation context; and data concerns.

The need to strengthen the links between migration and development is of particular importance. For countries of destination, skilled migrant workers contribute significantly to the skills needed as well as labour market and economic development. Countries of origin can richly benefit from the skills imparted and investments made by immigrant workers, the diaspora, and migrant workers returning after a period of employment abroad. Remittances flowing from migrant workers abroad help to sustain households and communities, and contribute to economic development of the country of origin. All of this is of significant importance to Namibia. Strengthening and benefiting from the links between migration and development imply that both immigrant workers and Namibian workers abroad should enjoy adequate protection.

This Policy is essentially aligned with the Namibian legal and policy framework ((i.e.

the Namibian Constitution; existing laws; Vision 2030; Harambee Prosperity Plan (HPP); National Development Plan 5 (NDP5); and several policies, including the Namibian National Employment Policy (NEP)), as well as with international (UN; ILO) and regional (AU; SADC) instruments. The guiding principles informing the Policy include: (i) Maximising migration for development; (ii) Decent work; (iii) Skills enhancement; (iv) Diaspora inclusion; (v) Migrant workers, including vulnerable workers' protection; (vi) Normative framework and benchmarking; (vii) Multi-actor involvement; (viii) Adequate data support; (ix) Sound regulation; (x) Decent job opportunities, at home and abroad; and (xi) Improved migration management.

The Policy's vision for labour migration is formulated in the following terms:

"A country where labour migration is well-managed and contributes to economic development and skilled work force, where both immigrant workers and Namibian workers abroad are gainfully employed and adequately protected."

The goal of the Policy is to ensure the sound development and Implementation of a labour migration system suited to the Namibian context, which has a definite impact on human resource development, economic growth and decent work for all.

There has to be proper legal/regulatory framework informing the implementation of this Policy. The key legal interventions required have an impact on several Namibian laws. Also, monitoring and evaluation of the Policy's successful implementation is crucial. It is recommended that MLIREC should play a coordinating role. The Policy should only be reviewed when the need arises. However, the implementation strategy should be reviewed every 5 years. Finally, a dedicated communication plan or strategy is required, as core elements of this Policy may not be well understood, especially by those who will be most affected by it.

1. Introduction

SADC adopted a *Protocol on the Facilitation of Movement of Persons* in 2006, which provides for visa-free entry, and rights of residence and establishment. Of particular importance are the provisions of Article 19 of the *SADC Protocol on Employment and Labour* of 2014, which among others place emphasis on Improvement of migration management and control; Encouragement of the diaspora to participate in the development of the country of origin; Measures to facilitate the coordination and portability of social security benefits; Development of mechanisms, services and effective financial products to facilitate the transfer of remittances by migrants; Coherence between labour migration, employment policies and other development strategies; and Promotion of labour migration data collection, analysis and exchange at regional and national levels.

Since independence many foreign workers render their services in Namibia to help fill critical skills gaps in the labour market, and while a large numbers of Namibians are working overseas, arrangements remain uncoordinated and no data is captured. The contribution that these workers could make to the development of Namibia, in particular skills development, has not been fully explored. Namibia has thus far not had an integrated national labour migration policy neither a migration policy dealing with the position of immigrant workers in Namibia and Namibian workers employed abroad.

In 2016 Ministry of Home Affairs and Immigration compiled and adopted the Migration Profile for Namibia with the support of IOM in line with the Cabinet Decision Number 14th/16.08.16/012. The Profile highlighted the need for the development of a labour migration policy, and made certain concrete recommendations in this regard. In view of this, the Government (in particular the Ministry of Labour, Industrial Relations and Employment Creation (MLIREC)), resolved to pursue the process of developing a concrete policy framework that would provide a consistent and transparent basis for dealing with immigration into and emigration from Namibia for work purposes. This Policy is therefore the result of these developments. The purpose of this policy is to effectively manage the lawful labour migration of workers to and from Namibia, to ensure adequate protection of these workers, and to enable Namibia to benefit from the development and skills enhancement contribution of immigrant workers and Namibian workers abroad.

The National Labour Migration Policy has been developed in close collaboration with a consultative Labour Migration Technical Working Group (TWG) comprising of key stakeholders, which has been established to collectively deal with labour migration aspects in Namibia. The TWG members were exposed to different trainings, which included labour migration management and labour migration policy development. Apart from the TWG, consultative meetings were conducted with a wider range of stakeholders resulting in the development of a situational analysis report prior to the

development of the Policy. The Policy reflects on labour migration from a range of perspectives that are relevant to Namibia, and has taken into account the existing national policies and legal context, as well as the international and regional framework.

Section 2 focuses on the background to the Policy. Section 3 elaborates on the rationale for this Policy, while Section 4 discusses the alignment of the Policy to the national, international and regional context. Section 5 indicates a number of guiding principles, while Section 6 deals with policy direction, with particular reference to the Policy's vision, mission and goal. Section 7 discusses Policy objectives, while Section 8 deals with strategies. Section 9 concerns implementation arrangements, covering in particular the institutional framework, legal and regulatory arrangements, monitoring and evaluation, and the communication strategy in relation to the Policy. Section 10 refers to the Implementation Action Plan. A roadmap for implementation and resource mobilisation plan is separately attached to the Policy. Section 11 contains concluding remarks.

2. Background

2.1 Problem Statement

Namibia has been accommodating foreign workers to help provide much needed skills for the sake of strengthening the Namibian labour market and contributing to economic growth. Yet the structures and underlying data frameworks, as well as policies and procedures in place to manage labour immigration and to ensure that it fulfils these mentioned functions have some gaps and shortcomings and leave room for misuse and exploitation of workers.

The area of labour emigration lacks a policy and legal mandate, a supportive data context, as well as an institutional and operational framework. Specific areas associated with labour emigration, such as recruitment, diaspora engagement, optimising the flow and use of remittances and a regulatory framework to streamline labour emigration possibilities and enhance the protection of Namibian migrant workers abroad are significantly underdeveloped.

Human resource development in Namibia faces several challenges, despite progress made. There is a shortage of critical skills and a skills mismatch which contribute to high unemployment particularly among women and youth. In addition to the need for ongoing reforms in the education sector, skilled immigrant labour is not optimally used to enhance the skills set of Namibian workers, among others in view of problems experienced with the requirement to appoint and equip understudies. A systematic approach to utilise the engagement and in particular the skills of Namibian workers abroad to help build the Namibian skills base is not in place.

Other relevant matters, including irregular migrants, human trafficking, the position of vulnerable categories of vulnerable workers, the Namibian skills context, migrant health and well-being and the inclusion of Namibia in the regional labour migration framework have received the Namibian Government's attention, but further steps and measures are required. The Policy takes note of the Government's aspirations and plans towards enhancing the mutually beneficial outcomes of migration and development.

2.2 Socio-Economic Context

Namibia suffers from a high income inequality rate: a Gini coefficient of 0.597. According to the 2018 Namibia Labour Force Survey, (NLFS), the unemployment rate recorded 33.4% (youth unemployment rate of 46.1%; female unemployment rate at 34.3%). The unemployment rate remains high by international standards although several job creation and skills development initiatives have been introduced to help promote full employment. Nevertheless, as confirmed by several skills audits (OPM, MLIREC and NEF), in many critical areas, for example the health and education sector, there are still shortages of critical skills.

2.3 Migration Context: Global, Africa, SADC and Namibia

According to the World Bank's *Migration and Remittances Factbook 2016*, more than 247 million people, or 3.4 percent of the world population, live outside their countries of birth. Recent ILO estimates, contained in *ILO Global estimates on migrant workers: Results and methodology (2015)*, suggest that there are 150.3 million migrant workers in the world and 8.7 million migrant workers in Africa, of which 0.8 million are working in Northern Africa and 7.9 million in sub-Saharan Africa.

In Africa, there were 21 million international migrants in 2015, increased from 15 million in 2000, which constitute approximately two percent of the population in Africa, with a median age of 29 (up from 27 in 2000)).

Southern African cross-border mobility tends to occur within SADC or with neighbouring regions, while only a small percentage moves overseas, confirming the South-South nature of SADC migration. Namibia has been closely involved in both the SADC migration-related structures including the government-led MIDSA and SADC ELS processes, supported by IOM, UNHCR, UNICEF, ILO and UNODC. Regarding SADC, the development of this Policy fits in with the adoption by SADC of a Labour Migration Policy Framework and Labour Migration Action Plan.

The HPP stresses the integration of Namibia into the SADC and AU contexts. It also emphasises Namibia's commitment to liberalised movement of goods and people across (Namibian) borders.

The Namibia 2011 Population and Housing Census indicate that there are 68,358 international migrants in Namibia. The main countries of origin are Angola (38,076), South Africa (21,209), Zambia (10,299), Zimbabwe (5,770) and Germany (3,670). Reliable national figures on labour migration outflows are not currently available in Namibia. The United Nations Department of Economic and Social Affairs (UNDESA) indicates that the number of Namibians who reside abroad increased from 48,158 in 2000 to 137,498 in 2013.—Remittances to and from Namibia remain low, with a remittance inflow of US\$8.7 million and a remittance outflow of US\$11.6 million

In view of the explicit undertaking. This Policy embodies Namibia's commitment to conclude and implement multilateral and bilateral labour and social security agreements; to continue its engagement with continental (AU) and sub-regional SADC processes and initiatives concerning labour migration; and to ratify and domesticate core non-ratified continental and regional instruments, which Namibia considers appropriate for its context.

2.4 Institutional Framework

A limited dedicated institutional framework for labour migration exists in Namibia. The Ministry of Home Affairs and Immigration (MHAI) deals with matters of immigration including the status of immigrant workers. Labour emigration is not dealt with by a single, lead Ministry, although the Ministry of Labour, Industrial Relations and Employment Creation (MLIREC) regulates and supervises private employment agencies.

More could be done to address insufficient inter-ministerial coordination and duplication of functions. However, steps have been taken by Government to address these shortcomings. Further reflection on the institutional context is covered in this Policy on institutional arrangements, discussed under section 9.1 below.

2.5 Labour Immigration

Several measures are required to deal with a range of labour immigration challenges:

- (a) **Data shortcomings:** With the exception of entry and exit data, immigration data of an administrative nature are difficult to obtain. There is also a problem of inadequately digitalised information regarding the issuance of work permits. Data relating to the nationality/country of origin of the prospective immigrant worker need to be obtained, while data in relation to their sex, age, education and occupation of employment need to be captured as part of the Labour Force Survey.
- (b) **Skills shortages and mismatches:** Inadequate information on available skills and skills shortage exists in the country. There is a need to have a database of

needed critical skills. In addition the Namibian Standard Classification of Occupation 1996 is out-dated, as is the case with the Human Resource Development Plan (2010).

- (c) Working Conditions:** With the exception of work visas granted, foreign workers resort to changing their initial approved working conditions in the labour market and in some cases starting their own business, after arrival in Namibia.
- (d) Skills transfer (understudy):** An employer appointing a labour migrant must appoint an understudy to enable a Namibian to acquire the skills. However, the understudy may not be appointed to the substantive position. Amendments to the relevant legislation to deal with the shortcomings are currently being considered.
- (e) Work permit process:** High workload and a backlog in granting work permits are experienced by the Immigration Selection Board as the board only meet once a week to allow members to attend to other responsibilities at their respective work places.
- (f) Standardised evaluation framework:** Due to the absence currently of a standardised evaluation framework, there is need for the finalisation and utilisation of such a framework for foreign qualifications within the SADC and AU contexts.

2.6 Labour Emigration, Return and Reintegration

Key issues to be addressed include:

- (a) Insufficient and inconsistent data:** Data on emigration of Namibian workers, emanating from national and international sources are insufficient.
- (b) Frameworks supportive of labour emigration:** Currently, Namibia does not have a legal, policy, institutional or operational framework informing labour emigration, although MLIREC proposes and supports this as a medium- to long-term objective.
- (c) Inadequate assistance to and protection:** Namibian labour migrants are not well managed. There is no mechanism in place that provides support to Namibian migrant workers at pre-departure, at destination and upon return.

2.7 Namibian Diaspora

The value of the diaspora for the development and benefit of both the destination country and country of origin, is increasingly appreciated – in the form of transfer of knowledge and skills, investments, and the transfer of remittances. Governments, including African governments, have gone to great lengths to establish legal, policy, institutional and operational frameworks to recognise, support, engage with and utilise the diaspora for development. The Namibian government has repeatedly stressed the importance of diaspora involvement, in particular as regards the alleviation of poverty in Namibia.

The challenges in this regard include the absence of profiling of Namibians in the diaspora and the lack of an appropriate framework for the engagement of the diaspora in the development of Namibia.

2.8 Remittances

Remittance income in developing countries provides a stable flow of income. Despite temporary fluctuations, remittances remain a primary source of household income in migrant-sending countries. They enhance economic development, also through savings and investments.

There is no available national data source on remittance inflows and outflow. Nor is a regulatory framework in place, which deals with the cost of remittance transfers. The Bank of Namibia (BON) is currently seeking to address the data gap, and is working on including a (separate) question in the NHIES conducted by NSA to obtain a better estimate. In the meantime, the Bank is engaging with local Money Transfer Operators (MTOs) to get these estimates for its compilation.

Government supports several measures to enhance remittance information and use, including collaboration between BON, MLIREC and NSA in connection with remittance data; utilisation of the SADC-wide framework for collecting remittance data; addressing high remittance transfer costs; use of remittances in relation to special investment incentives for Namibians abroad; and a framework for the use of remittances for purposes of social security contributions, especially in the event of insufficient coverage by the social security systems in the host country.

2.9 Public and Private Recruitment

Private employment agencies (PEAs) in Namibia are regulated in terms of the Employment Service Act, 2011 (Act No. 8 of 2011) and supervised by MLIREC. **Public employment services** in Namibia are mainly provided by the Employment Services Bureau, operating under the auspices of the Employment Services Division in the MLIREC. The Bureau is focused on job-seekers' registration and hosts a computerised Integrated Employment Information System for purposes of registration. Employers are canvassed in an attempt to solicit employment for job-seekers, supported by the Employment Service Act, 2011. However, there is lack of a standardised employment contract and bilateral agreements for migrant workers in line with international labour standards, guidelines and regional best practices. It will be prudent in this regard to consider both public and self-regulation, bearing in mind the provisions of ILO Convention 181 of 1997 (Private Employment Agencies Convention); the International Recruitment Integrity System (IRIS), spearheaded by IOM; and the Code of Conduct developed by the Confederation of Private

Employment Agencies (CIETT),¹ ILO general principles and operational guidelines on fair recruitment² and good comparative country experiences.³

2.10 Human Resource Management, Skills Development and Training

Skills training is underdeveloped in Namibia and there is an evident mismatch between available and needed skills, while the reality of the labour market in Namibia and opportunities abroad make it difficult to retain skills in professions and (geographical) areas where these are required. Limited apprenticeship/internship opportunities, as well as deficient and out-dated equipment in training centres are also a challenge.

In response, Government has, among others, committed itself to strengthen the VET system, teaching and learning, arts and culture. Government supports steps aimed at strengthening the Namibian skills environment. These include the reform of the education sector (taking cognisance of a recent UNESCO study on *TVET, Higher Education and Innovation*, undertaken for the Government of Namibia); investing in and streamlining job creation initiatives with training opportunities; improving the data environment in support of enhanced skills development; inclusion of relevant stakeholders in curriculum development; and utilising immigrant labour and Namibian workers abroad as a tool to enhance skills development in Namibia.

2.11 Migration and Health and Well-Being

The Government of Namibia aims at the attainment of a high level of health and social well-being by all Namibians, so that economically and socially productive lives may be led. Real expenditure on public health has shown a significant increase from 2008 onwards. During 2015/16 MoHSS received N\$ 6, 9 billion as well as for the 2016/17 financial year.

To a large extent, *health concerns of and in relation to migration workers* are being considered by Government from a planning and programmatic perspective. Migration variables are considered by MoHSS in its programming for HIV, TB, and Malaria. Also, Namibia as a WHO Member State has committed herself to the implementation of WHO's global strategies and frameworks geared towards prevention of diseases, promoting health and well-being of all inhabitants – including the International Health Regulations (IHR) of 2005.

¹ The CIETT (Confederation of Private Employment Agencies) is the authoritative voice representing the interests of agency work businesses.

² Available at: http://www.ilo.org/global/topics/fair-recruitment/WCMS_536755/lang--en/index.htm.

³ Kenya provides an important example of a country experience – in terms of both public regulation and self-regulation through KAPEA (Kenya Association of Private Employment Agencies). KAPEA serves as an umbrella body for a large number of PREAs in Kenya and has among others adopted a Code of Conduct for Private Employment Agencies in 2006. Another recent instrument is the Government of Ethiopia's Proclamation 923/2016 (Ethiopia's *Overseas Employment Proclamation*)

There is inadequate data on health and migration. Specific arrangements exist to *make health services accessible to labour migrants*. Government supports the following measures: (a) Implementing and supporting strategic frameworks and programmatic interventions, including a comprehensive Namibian Migration Health Promotion Strategy, targeting all migrant categories, as well as sector-based workplace health programmes that are migrant-inclusive, covering all spaces of vulnerability; (b) Strengthening the data environment, also at each border entry point; and (c) Improving health facilities and building capacity in accordance with the recommendations made in the *Report of the Presidential Commission of Inquiry* (2013).

2.12 Irregular Migrants and Human Trafficking

The problem of **irregular migration** across the borders of Namibia is exacerbated by the fact that the borders between Namibia and its neighbours are porous, while the border system is only partly automated. To help address this, special arrangements have been made between the Government of Namibia and the Government of Angola on the introduction of a border resident card (BRC) between the two countries to assist limited cross-border transit. There is need to improve border management, also by strengthening the data environment applicable to border management.

Comprehensive steps have already been taken by Government to strengthen measures aimed at addressing **human trafficking**, Government will build on these measures by improving support for victims of human trafficking (VOTs), also through a national referral system, and by finalising and enacting the new, overarching law on human trafficking.

2.13 Refugees and Asylum-Seekers

People forced to flee their home countries often seek refuge in Namibia for its political stability, democracy and human rights. Namibia has a history of extending protection to refugees. Durable solutions have been found; the aim is to further reduce the number of refugees and asylum-seekers in Namibia through resettlement and local integration. Refugees have access to education, health care and legal assistance. They may be given permission to travel outside the camp, and to obtain a permit to undertake work after fulfilling employment criteria applicable to foreign nationals. Limited opportunities in livelihoods are also provided to refugees inside Osire Refugee Camp through vocational skills training and agriculture projects.

Government is committed to continue extending protection to asylum-seekers and refugees in accordance with Namibia's obligations under UN and AU instruments. Government's commitment includes the consideration of developing medium- to

longer-term solutions – such as voluntary return (where appropriate) and bilateral agreements – for the return of refugees to countries where a situation conducive to refugee departure from Namibia exists. Government further considers the better utilisation of significant skills sets of refugees in coordinated fashion, with a plan and strategy.

2.14 Social Security Protection of Migrant Workers

Lack of access to portability and social security benefits may lead to a loss or substantial reduction of these benefits and may, in fact, impede labour migration. As a result, the return of migrants to their countries of origin may be undermined, while these countries (many of them developing countries) may be deprived of beneficial development effects.

Increased SADC and international labour mobility requires clear strategies to ensure that migrant workers to, in transit and from Namibia are adequately protected by current and future programme offerings. Government is considering to arrange for the cross-border portability of social security benefits, and to make provision for unilateral coverage (extended by Namibia) to Namibian migrant workers who are not adequately covered by social security arrangements of a host country.

3. Rationale

The Labour Migration Policy is developed as a result of the need to address deficiencies that are experienced in several major areas associated with labour migration affecting Namibia. These areas include labour migrants coming to Namibia, Namibian workers abroad and their protection, irregular migration and human trafficking, vulnerable migrant workers in Namibia, diverse skills challenges and human capacity constraints, the involvement of diaspora, remittance shortcomings, and regional linkages.

Of particular importance is the need to strengthen the links between migration and development. In 2013, a UN *High Level Dialogue on Migration and Development* emphasised the need to enhance the benefits of international migration for migrants and countries alike and its important impact on development, while reducing its negative implications. Mainstreaming migration into development has therefore become an important theme throughout the world.

For countries of destination, skilled migrant workers contribute significantly to the skills needed as well as labour market and economic development. Countries of origin can richly benefit from the skills imparted and investments made by immigrant workers, the diaspora, and migrant workers returning after a period of employment abroad. Remittances flowing from migrant workers abroad help to sustain households and communities, and contribute to economic development of the country of origin.

4. Alignment with National, International and Regional Context

4.1 Domestic Legal and Policy Framework

The Namibian **Constitution** is the supreme law of the country. Rights and freedoms in the Constitution are also available to non-citizens, including migrant workers in Namibia. The Constitution further stipulates that international agreements binding upon Namibia under the Constitution shall form part of the law of Namibia (Article 144).

Dedicated legislation in the area of labour migration is to some extent available. The Immigration Control Act, 1993 (Act No. 7 of 1993) and its accompanying regulations deal comprehensively with labour immigration matters. Some provision for the regulation of private employment agencies is made in the Employment Service Act, 2011 (Act No. 8 of 2011). Other laws that have bearing on issues associated with labour migration include the: Labour Act, 2007 (Act No. 11 of 2007); Labour Amendment Act, 2012 (Act No. 2 of 2012); Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998); Social Security Act, 1994 (Act No. 34 of 1994); Education Act, 2001 (Act No.16 of 2001) (currently being revised); Regulations under the Immigration Control Act (1993) (Government Gazette no. 895 of 24 July 1994), and the Standard Operational Procedural Manual; Refugee Administration Act, 1992 (Act No. 2 of 1992); Defence Act, 2002 (Act No. 1 of 2002); Decentralisation Enabling Act, 2000 (Act No. 33 of 2000); and Public Service Act, 1995 (Act No. 13 of 1995).

Vision 2030, a Policy Framework for Long-term National Development promotes the establishment of a diversified, open market economy, with a resource-based industrial sector and commercial agriculture, placing particular emphasis on skills development and job creation. Objective number three is aimed at developing a diversified competent and highly productive human resources and institutions fully utilising human potential and achieving efficient and effective delivery of customer focus services which are competitive not only nationally but also regionally and internationally.

The **HPP** (2016/17 to 2019/20), targeted at accelerating the implementation of key priority areas and emphasising among others the development of the TVET sector; job creation, including youth enterprise development; Namibia's commitment to liberalised movement of goods and people across borders; and the integration of Namibia into the SADC and AU context.

NDP5 (2017 to 2022) sets out several aims and objectives. These include access to quality health and other vital services – also through improved cross-border collaboration; the elimination of trafficking via an integrated and multi-sectoral approach; investment in human capital accumulation and job creation; skills development and transfer; a transformed TVET sector; regional integration; and disaggregated data on migration.

The overarching Migration **Policy** is not yet in existence in Namibia, hence the need for the development of this Policy. It is necessary to align with this Policy the envisaged development of an overarching migration policy, as well as the Recruitment Policy of the public service which, according to OPM, is currently being revised.

One of the key policies that have a direct bearing on this Policy is the National Employment Policy, 2013-2017 (NEP). Labour migration is closely related to employment policy; this Policy should therefore be appropriately integrated with NEP.

Also relevant is the Vocational Education and Training Policy (2005), which may itself be influenced by the current debate concerning the role, place and direction of vocational education and training in Namibia. Furthermore, Namibia's Foreign Policy and Diplomacy Management (2004) provides important pointers relevant to the position of Namibians, including Namibian workers abroad. The perspectives on the role of the Namibian diaspora and the protection of Namibian migrant workers abroad, indicated in this Policy, could be usefully integrated into the framework of that Policy.

Other policy frameworks that are related to essentially internal labour migration include the Decentralisation Policy (2008), read with the Decentralisation Implementation Plan (DIP) 2016-2021. A national policy on social protection is envisaged and will reportedly also deal with the policy context of international migration.

4.2 International and Regional Instruments and Standards

The core **UN** instrument dealing with migrant workers is the 1990 *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. Several recently adopted Sustainable Development Goals (SDGs) impact on labour migration (see Appendix B for further details).

The ILO Multilateral Framework on Labour Migration and international labour standards (Conventions and Recommendations) generally apply to all workers, including migrant workers. The most important ILO Conventions that deal specifically with migrant workers are ILO *Migration for Employment Convention* (Revised) No. 97 of 1949 and ILO *Migrant Workers (Supplementary Provisions) Convention* No. 143 of

1975, and their accompanying Recommendations. Other specialised Conventions deal with the protection of migrant workers' social security rights, mentioned later in this Policy.

Other ILO and UN instruments deal with, respectively, recruitment and human trafficking – issues dealt with specifically later in this Policy.

In 2006 the **African Union** (AU) Executive Council adopted the *AU Migration Policy Framework for Africa* (MPF), which deals among others with labour migration, irregular migration, forced displacement, migration and development, social security and inter-state and inter-regional co-operation. Other AU developments highlighting/emphasising labour migration include:

- The 2014 *Plan of Action on Employment, Poverty Alleviation and Inclusive Development*.
- The *Declaration on Migration* of 2015.
- The 2015 AUC-RECs-ILO-IOM-UNECA joint initiative on labour migration, under the title "*Labour Migration Governance for Development and Integration in Africa: A bold new initiative*".
- The visionary document concerning Africa's direction, *Agenda 2063*.

Apart from the *Protocol on the Facilitation of Movement of Persons*, adopted by **SADC** in 2006, other relevant SADC documents include the *SADC Labour Migration Policy Framework*, the *SADC Labour Migration Policy*, the *SADC Labour Migration Action Plan* and the ILO-supported *SADC Decent Work Programme*.

Namibia has ratified a large number of international and regional instruments relevant to the labour migration area (see Appendix C), including 13 of the 18 core international human rights instruments. However, certain important instruments of particular relevance to the area of labour migration have not yet been ratified by Namibia e.g.:

1. ILO and UN Conventions in relation to migration – in particular ILO Conventions 97 of 1949 and 143 of 1975; and
2. UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families of 1990.

5. Guiding Principles

The guiding principles informing this Policy include the following:

- a) **Maximising migration for development:** Migration should deliver developmental benefits for Namibia – with particular emphasis on household, community and economic development, leveraging the positive contribution of remittances, and skills development/human capacity strengthening.

- b) Decent work:** Recognition that labour is not a commodity and that decent work for migrants also can contribute to economic development, poverty eradication and the improvement of the standard and quality of life in Namibia.
- c) Skills enhancement:** This should be achieved through skills impartation by immigrant workers and the involvement of Namibian diaspora (i.e. Namibians working abroad), by providing skills training to prospective Namibian migrant workers, and by relying on the skills of these workers acquired while employed abroad. Dedicated skills enhancement of Namibians, in areas required by the Namibian labour market, would reduce the need of Namibians to migrate.
- d) Diaspora inclusion:** Including the Namibian diaspora in the economic, labour market, cultural and social contexts of Namibia will greatly contribute to economic development and improving the Namibian skills base.
- e) Migrant worker, including vulnerable worker, protection:** Namibian workers abroad and immigrant workers in Namibia, as well as trafficked persons, victims of child and forced labour, refugees and asylum seekers require labour and social protection, on the basis of equality of treatment with national workers.
- f) A normative framework and benchmarking:** It is necessary to consider international and regional instruments and standards, as well as Namibian foundational documents. Simultaneously, much can be gained from sound country experiences.
- g) Multi-actor involvement:** Institutional and operational collaboration is required – amongst governmental and other public agencies, also with private sector institutions (such as private employment agencies), and between national and cross-border governments and institutions, as well as with regional and international bodies.
- h) Adequate data support:** There is need for focused and reliable, timely, accurate, available and accessible data – on labour migration specifically, but also the broader labour market, economic and development frameworks in Namibia.
- i) Sound regulation:** The promotion and utilisation of labour migration for developmental purposes require a legal mandate and clarity of the rights, obligations and roles of labour migration partners.
- j) Decent job opportunities, at home and abroad:** Job mismatches and resulting underemployment unnecessarily fuel migration. Also, Namibian workers should be adequately trained for positions they will be taking up abroad to enhance their prospects of finding decent work.
- k) Improved migration management:** Sensible management of immigrant labour and, to the extent required, of Namibians working abroad will address protection failures, abuse and clandestine cross-border movement.

6. Policy Direction

6.1 Vision

A country where well-managed labour migration makes a significant contribution to Namibia's economic development and skilled work force, and where both immigrant workers and Namibian workers abroad are gainfully employed and enjoy concrete protection.

6.2 Mission

To enhance cooperation within Namibia, and with other countries on labour migration, in collaboration with bilateral partner institutions, and in accordance with international and regional standards and objectives, to effectively manage the lawful labour migration of workers to and from Namibia, to ensure adequate protection of migrant workers, and to enable Namibia to benefit from the development and skills enhancement contribution of migrant workers.

6.3 Goal

To ensure the sound development and implementation of a labour migration system, which has a positive impact on human resource development, economic growth and decent work for all in Namibia.

7. Policy Objectives

The objectives are as follows:

- a) To develop a labour migration system that benefits optimally from the developmental impact of migration to and migration from Namibia;
- b) To ensure effective border control, and sound management of migration flows, including the eradication of human trafficking, smuggling, child labour and forced labour and irregular migration;
- c) To have an informed well-regulated legal mandate and dedicated policy context, which are appropriately aligned to relevant international and regional standards;
- d) To employ immigrant labour to provide and transfer critical skills, in the absence of available human resources;
- e) To appropriately regulate the selection and recruitment of migrant workers, through supervised private employment agencies and public employment services, in accordance with universal good practice;
- f) To effectively include and make efficient use of the ability of Namibian workers abroad to support development in Namibia and impart skills to other Namibians;

- g) To extend rights-based protection to migrant workers, as well as to victims of human trafficking, refugees and asylum seekers in the form of, among others, labour and social protection, and access to justice;
- h) To ensure positive health outcomes for migrant workers and affected households and communities;
- i) To deal with abuse of migrant workers, including Namibian migrant workers abroad;
- j) To ensure the collection, analysis and dissemination of reliable labour migration statistics; and
- k) To improve the skills of Namibians to bridge the skills gap in the country through training (including internship, mentorship and apprenticeship programme) and projection of demand and supply of human resources.

8. Strategies

Strategies to achieve the goal and objectives of this Policy include the following:

- (a) Address labour migration data shortcomings through enhanced data collection, analysis and availability;
- (b) Strengthen labour inspection at workplaces to ensure compliance with work permit skills imparting obligations and with other relevant laws;
- (c) Review the Human Resources Development Plan and the Standard Classification of Occupation to better understand and profile occupation and skills competencies in the Namibian labour market;
- (d) Conduct regular skills audit surveys;
- (e) Explore unique work opportunities for skilled Namibian migrants abroad through circular migration. This should be linked to ensuring sufficient protection of these workers at pre-departure, while they are abroad, and upon return;
- (f) Extend services rendered by regulated PEAs and public employment services to migrant workers, with a particular emphasis on promoting ethical recruitment, self-regulation and utilising a dedicated and enhanced public employment service framework;
- (g) Profile Namibian diaspora and engage them by developing an appropriate supportive framework;
- (h) Liaise with the Namibians diaspora via Namibian foreign missions and diaspora associations in creating a platform for engagement and a conducive environment for involvement;
- (i) Integrate remittances in economic, social and migration frameworks in Namibia;
- (j) Enhance skills development, training and human resource management in Namibia, by reforming the education sector (including TVET);

- (k) Implement strategic frameworks on migration and health and improve health facilities and build capacity;
- (l) Ensure access to and portability of social security benefits for migrant workers, and address deficient protection of Namibian migrant workers abroad;
- (m) Improve and manage a dedicated Cross-border Migration Management System;
- (n) Address human trafficking by protecting victims of trafficking (VOTs), and finalise the new, overarching law on human trafficking;
- (o) Benchmark the implementation of the Labour Migration Policy against international, AU and SADC instruments and programmes;
- (p) Develop and implement binding/enforceable Bilateral Agreements addressing labour migration needs;
- (q) Enhance the collection and use of labour migration data by strengthening the NSA and the migration statistical environment; develop labour migration indicators; expedite LMIS development; and mainstream labour migration data;
- (r) Adopt a proper legal/regulatory framework informing the implementation of this Policy;
- (s) Monitor and evaluate the implementation of the Policy;
- (t) Develop a dedicated communication plan or strategy, supported by the establishment of an Information Management System (IMS);
- (u) Address the wide-spread problem of foreign labour migrants changing their status in the labour market and those that are starting their own business, after arrival in Namibia;
- (v) Enforce understudy and skills impartation obligations, supported by an appropriate legal mandate. Amend the relevant legislation to deal with the shortcomings pertaining to understudy programmes;
- (w) Streamline the work permit process by ensuring permanent and full-time members of the Immigration Selection Board; and
- (x) Harmonise the qualifications and standardised evaluation framework for foreign qualifications within the SADC and AU context.

9. Implementation Arrangements

9.1 Institutional Arrangements

Several domestic stakeholders have a current, and/or potential future role to play with regard to the implementation of this Policy. The core stakeholders and their envisaged role/involvement are indicated below;

- (i) **Ministry of Labour, Industrial Relations and Employment Creation** – the custodian of labour migration-related matters regulated under among others

the Labour Act, 2007 and the Employment Services Act, 2011 (Act No. 8 of 2011) and provided for under the Employment Policy –

- a) The Employment Services Division under the Directorate Labour Market Services is tasked with registration of job seekers; maintaining the Integrated Employment Information System aimed at registering job seekers, employers and training institution for the purpose of job placement; and providing career guidance and vocational counselling services.
 - b) The Labour Market Information Division focuses among others on conducting surveys and research on labour market information and analysis for policy formulation and employment creation.
 - c) The Directorate Labour Services ensures full compliance with labour laws.
 - d) The Labour Advisory Council Secretariat under the Division International Relations and Advice deals with the ratification of international labour standards and recommendations.
 - e) The subdivision International Relations, under the same Division attends to Namibia's reporting obligations on the International Labour Standards.
 - f) The Office of the Employment Equity Commission oversees compliance with affirmative action employment measures, as well as understudy obligations.
- (ii) **Office of the Prime Minister** – responsible for skills audit/human resource profile for government institutions, and the demand and supply of skills in the public service.
 - (iii) **Office of the Deputy Prime Minister** – leading role in relation to the national committee to combat trafficking.
 - (iv) **Ministry of Home Affairs and Immigration** – the custodian of migration-related matters regulated under among others the Immigration Control Act, 1993 and subsidiary legislation, and responsible for immigration and emigration control (border management), facilitating lawful migration; issuing of identification documents, including work permits, visas and passports; and development of a migration policy.
 - (v) **Ministry of International Relations and Cooperation** – human trafficking; liaison with Namibians abroad (also given its task to advance sustainable and equitable socio-economic development); bilateral and multilateral agreements.
 - (vi) **Ministry of Health and Social Services** – migrant health and well-being, flowing from its constitutional mandate derived from Article 95 of the Constitution; recruitment of foreign medical experts due to lack of qualified Namibian personnel.
 - (vii) **Ministry of Education, Arts and Culture** – overseeing the Namibian education system and its development; involvement in recruiting foreign teachers resulting from lack of qualified Namibian teachers.
 - (viii) **Ministry of Higher Education, Training and Innovation** – higher education and skills development integration.

- (ix) **Ministry of Poverty Eradication and Social Welfare** – responsible for poverty eradication in the country, among others via the grant and food bank system; development of social protection policy.
- (x) **Ministry of Justice** – finalisation of umbrella anti-trafficking law.
- (xi) **Ministry of Gender and Child Welfare** – responsible among others for dealing with and responding to human trafficking and social protection.
- (xii) **Ministry of Safety and Security and Nampo!** – border control.
- (xiii) **Ministry of Industrialisation, Trade and SME Development** – SME development (labour market interventions); diaspora trade/investment opportunities.
- (xiv) **Ministry of Defence** – visiting forces, mainly based on bilateral agreements.
- (xv) **Ministry of Agriculture, Water and Forestry (MAWF)** – continuation of development of rural agriculture in order to mitigate the effect of rural-urban migration. Together with other stakeholders, MAWF shall ensure formalised movement of migration of labourers as well as expert migrant workers for the agriculture sector, (in line with this policy).
- (xvi) **Namibia Statistics Agency** – collection, production, analysis and dissemination of official and other statistics related to labour migration.
- (xvii) **National Planning Commission** – charged with planning and spearheading the course of national development; coordinating public policy processes; responsibility for planning national priorities and directing the course of national development; coordination of the implementation of the National Development Plans, as part of the implementation process of Vision 2030; depository of public policies.
- (xviii) **Social Security Commission** – social security for migrants to and from Namibia.
- (xix) **Namibia Training Authority** – overseeing VET-based skills development.
- (xx) **Namibia Qualifications Authority** – qualifications standards and accreditation.
- (xxi) **Bank of Namibia** – cross-border monetary flows, in particular remittance flows, impact and use.
- (xxii) **Prosecutor-General of Namibia** – human trafficking prosecutions.
- (xxiii) **Namibian Employers' Federation** – apex employer body; skilled migrant workers; skills audit; involvement in tripartite policy framework.
- (xxiv) **National Union of Namibian Workers and Trade Union Congress of Namibia** – apex union bodies; limited migrant membership base; involvement in tripartite policy framework.
- (xxv) **Private Employment Agencies** – procuring and channelling migrant workers and (potentially) Namibian migrant workers.

Coordination concerning the implementation of this Policy will resort under the Labour Migration TWG. Other Technical Working Groups are potentially also of relevance, including the TWG on Migration and a separate multi-stakeholder TWG

on health, dealing among others with health-related issues in connection with migrants.

The direct responsibility for the overall implementation of this Policy would have to fall within the domain of the Ministry that has, in terms of its broader mandate, the closest connection to issues of labour migration. This will naturally have to be MLIREC. Given the wide range and intensity of functions to be undertaken under the labour migration portfolio, especially with regards to the externalisation of labour, the establishment of a separate, dedicated division within MLIREC may have to be considered; alternatively, the functions of an existing division will have to be strengthened. The new, or expanded current structure should have a sufficient staff complement and budgetary allocation.

Consideration will also be given to establish a separate diaspora liaison division with MIRCO – as Namibian embassies fall within the jurisdiction of this Ministry, the natural link that the Namibian diaspora have will be with this Ministry. Several countries in Africa – among others Ethiopia and Uganda – have gone this route. The posting of additional government personnel (including labour attachés) in locations abroad where sizeable numbers of Namibians are working may also be necessary.

Furthermore, coordination and collaboration are key to the success of the implementation of this Policy – for example, the Immigration Selection Board and its interfacing with the office of the Employment Equity Commission, the various TWGs mentioned above; and the national committee to combat trafficking. The area of labour migration data also requires close cooperation between line Ministries and the NSA.

Public-private partnerships are also important. For example, in the area of remittances, collaboration between and commitments made by financial institutions and government may help to reduce the costs of personal transfers and to develop appropriate remittance products. There could also be closer collaboration between government and private employment agencies, in particular with regards to overseas employment for Namibian migrant workers, and with government taking on a more pertinent role (for example, in its capacity of providing public employment services).

It is critically important to ensure extensive collaboration with two of the main affected actors in the area of labour migration, that is, the social partners, being the apex employers' association and trade union federation bodies.

9.2 Legal and Regulatory Arrangements

A legal framework is necessary to provide a mandate for government and other public, as well as private, institutions to act. It also informs the implementation of this

Policy, by giving clarity about the rights and obligations of the various parties), and by indicating undertakings and processes.

Some of the key legal interventions, which have to be adopted, or adjusted, as the case may be, include the following legal instruments:

- Labour Act, 2007 – labour exporting: an appropriate framework for labour migration from Namibia, employment abroad, and return to Namibia.
- Immigration Control Act, 1993 – conditions for the issuing of work permits to immigrant workers.
- Social Security Act, 1994 and/or other legal framework informing social security provisioning – social security coverage of migrant workers to and from Namibia, including suitable portability provisions.
- National Pensions Act, 1992 – provision for national pensions to be paid to aged, blind and disabled persons.
- Umbrella anti-human trafficking law – finalisation of the draft law.
- VET and higher education laws – amendments to reflect a revised framework for skills training in Namibia.
- Affirmative Action (Employment) Act, 1998 – compliance with affirmative action employment measures, as well as understudy obligations.
- Employment Service Act, 2011 – regulation of private employment agencies and public employment service.

The policy, legal and framework will be aligned with relevant UN, ILO, continental and regional instruments stated under 4.2 above.

9.3 Resource Mobilisation

All role players in the implementation of this policy should mobilise resources in order to fulfil their role in the policy's implementation action plan.

9.4 Monitoring and Evaluation Framework and Reporting

Monitoring of the Policy entails quarterly feedback on progress in implementation of the Policy, measured against the objectives of this Policy, set out in par 7.1. With **evaluation**, specific focus areas of the Policy will be periodically evaluated, at least once every two years, in order to measure performance in these areas.

MLIREC will fulfil a coordinating role, and will review and integrate M & E plans of individual stakeholders into an overarching M & E plan. MLIREC will submit the consolidated plan to NPC and annually report to National Assembly on the plan.

The Policy will be reviewed when the need arises.

9.5 Advocacy and Dissemination

Core elements of this Policy may not be well understood, especially by those who will be most affected by it. Therefore, a comprehensive communication strategy to raise awareness of this Policy is needed. Moreover, there is also a pressing need to ensure that affected and implementing partners are fully on board from an early stage.

The communication strategy will be developed in consultation with the Ministry of Information and Communication Technology and the Office of the Prime Minister. It would be vital to expand, for purposes of this Policy, an Information Management System (IMS) which is administered by MLIREC, and to share this widely with affected stakeholders.

10. Implementation Action Plan

An implementation action plan is part of this policy document as an attachment and shall be reviewed every five years or when the need arises.

11. Conclusion

In the HPP Government indicates, in relation to African Economic Integration:

"We support the AU approach to integration that is built on strong regional economic groupings. In this regard, the Southern African Development Community (SADC), and the Southern African Customs Union (SACU) form the core of our regional integration strategy. We are committed to harmonizing policies and procedures to make it easier to move goods and people across borders...."

Again, in relation to international relations, the HPP has this to say:

"In an integrated world, there are no foreigners. Our focus will, therefore, be on relationship building and cooperation with our global friends in the context that Namibia is a child of international solidarity, a friend to all and an enemy to none."

These sentiments clearly reflect a clarion call to action, to let Namibia tap into and benefit from the vast framework of available manpower internationally but specifically in SADC and the rest of Africa, to support the country in the enhancement of its core skills base, at this critical juncture of its economic and labour market development. Simultaneously it exposes Namibia and its workers to job opportunities abroad, and to utilising these opportunities to the benefit of Namibian households, its labour market and economy.

To achieve this requires the development and implementation of a range of interventions suggested in this Policy. In this way Namibia will also align itself to international, AU and SADC directions and standards and comply with its international obligations, and reinforce its commitment to regional integration, while preserving the integrity of its borders.

Government believes that these are important objectives to attain, and invites all Namibians and its institutions to heed this worthy call for action.

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United Nations Development Programme (UNDP)

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World Bank

2014 *Personal remittances received* (2014), accessed at <http://www.indexmundi.com/facts/namibia/workers'-remittances-and-compensation-of-employees>

2014 *World Development Indicators: Movement of people across borders (2014 Global Links: par 6.13)* (2014), accessed at <http://wdi.worldbank.org/table/6.13>

2016 Migration and Remittances Factbook

World Health Organisation (WHO)

2016 *Namibia: WHO statistical profile* (accessed at <http://www.who.int/gho/countries/nam.pdf?ua=1>)

Namibian laws and case law

Constitution of the Republic of Namibia, 1990

Employment Service Act, 2011 (Act No. 8 of 2011)

Immigration Control Act (Act No. 7 of 1993)

Labour Act 11 of 2007

National Pensions Act 10 of 1992

National Planning Commission Act 2 of 2013

Prevention of Organised Crime Act (POCA) 29 of 2004

Statistics Act 9 of 2011

Vocational and Education Training Act (Act No. 1 of 2008) ("VET Act").

Namibian policies and related instruments

Decentralisation Policy (2008)

Draft National Development Plan 5 (NDP 5) (2017)

Draft National Social Security Pension Policy (2017)

Harambee Prosperity Plan 2016/17 – 2019/20 (2016) (HPP)

Migration Profile, 2016 (Migration in Namibia: A Country Profile 2015)

Namibia's Fourth National Development Plan (NDP) 2012/2013 – 2016/2017 (2012)

National Development Plan 4 (NDP 4)

National Employment Policy, 2013-2017 (NEP)

National Human Resources Plan 2010-2025 (2012)

Appendix A: Socio-economic and health indicators: Namibia

Table: Key Development Indicators and Statistics

Demography		
Total population (World Bank, 2013)	2 303 000	
Rural population (Census, 2011)	57 %	
Urban population (Census, 2011)	43 %	
Male population (Census, 2011)	48.36%	
Female population (Census, 2011)	51.64%	
Official language	English	
Socioeconomic Indicators		
Human Development Index (HDI) (HDR, 2013)	HDI	Rank
	0.608	128 out of 186 countries
Life expectancy (HDR, 2013)	62.6 years	
GDP per capita (current US\$) (World Bank, 2011)	5 293	
Gini Coefficient (NHIES, 2009/10)	0.5971	
Proportion of population below the poverty line (NSA, 2011)	29%	
Proportion of seats in National Assembly held by Women (2014)	41% (43 out of 104 seats)	
Female-headed households (Census, 2011)	44%	
Unemployment Rate – broad definition (NLFS, 2016)	34% (male 29.8%, female 38.3%)	
Youth unemployment rate (NLFS, 2016)	43.4%	
Labour force absorption rate (NLFS, 2016)	49.6% (male 51.0%, female 41.1%)	
Youth labour force absorption rate (NLFS, 2016)	37.5%	
Labour force participation rate (NLFS, 2016)	69.4%	
Adult literacy rate (age 15-49) (NHIES, 2009/10)	88.51%	
Ratio of girls-boys (in primary school) (EMIS, 2011)	104.4%	
Infant mortality rate (DHS, 2006/07)	45.61 deaths/1,000 live births	
Maternal mortality rate (DHS, 2006/07)	449 deaths/100,000 live births	
Adult HIV prevalence (African Economic Outlook, 2015)	16.9%	
Population with access to safe water (for drinking and cooking) (Census, 2011)	80% (urban 97.7%, rural 62.8%)	
Population with no toilet facility (Census, 2011)	48.6% (urban 22.4%, rural 74.0%)	

Source: Adjusted from *United Nations Partnership Framework (UNPAF)(Namibia) (2014-2018): A Partnership for Growth, Job Creation and Equity* (2014) 4

Table: Basic health statistics

Birth registration coverage	78% (2011)
Under-five mortality rate (per 1000 live births)	54 (2013)
Deaths due to HIV/AIDS (per 100 000 population)	159.1 (2012)
Deaths due to malaria (per 100 000 population)	0.1 (2012)
Deaths due to tuberculosis among HIV-negative people (per 100 000 population)	57 (2013)
Leading cause of death – HIV/AIDS	3,600 (2012)

Source: WHO *Namibia: WHO statistical profile* (accessed at <http://www.who.int/gho/countries/nam.pdf?ua=1> on 18 September 2015); M Phiri and O Odhiambo *African Economic Outlook: Namibia 2015* (2015) 1, accessed at http://www.africaneconomicoutlook.org/fileadmin/uploads/aeo/2015/CN_data/CN_Long_EN/Namibia_GB_2015.pdf on 17 September 2015

Appendix B: Sustainable Development Goals (SDGs) and migration

Table: Sustainable Development Goals (SDGs) and migration

SDG Target/Indicator	Migrant/migration reference
SDG 8 (Decent Work and Economic Growth)	"Protect labour rights and promote safe and secure working environments for all workers, including migrant workers , in particular women migrants, and those in precarious employment" (8.8)
SDG 10 (Reduce inequality within and among countries)	" Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies " (10.7)
SDG 10 (Reduce inequality within and among countries)	"By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent " (10.c)
SDG 11 (Make cities and human settlements inclusive, safe, resilient and sustainable)	"By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and develop and implement, in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, holistic disaster risk management at all levels " (11.b)
SDG 17 (Strengthen the means of implementation and revitalize the global partnership for sustainable development)	"By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts " (17.18) (Relevant topic – Targets: Data, monitoring and accountability)

Source: UN Sustainable Development Goals (accessed at <https://sustainabledevelopment.un.org/topics> on 19 September 2015).

Appendix C: International and regional human rights instruments governing migration issues, ratified by Namibia

Table: Ratified international and regional human rights instruments governing migration issues

Key International and regional legal instruments	Ratified/ acceded
UN Convention against Transnational Organized Crime. (2000)	✓(2002)
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime. (2004)	✓(2002)
UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime. (2000)	✓(2002)
ILO Convention No. 29 concerning forced or compulsory labour, 1946 as modified by the Final Articles Revision. (1946)	✓(2000)
ILO Convention No 105 concerning the abolition of forced labour. (1956)	✓(2000)
ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour. (1999)	✓(2000)
ILO Convention No. 138 concerning minimum age for admission to employment. (1973)	✓(2000)
ILO Convention No. 97 concerning migration for employment. (1949)	x
ILO Convention No. 143 (Migrant Workers (Supplementary Provisions) Convention). (1975)	x
ILO Convention No. 181 concerning private employment agencies.(1997)	x
ILO Convention No. 81 concerning labour inspection in industry and commerce. (1947)	x
UN Slavery Convention of 1926 and amended by the Protocol of 1953.	x
UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. (1949)	x
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. (1956)	x
UN Convention on the Elimination of all Forms of Discrimination against Women, CEDAW. (1979)	✓ (1992)
UN Optional Protocol to the convention on the Elimination of all forms of Discrimination against Women CEDAW-OP	✓ (2002)
UN Convention on the Rights of the Child, CRC. (1989)	✓ (1990)
UN Optional protocol on the convention on the rights of the child on the involvement of children in armed conflict CRC-OP-AC	✓ (2002)
UN Optional Protocol to the convention on the rights of the child on the sale of children child prostitution and child pornography	✓ (2002)
UN Convention on the Rights of Persons with Disabilities, CRPD. (2006)	✓ (2007)
UN Optional protocol to the Convention on the Rights of Persons with Disabilities, CRPD-OP	✓ (2007)
UN International Covenant on Economic, Social and Cultural Rights, ICESCR. (1966)	✓ (1994)
UN International Covenant on Civil and Political Rights, ICCPR. (1966)	✓ (1994)
UN Optional Protocol to the International Covenant on Civil and Political Rights CCPR-OP1.	✓ (1994)
UNHR Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. (2000)	✓ (2000)

UNHR Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. (2000)	✓ (1990)
UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. (1990)	x
Convention on the Status of Stateless Persons. (1960)	x
Convention on the Reduction of Statelessness. (1975)	x
UN Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees. (1951)	✓(1995)
UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). (1984)	✓(1994)
UN International Convention on the Elimination of All Forms of Racial Discrimination, CERD. (1963)	✓(1994)
UN Convention to Combat Desertification. (1994)	✓(1997)
Constitutive Act of the African Union. (2000)	✓(2000)
AU Convention Governing Specific Aspects of Refugee Problems in Africa. (1969)	x
African Charter on Human and Peoples' Rights. (1981)	✓(1992)
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights. (1998)	✓(1998)
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. (2003)	✓(2004)
AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). (2009)	x (but signed in 2009)
African Charter on the Rights and Welfare of the Child (ACRWC). (1990)	✓(2004)
United Nations Convention against Corruption.	✓(2003)
United Nations Framework Convention on Climate Change.	✓(1995)

Source: Compiled on the basis of United Nations Office of the High Commissioner for Human Rights *Ratification status by country or by treaty: Namibia* (accessed at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=59&Lang=en on 18 September 2015); United Nations High Commissioner for Refugees (UNHCR) *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol* (accessed at <http://www.unhcr.org/3b73b0d63.pdf> on 18 September 2015); African Commission on Human and Peoples' Rights (ACHPR) *Legal instruments: Namibia ratifications* (accessed at <http://www.achpr.org/states/namibia/ratifications/> on 18 September 2015). See also United Nations *Framework Convention on Climate Change: Status of Ratification of the Convention* (accessed at http://unfccc.int/essential_background/convention/status_of_ratification/items/2631.php on 4 February 2017).

Appendix D: List of stakeholders consulted

Institution/ Ministry	Abbreviation
International Organisation for Migration	IOM
Ministry of Agriculture, Water and Forestry	MAWF
Ministry of Defence	MOD
Ministry of Education, Arts and Culture	MoEAC
Ministry of Health and Social Services	MoHSS
Ministry of Home Affairs and Immigration	MHAI
Ministry of International Relations and Cooperation	MIRCO
Ministry of Labour, Industrial Relations and Employment Creation	MLIREC
Ministry of Poverty Eradication and Social Welfare	MPESW
Ministry of Urban and Rural Development	MURD
Namibian Employers' Federation	NEF
Namibia Training Authority	NTA
Namibia Qualifications Authority	NQA
National Planning Commission of Namibia	NPC
Namibia Statistics Agency	NSA
National Union of Namibian Workers	NUNW
Office of the Prime Minister	OPM
Social Security Commission of Namibia	SSC
The Employment Equity Commission	EEC
Trade Union Congress of Namibia	TUCNA
United Nations Educational, Scientific and Cultural Organization	UNESCO

In addition, the Labour Migration Technical Working Group (TWG) was on several occasions consulted as a collective.