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# ROADMAP FOR FORMATION OF M&D IN LESOTHO :FORMATION OF NCC

- Established in 2010, the National Consultative Committee (NCC) consists of the main stakeholders involved in migration. The group comprises government ministries, NGOs and the National University of Lesotho
- ▶ The NCC federates the expertise existing in the country either through direct involvement or outreach based on specific requirements. Its responsibilities, among others, are as follows:
- ▶ Hold regular meetings in accordance with the ACP Observatory's Research Action Plan (usually every four months, three times a year).

# ROADMAP FOR FORMATION OF M&D IN LESOTHO FORMATION OF NCC

- ▶ Define national priorities in relation to data and research on migration and assess national gaps in research and data management capacity.
- ▶ Identify clear and targeted capacity building needs and assess national gaps in migration management, and identify capacity building needs in terms of human and technical capacity.
- ▶ Conceive and prepare a National Data Management strategy.

# ROADMAP FORMATION OF NCC CONT.

- ▶ If applicable, contribute data to targeted research and to the ACP Observatory through the network and through the ACP Observatory website.
- ▶ Extend the network to other relevant partners as needed in order to have the most holistic understanding of migration issues nationally under a National Migration Network.
- ▶ Provide policy recommendations based on targeted research and develop projects for implementation of said policy recommendations

# GOVERNMENT RESPONSE TO RECOMMENCATIONS

GOVERNMENT DEVELOPED FRAMEWORKS NAMELY;

- Framework for managing migration data
- Framework for Sequenced Short Term Return of Health Professionals in the Diaspora
- Framework For Negotiating Bilateral Labour Agreements
- Framework on Mainstreaming Migration into Deployment National Development Plans i.e. pillars
- Review of the Aliens Control Act 1966
- Diaspora Engagement

# LESOTHO MIGRATION AND DEVELOPMENT POLICY :BACKGROUND

- The National Migration and Development Policy aims to provide both a basis and direction for the coherent and effective harnessing of migration for development.
- It aims to address the migration and development policy gap by providing a framework of action at national level.
- The Policy serves as the foundation and key reference point for the Government of Lesotho and all other stakeholders to respond to the challenges and opportunities related to migration and development.

# M&D P EXECUTIVE SUMMARY.

- The Policy reflects on themes in 13 domains, namely:
- ▶ Migration Policy, Legal and Institutional Framework
- ▶ Migration Data Management
- ▶ Labour Migration
- ▶ Diaspora Engagement
- ▶ Remittances
- ▶ Skills Development and Retention

# M&D P EXECUTIVE SUMMARY CONT.

- ▶ Informal Cross-border Trade
- ▶ Migration and Health
- ▶ Migration and Gender
- ▶ Irregular Migration, Human Trafficking and Smuggling
- ▶ Cross-Border Management
- ▶ Internal Migration
- ▶ Access to Social Security Benefits for Migrants and their Dependents



# GOVERNMENT COMMITMENT

- Through several measures already adopted in the policy, legal and institutional domain, as well as in the area of cross-country bilateral arrangements, the Government of Lesotho has indicated its support for harnessing migration for human and economic development.
- In the past, migration was often regarded as having a consistently negative impact on development, i.e. on all aspects of Basotho economic, social and cultural life: dividing families, weakening domestic social structures and organisation, undermining agricultural production and productivity, compromising health, exacerbating rural poverty and intensifying gender inequality

# GOVERNMENT COMMITMENT CONT.

- Lesotho has also adopted new laws to deal with human trafficking and people smuggling, the issuing of passports and travel documents, the rolling out of the new national Lesotho ID card, and is in the process of reviewing the Aliens Control Act of 1966.
- It has further entered into bilateral arrangements with South Africa in a number of key areas, including memoranda of understanding (MOU) focusing on cooperation in the field of labour and access to social security benefits by Lesotho migrants, and a bilateral agreement on the facilitation of cross border movement of citizens.

# GOVERNMENT COMMITMENT CONT.

- These steps taken by the Lesotho Government are supported by important institutional arrangements, including a multi-stakeholder consultative framework, the NCC (National Consultative Committee on Migration and Development), which has been set up to deal with a range of migration-related matters in Lesotho, including the development of a Strategic Plan and which has advised that a Migration and Development Department be established in the Ministry of Home Affairs.
- At the bilateral level, the Government of Lesotho has committed itself to discuss migration-related matters on the basis of bilateral cooperation with South Africa, through the Joint Bilateral Commission of Cooperation (JBCC).

# GOVERNMENT COMMITMENT CONT.

- Lesotho is committed to the implementation of the African Union's Strategic Framework on International Migration and Common Position on Migration and Development.
- It is an active participant in the Migration Dialogue for Southern Africa (MIDSA), an inter-governmental forum for policy dialogue on migration within SADC.
- In addition, Lesotho has ratified a range of international agreements pertaining to migration and migration-related matters, including (in 2005) the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

# LESOTHO MIGRATION PROFILE

- There are three main components of Lesotho's migration profile; each requires appropriate but coordinated policy responses, and needs to be informed by a broad-based but integrated migration management approach.
- These components relate to migration from Lesotho, migration to Lesotho, and internal migration.
- Irregular migration is a particular subset of the reality of migration from and to Lesotho.

# LESOTHO MIGRATION PROFILE

- The Lesotho government has perceived labour migration as one avenue for promoting employment among its workforce.
- It has been acknowledged that migration flows experienced by Lesotho are mostly influenced by a multiplicity of socio-economic challenges such as reduced employment opportunities which increase the poverty level, food insecurity and unfavourable climate conditions.
- The main destination for Basotho migrants is South Africa: 99.8% are said to work in South Africa.

# LESOTHO MIGRATION PROFILE

- Initially, the majority of migrants from Lesotho were young men working on South African mines. However, since 1990, the patterns of migration have changed substantially.

# LESOTHO MIGRATION PROFILE

- Due to a variety of reasons, including a general decline in mine employment in South Africa and the preference for employing South Africans, mine work as the main vehicle for Basotho men has reduced rapidly.
- According to information provided by TEBA (The Employment Bureau of Africa), the recruitment agency for the South African mining sector, the number of Lesotho mineworkers who are employed on South African mines via TEBA has diminished from a high of around 111,000 in 1987 to approximately 31,000 in 2012.



# LESOTHO MIGRATION PROFILE

- The decline in mine employment in South Africa for Basotho from Lesotho has given rise to new forms of migration: diversification and an increase in female migration.
- As regards the former, a growing number of skilled migrants have found work in South Africa in other professions and, as regard the latter, younger and single/separated females have increasingly been employed in domestic work in South Africa.

# LESOTHO MIGRATION PROFILE

- The age profile of Basotho mineworkers has accordingly changed, as is the case with their marital and household status: they are mostly married and heads of household, which stresses the income-generation purposes of their migration to South Africa.
- Apart from domestic work and work on commercial farms, female migrants from Lesotho tend to be better skilled than males, and therefore also access a range of other work opportunities in South Africa.
- They work in South Africa to support family members in Lesotho. Migrating Basotho females tend to be younger with a shorter migration experience.

# LESOTHO MIGRATION PROFILE

- There has been a steady flow of immigrants to Lesotho in recent years. However, given the porous borders and the non-automated nature of border control at the time, steps needed to be taken to ensure that Government had a clear sense of who the non-citizens were, also from the perspective of country of origin.
- The Immigration Department of the Ministry of Home Affairs therefore embarked on a venture to register (headcount) all non-Basotho citizens in 2012.

# LESOTHO MIGRATION PROFILE

- The statistical data on non-Basotho residents obtained through this process reveals relative large numbers of Asian residents, while numbers from a range of African countries are not insignificant.
- A full analysis of the profiles of these categories of immigrants is not available. Nevertheless, there is some evidence that certain foreigners, in particular Chinese nationals regard their sojourn in Lesotho as merely temporary, aimed at income generation before moving on.
- There is a clear need for improved data collection and interpretation, as a prerequisite for the development of appropriate measures and context-sensitive approaches to manage migration to Lesotho.

# LESOTHO MIGRATION PROFILE

- The institutional process of admission and employment of immigrants into Lesotho faces a number of challenges.
- The first challenge concerns the need for improved institutional coordination, liaison and cooperation.
- Currently, limited liaison exists between the ministries responsible for the issuing of work and residence permits respectively.
- Secondly, the then lack of a universal identification and registration system made the management of (im)migration difficult, also in view of the manual nature of border control arrangements.

# LABOUR MIGRATION

- The lack of reliable migration data is clearly associated with the problems experienced with appreciating the scope and nature of migration to and from Lesotho – which prompted, among others, the recent (2012) registration process of non-citizens in Lesotho.
- The specific contexts of (increased) skilled migration to and from Lesotho require dedicated responses, while different responses may be appropriate in relation to the extensive unskilled Lesotho migrant presence in South Africa.

# POLICY OBJECTIVES

- Support migrant workers from Lesotho through dedicated pre-departure and return interventions, and support services while they work and reside in destination countries.

# POLICY OBJECTIVES

- Align and streamline the migration policy, legal and institutional framework through compliance/alignment with international and regional standards, the removal of discriminatory provisions and practices, and the negotiation of labour agreements with destination countries, including the re-negotiation of labour and other migration agreements with the main migrant-receiving country, South Africa, so as to facilitate cross-border movement, the collection and sharing of data, protection and equal treatment with citizens of the host countries, and access to benefits.



# KEY STRATEGIES

- Invest in a labour market information system utilising a standardised template for in- and out-migration and implement for this purpose the envisaged national identification and registration system.

# KEY STRATEGIES

- Ensure that a sufficiently supportive and rights-based framework is in place to attract skilled migration to Lesotho and develop for this purpose a streamlined visa/work permit system with appropriate system interfacing and institutional collaboration between the Ministry of Home Affairs, the Ministry of Foreign Affairs and the Ministry of Labour and Employment.

# KEY STRATEGIES

- Harness skilled migration for development in Lesotho by incorporating in visa/work permit stipulations/conditions which require of immigrant professionals to provide training and imparting of skills, so as to improve the skills base and employability of Lesotho workers.
- Introduce innovative measures to manage surplus human capacity. These measures go beyond job creation, given the context of a generally saturated labour market in Lesotho, and could include identifying and/or creating, per bilateral arrangements with governments and institutions in migrant-seeking countries, suitable cross-border employment opportunities, as well as creating, as indicated above, one or more cross-border industrial, cooperative and market zones as a measure to provide employment opportunities for Lesotho workers and enhance cross-border economic activity.

# KEY STRATEGIES

- Align the Lesotho migration legal, policy and implementation framework with international and regional obligations and standards and remove non-compliant provisions and practices, in particular in relation to discrimination based on nationality.
- Develop the Lesotho migration law and policy framework mindful of its interaction with the counterpart frameworks obtaining in key migrant-receiving countries, in particular South Africa.
- With this objective in mind, it is necessary to understand the South African immigration law and policy system, to enhance the capacity of officials engaged in cross-border migration-related issues and liaison with South African institutions and to sensitise the Lesotho delegation participating in JBCC activity.

# KEY STRATEGIES

- It appears necessary to renegotiate the 1973 labour agreement between Lesotho and South Africa or negotiate a new comprehensive bilateral labour agreement (ideally to be supported by a separate cross-border social security agreement), which provides an up-to-date appropriate framework and sufficient guarantees in relation to the spectrum of migration-related matters of mutual importance to South Africa and Lesotho and of critical significance to development in Lesotho.
- Issues such as the following could among others be provided for in such an agreement:

# KEY STRATEGIES

- ▶ Ease of movement between Lesotho and South Africa for employment and cross-border informal trade purposes;
- ▶ Regularisation of the position of Lesotho migrants in South Africa on a basis foreseen in the agreement;
- ▶ Collection and exchange of labour market and migration data utilising standardised templates and protocols;

# KEY STRATEGIES

- ▶ A framework for developing and sharing information on special employment opportunities in South Africa and Lesotho respectively;
- ▶ Guarantee of protection and equal treatment as regards labour laws, social security and economic activity;
- ▶ Access to South African benefits and services, also in the area of social security, while in South Africa and upon return to Lesotho (to be supported by a dedicated cross-border social security agreement) – reciprocal arrangements should also apply in respect of South African migrant workers and their dependants; and
- ▶ Cross-border institutional collaboration.
- Prepare labour in Lesotho for migration through a range of interventions:

# KEY STRATEGIES

- ▶ Provide information on bilateral labour arrangements/agreements with destination countries;
- ▶ Provide appropriate documentation (e.g. passports, police clearance) to would-be migrant workers;
- ▶ Educate would-be migrants on matters such as -
  - ▶ The cultural/social context and living, labour market, work, social security and economic environment of destination countries;
  - ▶ Formal channels to remit money back home; and
  - ▶ Services provided by the home country (i.e. Lesotho);



# KEY STRATEGIES

- ▶ Provide would-be Lesotho migrant workers with information on/advice about employment opportunities and relevant laws of destination countries; and
- ▶ Provide them with legal protection against exploitation, fraud, trafficking, human smuggling and other malpractices.
- ▶ Provide a suitable range of support services to Lesotho migrants through Lesotho foreign missions and the envisaged Migration and Development Department of the Ministry of Home Affairs.
- Support returning migrants and provide re-integration services:
- ▶ Co-ordinate with host country governments and foreign employers about the profiles of returning migrants;

# KEY STRATEGIES

- ▶ Disseminate information about the re-integration services available in Lesotho;
- ▶ Provide skills training for returning migrants;
- ▶ Monitor and evaluate the re-integration of returning migrants; and
- ▶ Assist returning migrants with claiming and accessing social security benefits.

# IRREGULAR MIGRATION

- ▶ There are several reasons why migrants cross borders irregularly. On the one hand, some may do so in deliberate disregard of visa requirements, even for clandestine purposes.

# IRREGULAR MIGRATION

- ▶ On the other hand, many may do so out of desperation to find employment opportunities, driven by poverty.
- ▶ Narrow boundaries of lawful migration and overly strict classification of migrant and visa categories lead to exclusion of those migrants who do not meet the stipulated criteria, in addition to the fact that unaffordable residence visas, work permits and passports may render would-be migrants similarly unable to migrate lawfully.
- ▶ Whatever the rationale or the context, irregular migrants are exposed to vulnerability in the form of maltreatment, exploitation, abuse and corruption

# IRREGULAR MIGRATION

## POLICY OBJECTIVE

- ▶ Adopt a framework for managing irregular migration via domestic and cross-border arrangements to facilitate safe and legal migration and curb illegal/irregular migration.
- ▶ Extend basic protection to irregular migrants to honour their human rights.

# IRREGULAR MIGRATION

- ▶ Address the underlying reasons and context informing irregular migration, in particular through responses and interventions aimed at employment creation within Lesotho and in cross-border facilities.
- ▶ Adopt a policy framework to address human trafficking and people smuggling through strengthening of the criminal justice system and victim support, in accordance with international standards applicable to Lesotho.

# IRREGULAR MIGRATION

## KEY STRATEGIES

- ▶ Strengthen migration management through enhanced border control and streamlined processing to better manage irregular cross-border migration, also via the establishment/implementation of a national identification register and the e-passport and e-border management system.
- ▶ Consider the further regularisation of irregular migrants through periods of grace/reprieve on terms and conditions stipulated in the policy domain and adopt appropriate regulations to give legal effect to same.

# IRREGULAR MIGRATION

- Ensure compliance with the UN Convention on the Protection of the Rights of All Migrant Workers and their Families (1990) as regards the position of irregular migrants in Lesotho, with particular reference to labour rights/protection, social security benefits, the transfer of earnings and savings to the country of origin upon leaving Lesotho, and basic minimum protection foreseen in article 17 of the Code on Social Security in SADC.
- This basic protection could, on the basis of comparative experience world-wide, extend to core social assistance support and emergency health care.
- Reduce irregular migration through improved availability, accessibility (geographically) and affordability of travel documents