

Operational Guidelines for the Code of Conduct for the Namibian Informal Economy



October 2022



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ABSTRACT

The Operational Guidelines serves as a blueprint to implement the Code of Conduct for the Namibian Informal Economy: Breaking New Grounds. The Guidelines has been crafted through a process of social dialogue and reflects the convergence of social partners interests operating in the informal economy. The Guidelines seeks to play a catalyst role in the transition to formality in Namibia.

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Foreword

With the advent of Namibia's political independence, a noticeable occurrence of rural-urban migration set in. This brought about an explosion of the informal economy because the formal economy could not absorb the influx of job seekers. Unfortunately, this has led to tense relationships between municipal managers, law enforcement agents, and informal sector operators.

To bring about a harmonious coexistence amongst stakeholders operating in the informal economy, a need arose to craft rules of engagement, better known as the Code of Conduct and its accompanying Operational Guidelines for the Namibian informal economy.

Today the Namibian informal economy is a place of enterprise, innovation, and creativity. While it stems from the need for employment and livelihood, it contributes to the generation of jobs, the provision of local goods and services, the development of skills, and the upliftment of men and women who would otherwise be without income or hope. Informal enterprises produce local revenues that feed, house, and educate children while providing

workers with more spending power across the informal and formal economies. The informal economy contains social protection mechanisms that help people reduce their vulnerability and provide practical avenues for informal enterprises and their workers to become more formal, sustainable, and competitive.

The informal economy must be recognised and included when formulating and executing policies and regulations. This is the clarion call for the Code of Conduct and its accompanying Operational Guidelines for the Namibian informal economy.

We appreciate the participation of all stakeholders, namely government, local authorities, law enforcement, civil societies, development partners, and state-owned enterprises, in formulating these Operational Guidelines.

The Namibia Informal Sector Organisation will continue to engage stakeholders in implementing the Code of Conduct and its Operational Guidelines to spearhead the transition from informal to formal economy and create decent work in our country.



JV Kandenge

Secretary-General

Namibia Informal Sector Organisation



Statement from Friedrich-Ebert-Stiftung

The Namibia Informal Sector Organisation, in partnership with the Friedrich-Ebert-Stiftung, has developed a Code of Conduct to advocate for the integration of informal economy operators into the mainstream economy, to create a safe and conducive environment for operators in the informal economy and to improve the relationship between law enforcement agencies and informal traders in Namibia.

Through these initiatives, the Friedrich-Ebert-Stiftung (FES), believes in a participatory law-making process that is inclusive of the target groups and beneficiaries.

The Friedrich-Ebert-Stiftung supports activities which are aimed at Promoting Social Democracy, Social Justice and improving the livelihood of the marginalised groups in Namibia.

This Code of Conduct is based on 17 principles to regulate the conduct and behaviour between informal traders and law enforcement agencies. To make the Code of Conduct practical and realistic, the Operational Guidelines were developed through

a consultative process with inputs from the government, law enforcement agencies, and informal traders.

A memorandum of understanding with potential partners will be developed and signed to ensure the implementation of the Operational Guidelines of the Code of Conduct for the Namibian Informal Economy.



Patrick Schneider
Deputy Repräsentative
Friedrich-Ebert-Stiftung

List of Abbreviations

ADR	Alternative Dispute Resolution
CSOs	Civil society organisations
FES	Friedrich-Ebert-Stiftung
FGDs	Focus group discussions
KIIs	Key informant interviews
LIEF	Local Informal Economy Forum
ILC	International Labour Conference
ILO	International Labor Organisation
OMAs	Offices, ministries, and agencies
RIEF	Regional Informal Economy Forum
SOEs	State-owned enterprises
SWAP	Sector-wide approach
MANWU	Metal and Allied Namibian Workers Union
MOU	Memorandum of Understanding
NAMPOL	Namibian Police Force
NIEF	Multi-stakeholder Informal Economy Forums
NDAWU	Namibia Domestic and Allied Workers Union
NEF	Namibian Employers' Federation
NIEF	National Informal Economy Forum
NISO	Namibian Informal Sector Organisation
TUCNA	Trade Union Congress of Namibia
UNDP	United Nations Development Programme

Introduction

There is currently a notable lack of policy addressing Namibia's informal economy. To close this gap, the Namibian Informal Sector Organisation (NISO) initiated the development of a self-regulatory code of conduct for the informal economy in 2021. The *Code of Conduct for the Namibian Informal Economy: Breaking New Ground* (the Code) sets the standards of operation in the informal economy and aims to regulate interactions amongst the various actors and stakeholders in the informal economy. The next step in the process was to develop guidelines to operationalise the implementation of the Code. A method of social dialogue was then initiated to draw up an implementation guide for the Code jointly. This was done by soliciting the inputs of stakeholders operating in the informal economy in a consultative, inclusive and participatory manner. The main methods involved key informant interviews (KIIs), focus group discussions (FGDs), and a validation workshop. This document, the *Operational Guidelines for the Code of Conduct for the Namibian Informal Economy* (Operational Guidelines), is the end product of a rewarding process of social dialogue.

Objectives of the Operational Guidelines

The underlying objectives of the Operational Guidelines are to:

- spearhead and actualise the transition to formality in Namibia;
- close knowledge and information gaps through collaborative, inclusive, and participatory processes of social dialogue;
- establish priorities and draw up joint proposals based on the needs and interests of the various social partners operating in the informal economy; and
- infuse progressive notions of human rights in responding to challenges in the informal economy.

Partners

The main stakeholders consulted in the drafting of the Operational Guidelines were:

- The informal economy operators, through their participation in the various FGDs.
- Informal traders' representative organisations: Namibian Informal Sector Organisation (NISO), Okutumbatumba Hawkers' Association, Panel Beaters and Artisans Association
- Trade Unions: Metal and Allied Namibian Workers Union (MANWU), Namibia Domestic and Allied Workers Union (NDWAWU), Trade Union Congress of Namibia (TUCNA)
- The employers' organisation: Namibian Employers' Federation (NEF)
- Development partners: Friedrich-Ebert-Stiftung (FES), United Nations Development Programme (UNDP)

- Local authorities: City of Windhoek, Swakopmund Town Council, Walvis Bay Town Council, Rundu Town Council, Grootfontein Town Council, Tsumeb Town Council, Gobabis Town Council, Stampriet Village Council
- Government entities: Ministry of Industrialisation and Trade; Ministry of Urban and Rural Development; Ministry of Justice, Ministry of Home Affairs; and the Office of the Inspector General of the Namibian Police Force (NAMPOL)
- State-owned enterprises: Social Security Commission, Namibia Agronomic Board

How was it done?

The guidelines were developed through a process of social dialogue. According to the International Labor Organisation (ILO), social dialogue refers to all types of negotiation, consultation or information sharing among representatives of governments, employers and workers or between those of employers and workers on issues of common interests relating to economic and social policy.¹ Tripartite social dialogue brings together social partners to discuss public policies, laws and other decision-making that affect the workplace or interests of workers and employers.² It is both a means to achieve social and economic policy and an objective in itself, as it gives people a voice and stake in their societies and workplace.³

1 International Labour Conference. 2018. Social dialogue and tripartism. ILO: Geneva, p.3.

2 *Ibid.*

3 *Ibid.*

Implementation

The implementation and monitoring of the Operational Guidelines will be done collaboratively under the umbrella of the National Informal Economy Forum (NIEF), the high-level governance structure defined in both the Code of Conduct for the Namibian Informal Economy and its Operational Guidelines. The NIEF shall designate a Monitoring and Evaluation Committee, which shall meet every three months to follow up on the actions defined in the Operational Guidelines. A Technical Secretariat shall support the work of this committee and compile a progress report every six months in consultation with the committee and the NIEF.

An evaluation of the implementation of the Operational Guidelines will be undertaken annually in a consultative and collaborative manner by stakeholders represented in the NIEF.

Foundational Pillars

The Code of Conduct for the Namibian Informal Economy and its Operational Guidelines are anchored on five pillars aimed at bridging the existing gaps and driving aligned execution:

- 1. Recognition of the contribution of the informal economy:**
This pillar may be regarded as the cornerstone of the Code and its Operational Guidelines. It calls for recognising the informal economy and its contribution to job creation and poverty reduction in law, practice, and national development plans.

2. **Consultation and participation:** this pillar conveys the conviction that:
 - i) stakeholder participation is an essential part of an inclusive and transparent policy-making process; and
 - ii) the enabling legal, policy and institutional frameworks for stakeholder participation cannot be separated from other elements of open and good governance, such as access to information, public service integrity, and public sector institutions' responsiveness.⁴
3. **Education and training:** This pillar advocates for continuing education and training for informal traders, their families and workers, in skills essential for personal development and effective transition to formality.
4. **Simplified administrative procedures:** The focus of this pillar is to reduce the obstacles to formalisation by developing simplified administrative procedures. This calls for, for example, increasing the number of one-stop-shop models and promoting spaces for exchanges on innovative practices in public sector institutions.⁵
5. **Alternative dispute resolution:** Under this pillar, alternative dispute resolution in the form of mediation, conciliation and arbitration would be institutionalised and embraced as the preferred methods of resolving disputes in the informal economy.

4 OECD iLibrary. Chapter 1: Stakeholder participation as a pillar of Open Government. Available at <https://www.oecd-ilibrary.org/sites/af1b4fa3-en/index.html?itemId=/content/component/af1b4fa3-en>

5 UN Department of Economic and Social Affairs Sustainable Development. Social Dialogue to Achieve the Sustainable Development Goals: Formalising the Informal Economy in Costa Rica (SDGs 1, 5, 8 and 10). Available at <https://sdgs.un.org/partnerships/social-dialogue-achieve-sustainable-development-goals-formalising-informal-economy-0>

Sustainability and replicability

For the sustainability of the Code of Conduct for the Informal Economy and its Operational Guidelines and to keep the issue of the informal economy on the national agenda, the social partners considered it crucial that the Code and its Guidelines be endorsed by all stakeholders operating in the informal economy, and that the initiatives/activities be integrated within the institutional programmes, plans and policies of the respective stakeholders responsible for their implementation.⁶

A sector-wide approach funding mechanism

A sector-wide approach (SWAP) funding mechanism will be developed to fund the activities and programmes to be carried out in implementing the Code of Conduct and its Operational Guidelines. Such funding sources will primarily include the informal economy operators, local authorities, government ministries, offices, agencies, state-owned enterprises, development partners, and the private sector.

Conclusions

The Code of Conduct for the Namibian Informal Economy and its Operational Guidelines apply to all those operating within the informal economy. These include relevant government offices, ministries, agencies, state-owned enterprises, private sector companies, civil society organisations, and development partners. While the Code and its Operational Guidelines describe the standards of conduct anticipated from those operating in the

⁶ *Ibid.*

informal economy, they do not replace or supersede the various policies, rules, and regulations of the relevant stakeholders. The Code and its Operational Guidelines seek to harmonise and complement the regulatory environment and infuse progressive notions of human rights to the challenge experienced in the informal economy. The expectation is that all those operating within the informal economy will abide by the spirit and intent of the Code and its Operational Guidelines.

Guideline 1: Informal Economy Forums⁷

- 1.1 There shall be informal economy forums at national, regional and local levels called the National Informal Economy Forum (NIEF), Regional Informal Economy Forum (RIEF), and Local Informal Economy Forum (LIEF), respectively.
- 1.2 The NIEF shall be the apex NGO informal economy body in Namibia.
- 1.3. The NIEF shall spearhead and facilitate dialogue, participation in decision-making processes, and law reform in the informal economy space.
- 1.4 The RIEF and LIEF, on the other hand, shall drive the transition to formality in their respective jurisdictions.
- 1.5. The NIEF, RIEF, and LIEF shall comprise representatives of offices, ministries, and agencies (OMAs), regional council and local authority officials, private sector organisations, informal economy operators, and their representative organisations. See table on page 14.

⁷ The Multi-stakeholder Governance Board referred to in the Code of Conduct is now called the National Informal Economy Forum (NIEF).

Informal Economy Forum	Informal Economy Operators	Informal Economy Nat. orgs.	RC Reps ⁸	LA Reps ⁹	OMAS	Private Sector	Total
National Informal Economy Forum	14	4	2	2	9	4	35
Regional Informal Economy Forum	10	4	2	2	5	2	25
Local Informal Economy Forum	10	4	2	2	5	2	25

- 1.6. The RIEF and LIEF shall be answerable to the National Informal Economy Forum.
- 1.7. Members of the NIEF, RIEF, and LIEF shall not be office bearers of any political party.
- 1.8. The Namibian Informal Sector Organisation (NISO) and other relevant stakeholders shall develop and adopt terms of reference for the respective informal economy forums.
- 1.9. The appointment of representatives to the informal economy forums shall be at the prerogative of the respective institution.
- 1.10. The informal economy forums shall forge close working relations with the government and other relevant stakeholders to deliver the overall mandate and execution of annual and other plans in the informal economy.
- 1.11. Each informal economy forum (NIEF, RIEF and LIEF) shall have the following office bearers: chairperson, vice-chairperson, secretary, treasurer, and spokesperson.
- 1.12. The office bearers' term of office shall be three (3) years. They shall be eligible for re-election only once.
- 1.13. The positions of chairperson and vice-chairperson of the informal economy forums shall be rotated annually

8 Regional Council Representatives.

9 Local Authority Representatives.

amongst the government, private sector, and informal economy national representatives' organisations.

- 1.14. Special efforts shall be made to ensure the representation of women, people with disabilities, and young persons in the informal economy forums.
- 1.15. The informal economy forums shall have four (4) meetings per year, which shall be held once per quarter.
- 1.16. The decision-making processes of the informal economy forums shall be consensus-based as far as practicable.
- 1.17. All informal economy forums shall design and implement awareness-raising programmes on the Code, its Operational Guidelines, and the overall importance of consultation, participation, access to information, transparency, and accountability as part of the strategy for the transition to the formal economy in the country.
- 1.18. The informal economy forums shall develop a funding mechanism based on a SWAP.

Guideline 2: Respect for human dignity

- 2.1 Article 8 of the Namibian Constitution states that:
1. *The dignity of human beings shall be inviolable.*
 2. (a) *In any judicial proceedings or in any other proceedings before any organ of the State, and during the enforcement of a penalty, respect for human dignity shall be guaranteed.*
(b) *No persons shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*
- 2.2 This guideline will be operationalised by adopting and implementing a two-fold strategy, namely:
- A. Preventative strategy:**
- The governing body shall roll out educational programmes aimed at educating and sensitising law enforcement officials such as City Police, Namibian Police officers and other relevant persons on the importance of executing their professional duties within the scope of this

"We are treated like criminals, not as people who are trying to make an honest living. Municipality officials and law enforcement officers do not respect our rights." – Tsumeb focus group participant

constitutional provision when dealing with informal economy operators.

B. Dispute resolution management strategy: When informal economy operators feel that law enforcement officers have violated their rights and human dignity, they should refer to Guideline 13 of this Code (page 39) and approach the institutions and organs that comply with the operational standard.

2.3 The informal economy forums, member organisations and all other role players shall respect and promote all people's human rights and dignity in all instances.

Guideline 3: Proactive disclosure of relevant information

- 3.1 The duty to proactively disclose information shall apply to all public and, where applicable, to private institutions operating in the informal economy.
- 3.2 Public institutions and agencies, local authorities and all other public institutions involved in the informal economy shall proactively disclose all relevant information on the informal economy.
- 3.3 Relevant information relates to the aims, functions, structures, registration, fees, and other information on the informal economy.
- 3.4 All disclosed information must be available, accessible, affordable, of quality, simplified, and translated into local languages as far as practicable.
- 3.5. Relevant information shall be shared via traditional media such as radio, television and newsletters, electronically

“The municipality want us to adhere to their rules, regulations, and by-laws but they never inform and educate us on these. Yet, they will send the law enforcement agents to evict us, arrest us, and confiscate our goods.”
– Windhoek focus group participant

through websites, and via more interactive communication, such as an information stall in a public space.

- 3.6. Special attention shall be given to the information needs of people with disabilities operating in the informal economy.

Guideline 4: Participatory governance

4.1 Participatory governance within the informal economy shall be underpinned by the following guiding principles:

“Do not plan for the people; plan with them.”
– participant at the validation workshop

- 4.1.1 Information-sharing:** Information on the informal economy shall be shared via traditional media such as radio, television and newsletters, and electronically through websites.
- 4.1.2 Consultation:** In designing, implementing and evaluating policies and programmes relevant to the informal economy, decision-makers shall consult with and promote the active participation of all relevant stakeholders operating in the informal economy space.
- 4.1.3 Active participation:** This requires that informal economy operators, through their representatives, assist in setting the policy agenda, shape the dialogue and propose policy options.

“Before, we didn’t know our rights, but now we know we are citizens having rights. And as Namibians citizens, we must be consulted and our contributions must be valued and included.” – Walvis Bay focus group participant

Guideline 5: Education and training

- 5.1 The NIEF shall have a standing committee on Education and Training. Their professional brief will be to design and implement programmes to educate informal economy operators on the relevant laws, bylaws and public health issues such as food, personal and environmental hygiene, and occupational safety and health policies.
- 5.2 The Education and Training Committee shall be at liberty to collaborate with persons and organisations with the necessary skills on a given subject to act as resource persons in delivering education and training on that subject.
- 5.3 These educational programmes shall be implemented in all thirteen (13) regions of Namibia.
- 5.4 The Education and Training Committee shall draw up an annual work plan to be shared with the government and other designated offices to get buy-in and support for the interventions to be implemented.
- 5.5 The Education and Training Committee shall

“Improve the supply of educational services for traders and workers in the informal economy for their effective transition to formality.” – Formalising the Informal Economy in Costa Rica (SDGs 1, 5, 8 and 10)

design and implement courses to improve access to entrepreneurship training and skills development to facilitate the transition of informal economy players into the formal economy.

5.6 Programmes on improving access to entrepreneurship training and skills development will also be delivered in all regions of the country.

5.7 The trainers shall consider the specific needs of women to ensure that they have equitable and affordable access to facilities and services of all kinds.

5.8 The government should encourage universities and technical and vocational institutions to develop certified demand-driven entrepreneurship and business management courses.

5.9 To nurture a widespread enterprise culture, the government should introduce entrepreneurship programmes in schools and other training institutions.

5.10 Government agencies should provide incentives for the private sector to invest in areas that enhance the development of business linkages between the informal economy and large enterprises through trade information centres and improvement of the services and products of the informal economy.

“Local government could play a more proactive role in seeking out and supporting service providers who have an understanding of smaller business operations, and a willingness to develop programmes to support them. It could provide access to Council facilities for training courses.”

– eThekweni’s Informal Economy Policy

- 5.11 The training programs should take cognisance of women and gender issues, and these should be developed around the following points:
- 5.11.1 Women's needs for opportunities and their typical gender roles and responsibilities.
 - 5.11.2 The need for a gender mainstreaming framework in all actions targeted at the informal economy.
 - 5.11.3 Managerial and skills training for potential female entrepreneurs or to upgrade those of existing entrepreneurs.
 - 5.11.4 Provision of credit (for capital expenditure and/or working capital purposes) and measures to strengthen financial institutions that support female entrepreneurship.
 - 5.11.5 Marketing assistance and other support services include providing information, technology, sub-contracting and consultancy services.
 - 5.11.6 Action to facilitate female involvement in the economy, including practical and financial support for childcare, basic literacy and numeracy training, and group discussions to enhance social awareness of women's roles.
 - 5.11.7 Enhancing awareness of women's rights among both men and women.
 - 5.11.8 Compilation of a database of female entrepreneurs by the Ministries of Trade, Gender Equality and the National Planning Commission

in order to assess the degree of women's involvement in the informal economy, including achievements and problems.

- 5.12 General human rights training and education.
- 5.13 Administrative justice and abuse of power as it relates to the informal economy.

Guideline 6: Law enforcement

- 6.1 All informal economy forums and law enforcement offices shall design and implement educational and awareness programmes in their jurisdictions to promote and respect human rights.
- 6.2 All informal economy forums shall similarly design and implement educational awareness programmes for informal economy operators to educate and empower them on their rights and responsibilities, including their right to administrative justice as guaranteed in the Namibian Constitution.
- 6.3 The informal economy forums may use people with the necessary skills and expertise as resource persons to design and/or deliver the planned educational and awareness programmes.
- 6.4 The Dispute Resolution Committee, referred to in

"In 2020 a pregnant informal trader was beaten and kicked in the stomach by a female city police officer. She was accused of trading without a permit around the Wernhil Shopping Centre. After the kicking, she was taken to hospital and she gave birth prematurely (at 8 months). A case was opened with the police but so far no action was taken against the accused police officer." – Windhoek focus group participant

Guideline 13, shall establish a sub-committee that deals with complaints against law enforcement officials.

- 6.5 The sub-committee referred to above may function on an ad hoc or permanent basis, depending on the prevailing circumstances.
- 6.6 A memorandum of understanding shall be entered between the NIEF, NAMPOL, and other law enforcement agencies, including private security companies in the informal economy, to ensure compliance with the Code and its Operational Guidelines.

Guideline 7: Inclusive and participatory law-making processes

- 7.1 Draft bills, rules and regulations impacting and relevant to the informal economy shall be shared with the respective informal economy forums for input before being submitted to relevant authorities for final approval and implementation.
- 7.2 The literature refers to the notion of ‘voice regulation,’ i.e., regulation by negotiation, where all interest groups together determine the appropriate rules and enforcement system.
- 7.3 Informal economy operators or their representatives, government and other public legislators shall come together when the need arises to determine the appropriate rules and enforcement systems needed for the informal economy.
- 7.4 These laws shall be applied consistently, irrespective of location (central business district, informal settlement areas of cities or towns, settlement, etc.).

“Participatory policy making is to facilitate the inclusion of individuals or groups in the design of policies via consultative or participatory means to achieve accountability, transparency and active citizenship.”
– Jennifer Rietbergen-McCracken

- 7.5 Social partners shall strive to reach a consensus on the laws, rules, and regulations to be implemented in the informal economy.
- 7.6 The NIEF shall have a standing committee on Legal and Policy Affairs.
- 7.7 The Legal and Policy Affairs standing committee's primary task is to assess current and future legislation, bylaws, and regulations relevant to the informal economy to evaluate their compatibility and relevance.
- 7.8 The NIEF shall proactively initiate law reform in the informal economy.

Guideline 8: Stock confiscation

- 8.1 Disagreements between law enforcement agencies and informal economy operators regarding the property/stock of the latter shall be dealt with in accordance with the provisions of the operating standard of Guideline 13.
- 8.2 The confiscation of the stock of informal economy operators shall be the last resort and in conformity with the law.
- 8.3 The impoundment, confiscation, and disposal of street vendors' property shall only happen where it is strictly necessary and for legitimate reasons (i.e. for the preservation of public hygiene or the protection of life).
- 8.4 The impoundment, confiscation, and disposal of street vendors' property shall be warranted where criminal activity has taken place – where stock, etc., has been obtained through illegal means.
- 8.5 Local Authorities are encouraged to establish stock confiscation tribunals to speedily and affordably adjudicate over stock confiscation disputes.

“Sometimes they don't even record the goods they confiscate. This makes it difficult to retrieve them. Having our goods taken is so normal now, it's part of our daily life.” – A common opinion expressed during all FGDs

Guideline 9: Abuse of power

- 9.1 Incidents relating to alleged abuse of power, including nepotism, corruption, and other negative and ill behaviour, shall be reported to law enforcement agencies and the Governance Boards simultaneously.
- 9.2 The “whistleblower” or alleged victim of the abuse of power shall back up their claims with verifiable facts and credible evidence.
- 9.3 The law enforcement agencies shall conduct a thorough investigation into the alleged abuse of power to determine the authenticity and merit of the case.
- 9.4 The informal economy forums shall sensitise and educate its members on the dangers of making unsubstantiated allegations devoid of concrete facts and credible evidence.
- 9.5 In instances where investigations find the allegations were untrue or malicious, disciplinary action coupled with appropriate sanctions will be instituted against the originator of the allegation(s).

“Municipal by laws governing informal trade should include mechanisms to hold local government officials responsible for the implementation of the by-laws and accountable for their unlawful actions.” – SERI and SALGA

- 9.6 In instances where investigations find that the allegations made are true and credible, the necessary disciplinary processes and sanctions will be invoked, including prosecution against the offender.
- 9.7 The law enforcement agencies shall keep the Informal economy forums abreast with the progress of the investigation and subsequent outcomes.

Guideline 10: Safety and health practices, including the prohibition of child labour

- 10.1 All informal economy forums shall take the necessary steps to ensure that informal economy operators conduct their businesses in an injury- and illness-free manner and that workplaces are hygienic and in compliance with the relevant laws and regulations that protect them, their families and their workers.
- 10.2 Labour and Health Inspectors shall frequently inspect the workplace environment of the informal economy operators.
- 10.3 In instances where Labour and Health Inspectors find the workplace environment of the informal economy operators is not in compliance with the requisite laws and regulations and or health and safety standards, they must enforce the applicable law and regulations without fear, favour or prejudice.
- 10.4 Access to public urban space for informal activities should

“Municipalities look down on the informal economy. They don't see the economic viability of it. They see it dirty and a nuisance. That's why we are pushed to the back of the city. That's why market and industrial stalls are constructed without our consent away from our customers.”

– A common complaint in all focus group discussions

be conditional upon compliance with minimum sanitary, environmental and product quality standards.

- 10.5 No children under the age of 12 shall be allowed to operate in the informal economy as per the national prohibition of child labour.
- 10.6 Informal economy forums at all levels shall design and implement educational and awareness programmes on prohibiting child labour in the informal economy.
- 10.7 Local authorities and representative organisations in the informal economy shall devise a comprehensive action plan for preventing child labour in the informal economy.

Guideline 11: Market and industrial stalls development

- 11.1 Government ministries and local authorities shall avail sufficient land for the construction of industrial stalls for use by informal economy operators.
- 11.2 The respective informal economy forums shall be consulted to provide input on the suitability and appropriateness of the allocated sites where the industrial stalls will be constructed.
- 11.3 The location of the industrial stalls shall be of a strategic and attractive nature – the sites should be located in commercially attractive public spaces suitable to conduct business where informal economy operators have easy access and can attract customers.
- 11.4 Government ministries and local authorities shall, as part of their annual planning and budgetary process, include setting aside land to be developed for the construction of sites for usage by informal economy operators.
- 11.5 The land should be big enough to accommodate informal economy organisations.
- 11.6 National and local government shall make use of innovative approaches to allocate urban space to informal economy operators, for instance:
 - i) designating adequate pavement space for both street

- vendors' stalls and pedestrians;
 - ii) allocating greater amounts of street space to vendors on weekends;
 - iii) open-air markets on certain days for informal vendors – on either public or private land; and
 - iv) using car parks and playgrounds as night markets; using temporarily vacant urban plots; and closing off some public thoroughfares to motor traffic at specific times for the benefit of street vendors.
- 11.7 Rent to be paid to the national government, regional or local authorities, or private individuals should be affordable and cost-effective to enable informal economy operators to make a living after paying rent.
- 11.8 The informal economy forums and the relevant government ministry shall enter into an agreement on the rent to be paid by informal economy operators to landlords.
- 11.9 Complaints of excessive and/or unreasonable rent shall be lodged in accordance with the operational standard of Guideline 13.
- 11.10 Informal businesses need reliable delivery of basic services such as electricity, water, toilets, garbage removal, security, storage, and convenient transportation links.
- 11.11. Municipal authorities should consider introducing pro-poor user tariffs.

“Today, the world needs to also embrace economic diversity — a hybrid economic model that allows the smallest units and least powerful workers to operate alongside the largest units and most powerful economic players. Both are needed for sustainable and inclusive growth.”– WIEGO

Guideline 12A: Social protection

- 12.1 Particular attention shall be paid to the needs and circumstances of informal economy operators, their families and their workers. *Increase the social security coverage of prioritised groups operating in the informal economy.*
- 12.2 Social insurance coverage should be progressively extended to informal economy operators, their families, and their workers.
- 12.3 Existing legal provisions, administrative procedures, benefits and contributions should be adapted to include informal economy operators, considering their contributory capacity.
- 12.4 All organs of state and non-state actors, where applicable, shall consult with and promote the active participation of informal economy organisations in their decisions affecting the informal economy.

Guideline 12B: Compliance with the Code

- 12.1 All informal economy forums shall encourage members to sign up to the Code as a public declaration of their intention to adhere to it.
- 12.2 The respective informal economy forums shall embark on educational awareness programmes to educate and train their members on the Code of Conduct to strengthen understanding of and encourage compliance with the Code.
- 12.3 Public authorities shall equally embark on educational and training programmes to ensure that administrative officials under their jurisdiction understand and comply with the standards and requirements of the Code.¹⁰
- 12.4 In the event that doubt exists on the interpretation of the Code, such concerns shall

"Local authorities should reform their by-laws to ensure they include alternative dispute resolution mechanisms. Such dispute resolutions systems should take into account the constraints that informal economy operators face. These challenges call for a more accessible, speedy, and affordable dispute resolution systems." – Makwickana v eThekweni Municipality (Makwickana).

¹⁰ ILO Recom 204, par. 38

be addressed to the relevant informal economy forum for clarity and guidance.

- 12.5 The respective informal economy forum shall be at liberty to continuously update the Code and/or its Operational Guidelines to keep pace with developments in the informal economy.
- 12.6 All alleged violations of the Code will be referred to the Informal Economy Ombudsman for adjudication as the first port of call.
- 12.7 The informal economy forums shall enter into a memorandum of understanding with public and private institutions to signify a commitment to adhere to and implement the Code.

Guideline 13: Dispute resolution

- 13.1 Stakeholders in the informal economy shall make efforts to institutionalise mediation, conciliation and arbitration as the preferred ways of resolving disputes arising in the informal economy.
- 13.2 These will be independent professionals drawn from society with the necessary training and education in the fields of mediation, conciliation and arbitration.
- 13.3 Each informal economy forum shall have a Dispute Resolution Committee to preside over and resolve disputes between informal economy operators on the one hand and law enforcement officials or other parties on the other hand.
- 13.4 The mandate of this committee would be two-fold:
 - i) To resolve any disputes arising between or among informal economy operators; and
 - ii) to resolve any disputes arising between informal economy operators and law enforcement officers.
- 13.5 Three (3) assessors shall be appointed by the NIEF for the term of office of the Informal Economy Ombudsperson to assist in resolving disputes.

- 13.6 The assessors shall be appointed from amongst the relevant stakeholders within the city, town, village or settlement.
- 13.7 At least one (1) of the assessors shall be a woman.
- 13.8 The dispute resolution process shall be provided free of charge.
- 13.9 The Dispute Resolution Committee shall benchmark on best practices and cooperate with other public institutions charged with delivering conciliation and arbitration services in the country.

Guideline 14: Enforcement of the Code of Conduct

- 14.1 An Informal Economy Ombudsperson and a Deputy Informal Economy Ombudsperson shall be appointed, whose professional briefs would be to enforce the Code and its Operational Guidelines within the informal economy.
- 14.2 The position of an Informal Economy Ombudsperson and a Deputy Informal Economy Ombudsperson shall be a male and female.
- 14.3 The Informal Economy Ombudsperson and Deputy shall be appointed by the NIEF at the national level.
- 14.4 The NIEF will develop the recruitment, selection, and appointment, including the reporting procedures of the Ombudspersons.
- 14.5 The Informal Economy Ombudsperson shall be independent and impartial in the exercise and performance of their powers and functions
- 14.6 The Informal Economy Ombudsperson shall hold office for three (3) years and be eligible for reappointment for only another three (3) years.
- 14.7 The Informal Economy Ombudsperson shall serve on a part-time basis.

- 14.8 The Informal Economy Ombudsperson shall be a Namibian citizen with high integrity and sound knowledge of the Namibian informal economic landscape.
- 14.9 The Informal Economy Ombudsperson shall not accept a complaint unless the complainant, in writing, waives any right to claim civil relief of whatsoever nature directly or indirectly related to or arising from the complaint.
- 14.10 The Informal Economy Ombudsperson shall produce educational and promotional material to publicise the office and encourage compliance with the Code.

Guideline 15: Sanctions for infringements of the Code

- 15.1 The Informal Economy Ombudsperson shall endeavour to take a maximum of thirty (30) days to resolve a matter associated with violations of the Code and or to institute remedial action to address such violations.
- 15.2 Any informal economy operator or administrative official who engages in conduct prohibited by the Code will be subject to disciplinary actions and sanctions as prescribed in the Code.
- 15.3 The process of instituting disciplinary action and sanction shall be completed within thirty (30) days.
- 15.4 As a first step, complaints shall be brought to the Informal Economy Ombudsperson for scrutiny and analysis.
- 15.5 The Informal Economy Ombudsperson shall then hold discussions with the parties involved on an informal basis with the objective of achieving a speedy settlement.
- 15.6 The decision of the Informal Economy Ombudsperson should be issued in writing, dated and signed.
- 15.7 All decisions/rulings of the Informal Economy Ombudsperson shall indicate a summary of the facts, reference the specific violation and shall provide reasons for said decision.

- 15.8 The Informal Economy Ombudsperson may make any one or more of the following sanctions:
- Issue a warning
 - Issue a private or public letter of reprimand
 - Impose a fine
 - Restitution (return of confiscated goods)
 - Compensation
 - Suspension from trading
 - Banning from trading
 - Any other appropriate and suitable sanction
- 15.9 The Informal Economy Ombudsperson shall report serious violations to the appropriate government or legal authorities, including the NIEF.

Guideline 16: Appeals

- 16.1 The NIEF shall appoint a five (5) member Appeals Committee to hear all appeals against decisions of the Informal Economy Ombudsperson.
- 16.2 At least two (2) members of the Appeals Committee shall be women.
- 16.3 The Appeals Committee shall be appointed for two (2) years, subject to reappointment.
- 16.4 Members of the Appeals Committee shall serve on a part-time basis
- 16.5 Appeals shall be finalised within thirty (30) days.

Guideline 17: Record keeping

- 17.1 The Informal Economy Ombudsperson shall record all findings made by them or the Appeals Committee on the Informal Economy Ombudsperson's website.
- 17.2 These records shall be public documents unless otherwise provided.

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