
Towards the Africanisation of social protection in Southern Africa

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Abstract

This contribution, while concentrating on one of Professor Edwin Kaseke's favourite research topics (i.e., social protection) and reflecting on some of his work (in some instances with colleagues, argues that Professor Kaseke essentially called for the need for and emphasised the importance of the Africanisation of social protection in Southern Africa. Within the framework of this paper, Africanisation entails a scenario whereby social protection is responsive to and accommodative of the needs and challenges imposed by the local (African) context. Thus, social protection systems must be relevant to the social needs and challenges of the communities they are intended to serve. This should be evident from among others, the history of social protection in Southern Africa; conceptual framework, legislative and policy structure; social risks; personal and territorial scope of coverage; administrative and institutional design; quality and quantity of benefits disbursed; as well as monitoring, adjudication and enforcement mechanisms. The article pursues its objective by focusing on the aforementioned key social protection areas which formed part of Professor Kaseke's interest in a majority of his research output on social protection. This discussion is followed by some concluding remarks from a forward-looking perspective.

Keywords: Africanisation, social protection, social assistance, social insurance, social allowances, informal social protection, Southern Africa

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Introduction

On 17 August 2006, Professor Edwin Kaseke presented me with a copy of one of the books he edited (i.e., Kaseke, E. ed. 1998. *Social Security Systems in Rural Zimbabwe*, Harare, Friedrich Ebert Stiftung) which I have been struggling to lay my hands on for some time. He wrote the following words on the first page of the book: “To my dear Dr George Mpedi as a token of my appreciation for the cross-fertilisation of ideas. Edwin Kaseke – 17.08.06.”

Professor Edwin Kaseke was a trusted and respected mentor and academic father and good friend to me (and many of my colleagues) for almost two decades. The two of us, alongside other esteemed colleagues in South Africa, Southern Africa, and the rest of the African continent, indeed cross-pollinated ideas on a number of teaching assignments, research projects, and conference papers (see, for example, Olivier, Kaseke and Mpedi, 2008). All these endeavours, which took place locally and abroad, invariably resulted in a wealth of academic publications and reports (see, for example, Becker and Olivier, 2008, Olivier and Kuhle, 2008 and Becker, Pennings and Dijkhoff, 2013). The golden thread that runs through all this scientific work, it is opined, is a call for the Africanisation of social protection in Southern Africa. In the context of this paper, Africanisation entails a situation whereby social protection designed and implemented in a manner that is responsive to and accommodative of the needs and challenges imposed by the local (African) realities.

It is a known fact that Professor Kaseke trained as a Social Worker. However, he was without a shadow of doubt at home with us (social protection) lawyers. In fact, we liked and thoroughly enjoyed each other's (professional) company. The point is that we learnt from, and understood, each other quite well. It is our mutual

¹While I am responsible for the contents of this contribution, I wish to thank the anonymous reviewers for their constructive comments on an earlier draft of the manuscript.

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appreciation of social protection in the Southern African Development Community (SADC) region and its member countries, as well as the African continent that brought us together and, most importantly, sustained us until his untimely passing.

Social protection in Southern Africa: A cursory historical context

Before the advent of colonisation in Southern Africa, native people lived off the land (see Gumbo, 1998: 15-17). A man and his wife or wives and children tilled the land; hunted; fished and gathered food; and looked after family livestock. In fact, children served as a form of social protection, particularly in old age. Extended families and communities shared and mitigated risks (Kaseke, 1998: vii). These risks included unescapable life risks germane to human existence such as maternity, old age and death. There are other risks, that should not be trivialised, which stem mainly from nature. These risks have the likelihood of undermining livelihoods and they include adverse climatic conditions (e.g. draught and floods) and pests that have a detrimental influence on the health and well-being of humans and their means of support (e.g., livestock, wild animals and plants) as well as living conditions in general.

The social protection endeavours of the pre-colonial African people were largely influenced by time-tested African traditional values (see Devereux and Getu, 2013: 235) which promoted, *inter alia*, group solidarity, mutual respect, and reciprocity (see Mpedi, 2008a: 111-113). As aptly summed up by Cobbah (1987: 320): “[A]s a people, Africans emphasize groupness, sameness, and

³ For example, we taught together in the continuing education programmes on social protection offered by the University of Johannesburg and, its legacy institution, Rand Afrikaans University.

⁴ For example, Centre for International and Comparative Labour and Social Security Law (CICLASS) and Max Planck Institute for Foreign and International Social Law project on Access to Social Security for Non-citizens and Informal Sector Workers (2005-2008) and the Max Planck Institute for Foreign and International Social Law Project on International Standard Setting and Innovation in Social Security (2011- 2013).

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commonality. Rather than the survival of the fittest and control over nature, the African worldview is tempered with the general guiding principle of the survival of the entire community and a sense of cooperation, interdependence, and collective responsibility.” Some of the culturally-embedded practices, which were used to pool resources and share or alleviate risks in Southern Africa, include *Zunde raMambo* (the Chief’s granary) in Zimbabwe which provided for the contingency of famine and chronic poverty (Dhemba, Gumbo and Nyamusara, 2002:132-156 and Madembo, 1998: 43-44) and *letsema* in South Africa and Botswana which is about the pooling of (human) resources for the benefit of an individual or group of persons (see, for example, Ntseane and Solo, 2007: 61).

Social protection in Southern Africa: A conceptual framework

What is social protection?

Social protection is one of those interesting concepts that have not yet acquired a universal definition. Within the context of Southern Africa, it is prudent to go with the description of the concept as embraced by the Southern African Development Community (hereinafter the SADC). In accordance with article 1(d) of the Code on Social Security in the SADC the concept of 'social protection' is:

“... broader than social security. It encompasses social security and social services, as well as developmental social welfare. Social protection thus refers to public and private, or to mixed public and private measures designed to protect individuals against life-cycle crises that curtail their capacity to meet their needs. The objective is to enhance human welfare. Conceptually and for purposes of this Code social protection includes all forms of social security. However, social protection goes beyond the

social security concept. It also covers social services and developmental social welfare, and is not restricted to protection against income insecurity caused by particular contingencies. Its objective, therefore, is to enhance human welfare.”

The abovementioned conception of social protection is in line with that embraced by the African Union (hereinafter the AU) in the sense that it advocates a framework that includes social security schemes and income security measures (African Union, 2008: 16). Social services and developmental social welfare measures recognised in the SADC are embraced by the AU concept in the sense that it recognises programmes aimed at job creation, equitable and accessible and health and other services, such as, social welfare and quality education (*Ibid*).

What are the functions of social protection?

According to the South African National Planning Commission (<http://www.poa.gov.za/news/Documents/NPC%20National%20Development%20Plan%20Vision%202030%20-lo-res.pdf>), social protection has five functions, namely:

“Protective – Measures are introduced to save lives and reduce levels of deprivation. Preventive – Acts as an economic stabiliser that seeks to help people avoid falling into deeper poverty and reduce vulnerability to natural disasters, crop failure, accidents and illness. Promotive – Aims to enhance the capabilities of individuals, communities and institutions to participate in all spheres of activity. Transformative – tackles inequities and vulnerabilities through changes in policies, laws, budgetary allocations and redistributive measures. Developmental and generative – Increases consumption patterns of the poor, promoting local economic development and enabling poor people to access economic and social opportunities.”

Does social protection include social security?

As indicated above, social protection includes all form of social security. This means it incorporated:

“...public and private, or mixed public and private measures, designed to protect individuals and families against income insecurity caused by contingencies such as unemployment, employment injury, maternity, sickness, invalidity, old age and death. The main objectives of social security are: (a) to maintain income, (b) to provide health care, and (c) to provide benefits to families” (Article 1(e) of the Code on Social Security in the SADC).

Accordingly, it covers social security measures such as social assistance, social insurance and social allowances. Social assistance refers to “designed to protect income earners and their families against a reduction or loss of income as a result of exposure to risks” (Article 1(b) of the Code on Social Security in the SADC). Social insurance is a “form of social security designed to protect income earners and their families against a reduction or loss of income as a result of exposure to risks” (Article 1(c) of the Code on Social Security in the SADC). Unlike social assistance and social insurance, social allowances are “universal payments made to persons in designated categories who are exposed to exceptional need (such as children, older persons, persons with disabilities), designed to assist them in the realisation of their full potential” (Article 1(a) of the Code on Social Security in the SADC).

Why is 'social protection' appropriate and preferred above 'social security'?

Social protection is perceived as a much broader concept than social security. The reason for this is that social protection

incorporates social security. Furthermore, social protection is preferred above social security for the reasons that when viewed from a Southern African and a developing country perspective it tends to associate itself profoundly with formal employment (Horsten et al, 2009: 173). This is problematic for the reason that formal employment is not readily available for millions of Southern Africans (Mpedi and Olivier, 2005: 148). It should be recalled that a majority of individuals who fail to secure employment in the formal economy invariably eke a living in the informal sector in almost all Southern African countries (*Ibid*). Another poignant point to note is that social security as framed in the International Labour Organisation (hereinafter the ILO) Social Security (Minimum) Standards Convention 102 of 1952 is inappropriate for the Southern African context (Kaseke, 2008: 64 at 65). The point is that, as shown below, it fails to capture the Africa realities (*Ibid*).

Are there efforts to broaden the concept social protection in Southern Africa?

South Africa is one of the notable examples of countries in the region that endeavoured to broaden the concept of social protection further in its policy initiatives by adopting the so-called 'comprehensive social protection' notion. 'Comprehensive social protection' for South Africa:

“...seeks to provide the basic means for all people living in the country to effectively participate and advance in social and economic life, and in turn to contribute to social and economic development. Comprehensive social protection is broader than the traditional concept of social security, and incorporates developmental strategies and programmes designed to ensure, collectively, at least a minimum acceptable living standard for all citizens. It embraces the traditional measures of social insurance, social assistance and social services, but goes beyond that

to focus on causality through an integrated policy approach including many of the developmental initiatives undertaken by the State” (Committee of Inquiry into a Comprehensive System of Social Security for South Africa 2002: 41).

Social protection legislative and policy structure in Southern African countries

No social protection system that is worth its salt can operate and thrive without an appropriate legislative and policy framework. The truth of the matter is that, various parties, which include the state as well as juristic and natural persons, have rights to respect, protect, promote and fulfil (Mpedi, 2008b: 8-9). In addition, there should be compliance with duties, which are intimately associated with the rights (*Ibid* 9). These duties could be in a form of an act (e.g. to regularly pay social insurance contributions to (the) relevant social insurance institution(s)) or an omission (e.g. to refrain from defrauding social security institutions) (*Ibid*).

Providing a comprehensive picture of the Southern African social protection legislative and policy framework would be a tedious task. At the core of the matter lies the fact that social protection provisioning in Southern African is perched on a myriad of legal instruments and policies (see, for example, Lesotho – Government of the Kingdom of Lesotho National Social Protection Strategy 2014/15- 2018/19 and Workers Compensation Act and Regulations Act 13 of 1977; Namibia – Social Security Act 34 of 1994, Employees Compensation Amendment Act 5 of 1995 and Regulations under the Social Security Act 34 of 1994; Zambia – The Pension Scheme Regulation Act 28 of 1996, Workers' Compensation Act 10 of 1992; and Zimbabwe – National Social Security Authority Act (Chapter 17:04), Social Welfare Assistance Act (Chapter 17: 06) and Workers' Compensation Amendment Act of 1984). These instruments draw largely from social legislation (e.g. pure social security law (i.e. social insurance and social assistance laws), labour law, administrative

law, international law and, most importantly, constitutional law. This has in practice yielded a number of challenges that hinder access to (social protection) rights and, eventually, social protection benefits on offer. Firstly, there is a proliferation of laws, regulations and policies. This inadvertently results in a situation where it is practically difficult to ascertain with great certainty which version of the law is in force (Mpedi, 2008b: 14). In the instance of South Africa, the Court in *Cele v. South African Security Agency and 22 Related Cases* (2008 (7) BCLR 734 (D) at para. 11) alluded to the challenge in the following terms:

“...in the field of social assistance in South Africa the primary and secondary legislation is as labyrinthine as it apparently is in the United Kingdom and the entitlement of any applicant to relief flowing from a failure on the part of the Minister of Social Development or SASSA may well be complex. All this can only serve to emphasise the necessity for those lawyers who practise in this area of the law to be thoroughly familiar with the applicable legislation, both primary and secondary, and to ensure that it is properly placed before the Court in a coherent form when the need for litigation arises.”

In addition, the current social protection legislative and policy framework in a majority of Southern African countries is not accessible to the public. There is a variety of reasons for this status quo. Chief amongst them is that the social protection laws are legalistic for lay persons and not published in all the official languages. Furthermore, there is no direct legal duty to inform the public about social protection rights imposed on the relevant social protection institutions. Last but by no means least, social participation in the social protection legislative and policy process is weak and, in some countries, non-existent (see, for example, Kanyongolo, 2004: 97-117 and Tungaraza, 2004: 178-197). This invariably results in social protection laws and policies crafted for, and not with, the intended stakeholders. At an institutional and

administrative level, this leads to lack of trust between departments and institutions that are otherwise meant to collaborate on social protection measures and creates a fertile ground for the advancement of vested narrow interests which may not be in the best interest of the social provisioning endeavours of a country and, most importantly, its populace.

Social risks approach and the need for a paradigm shift in Southern Africa

The formal social protection approach does not capture all the social hazards that challenge the majority of the people of Southern Africa. These risks include political and natural disasters and calamities. The key root cause of this situation, is the slavish following of the ILO's nine classical risks (namely, sickness, maternity, employment injury, unemployment, invalidity, old age, death, medical care and family) (Olivier and Mpedi, 2008). It should be borne in mind that social assistance and social insurance are generally the main schemes through which Southern African countries extend protection against these risks (*Ibid*). Another omission in the aforementioned approach is that it only specifies the 'public measures'. In so doing, it excludes informal and private coping measures (*Ibid*). What is required in Southern Africa, is to while providing and expanding cover for the nine core risks prioritise new risks relevant for the region such as HIV/AIDS (see, for example, Mpedi, 2013: 2015-227).

In addition, there is desperate need to fast track the development and introduction of innovative ways and means for covering the excluded masses that eke a living in the informal sector. It should be recalled that formal social protection measures, in particular those of social insurance nature, tend to exclude and marginalise the informal sector workers and their dependants (see, for example, Mpedi, 2013: 285-29; 313-318).

The excluded and marginalised eventually protect themselves against social risks by predominantly participating in imperfect informal social protection measures. This measures as regarded as imperfect due to the fact that they are unreliable, unstable and vulnerable to external shocks (Olivier, Kaseke and Mpedi, 2004).

Informal social protection, on the other hand, comprises those self-organised informal safety-nets which are based on membership of a particular social group or community, including, but not limited to, family, kinship, age group, neighbourhood, profession, nationality, ethnic group, and so forth (see, for further reading on the concept, Kaseke, 2008: 66-69; Olivier, Kaseke and Mpedi, 2004). Informal social security, as pointed out by Gsänger (<https://www.die-gdi.de/en/others-publications/article/linking-informal-and-formal-social-security-systems>), predominantly rests on anyone or any combination of four security pillars: individual provisions based on individual economic activities (self-employed as peasants and subsistence farmers or as casual wage labourers in agriculture, or in informal off-farm jobs); membership of traditional solidarity networks (family, kinship, neighbourhood, etc.); membership of co-operative or social welfare associations (self-help groups, rotating savings and credit clubs (ROSCAs), cultural associations, etc.); and access to (non-governmental) public benefit systems (targeted transfers, donations, social services provided by voluntary organisations, churches, trade unions, etc.).

Despite that important role played by informal social protection in Southern Africa, this coping strategy rarely feature in social protection policy documents. This should be corrected by positioning informal social protection as part of the social protection system and one way of ensuring that the local context is taken into account. The point is that informal social protection in South Africa is embedded in African traditional values such as *Ubuntu* (Mpedi and Darimont, 2007: 9 at 24-25). These values treat social risks as a burden that should be shared irrespective of

ones means (*Ibid*). Nonetheless, informal social protection should not be sentimentalised as an answer to all the social protection challenges of Southern Africa. In reality, it has its own imperfections. As argued by Mpedi (2017: 48):

“Firstly, there are limitations to the extent to which the poor can share poverty. Secondly, the values that underpin the informal social protection mechanisms are in some instances easily eroded by factors such as urbanisation. Furthermore, informal social protection strategies are susceptible to widespread calamities such as draught and floods. In addition, risks associated with the provision and administration of social protection such as overexposure to risks, corruption and fraud are also present in informal social protection interventions. This is compounded by the high illiteracy rate among most of the informal social protection participants.”

Kaseke (2008: 68) also cautions against the idealisation of informal social protection as follows:

“Whilst informal social security systems are playing an important role in promoting social protection among the poor, it should be understood that they do not provide the same level of social protection as that provided by formal social security systems. Informal social security systems therefore, represent a second best option, as many would ideally prefer to be covered by formal social security systems. In view of this, there is need to guard against romanticising about the role and capacity of informal social security systems.”

What is required is state intervention to harness informal social protection to its fullest potential in the following manner: Firstly, the state should use its regulative function and design and implement an appropriate regulative framework for the informal

social protection system (Mpedi, 2017: 48-49). In addition, the state may serve as a provider and, depending on the availability of resources, develop capacity by enhancing the bookkeeping and finance management skills of those involved in the informal social protection sector (*Ibid*). Furthermore, the state may serve as a facilitator and establish linkages between the informal social protection sector, the state and private role players (*Ibid*).

Personal and territorial scope of social protection coverage

The extent of the personal and territorial scope of social protection coverage in Southern Africa varies from one country to another in that region. One of the concerning features of social protection coverage in Southern Africa is that it is constricted (see, Devereux, 2010: 4). There is a multitude of reasons for this situation. Chief among them is that social protection in Southern Africa is not appropriately developed (Olivier and Mpedi, 2003: 12). As Kaseke (2008: 65) puts it:

“Generally Southern African countries lack comprehensive social security systems. The schemes that exist are often disjointed and offer rudimentary social protection and cover a somewhat insignificant proportion of the population.”

Social assistance schemes in most countries of that region are generally territorial and nationality based in nature. Social insurance schemes, where they exist, tend to focus more on certain categories of formal sector employees. Furthermore, social assistance / welfare schemes and related services are predominantly based in urban areas much to the neglect of the rural poor. The situation is compounded by low human development factors such as illiteracy and the concomitant ignorance that are invariably high in rural locations. As a result, the rural poor are often excluded from social assistance that they qualify for.

Access to and participation in Social insurance schemes in Southern Africa are closely linked to formal employment. Those individuals that are covered by the social insurance schemes are consistently in an employer-employee relationship or are the dependants of (a) person(s) in the aforementioned relationship (see Mpedi, 2012: 272-274). This is problematic in light of flourishing informal sector employment in Southern Africa. At the heart of the issue of the formal sector bias of social insurance lies, as explained by Kaseke (2008: 65), the fact that:

“...the promotion of social security has largely been based on the promotion of social insurance. This is not surprising given the fact that ILO definition of social security suggests that social insurance is the preferred form of social security. The definition places emphasis on the protection of workers and their dependants suggesting that the target group for social insurance are persons in formal employment operating within the context of an employer-employee relationship. Here in lies the inappropriateness of the ILO concept in capturing the realities in Africa. The formal sector in Africa is small and consequently only a small percentage of the labour force can be employed.”

The other challenge is that most of the social insurance schemes in that region do not require compulsory participation (Olivier and Mpedi, 2005: 152). For that reason, employees eligible for participating in social insurance scheme may neglect to contribute or participate in such schemes. Furthermore, the concept of family as contained in various social insurance laws is narrow and Eurocentric. It should be recalled that in an African traditional society 'family' is much broader than in the European context in the sense that “[i]t comprises a whole group of persons: the head of the family with his wives and his children, and grandchildren, and also his brothers and his sisters with their wives and children, his nephews and nieces, in a word, all those

persons who descend from a common ancestor” (Isizoh, 2003). The limited conception of family invariably disregards the extended family, a notion which is widespread in Southern Africa, by focussing on legal dependency and not factual dependency or both when eligibility for survivors' benefits is determined. Lastly, there is a serious concern as regards the limited notion of work as embraced by the formal social protection system. This problem has been aptly summarised by Olivier and Mpedi (2003) as follows:

“One of the major concerns regarding the definition of 'work' is the inherent prejudice it carries towards women. Women perform various forms of unpaid labour in order to sustain the household. However, these forms of labour are not recognised as 'work' for social security purposes. Some writers argue that the (social security) value placed on the productive and reproductive roles fulfilled by women should be increased. This will be possible only once the formal economy recognises that reproductive and unpaid work performed by women is also economic activity, albeit in the 'care economy'.”

Concentrating now on the territorial scope of coverage, the application of the social protection laws is predominantly restricted to the geographic borders of individual Southern African countries. The same applies to the payment of social protection benefits. This betrays the limited scope of regional integration in Southern African and dearth of measures to coordinate social protection systems in that region at unilateral, bilateral and multilateral levels (Olivier and Mpedi, 2003: 12-13; Olivier and Mpedi, 2005: 152-153). Southern African countries need to, within the SADC framework, give impetus to efforts to integrate the region, particularly those dealing with the social aspects of regional integration such as the free movement of labour and services (see Mpedi and Nyenti 2012:164-186). The recently adopted SADC Policy Framework on the Portability of Accrued Social Security Benefits within the Region of May 2016

(SADC/ELSM&SP/1/2016/3) is a positive step towards the right direction (see, for further reading, Mpedi and Nyenti, 2017).

Administrative and institutional basis of social protection in Southern Africa

Social protection provisioning is, irrespective of whether it is at a national, regional or international level, a complex undertaking (Mpedi, 2008b: 8). The point is that it requires efficient (administrative) systems, institutions and resources (e.g. human and financial resources). Social protection administration and institutions in most Southern African countries are imperfect (Olivier and Mpedi, 2003: 13). A majority of social protection administrative and institutional set-ups are marred by poor levels of service, corruption and fraud as well as, the so-called, exclusion errors. Exclusion errors refer to a situation where there are persons who do not draw a social benefit to which they are in effect entitled. These errors emanate from a variety of factors, which include the lack of identity documents that are required for claiming benefits, urban-based vital services, ignorance and illiteracy (see paragraph 6 above).

All said and done, these challenges undermine access to benefits provided. The truth of the matter is that they are inherent to a developing region such as Southern Africa and require locally developed innovative solutions. Such solutions should undoubtedly include mobile integrated services to serve the (deep) rural areas in the interim and followed by permanent offices and structures. In this regard, the South Africa Integrated Community Outreach Programme (IPROC) has a lot of lesson to offer to countries of the region. This programme entails reaching out to the rural poor through mobile service units and it has registered significant success in addressing the exclusion errors in rural areas which it implemented (see International Labour Organisation, <http://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=51861> (accessed on 23 June 2017)). Furthermore, Southern

African countries need to consider and adopt a universal policy in favour of free access to and replacement of essential documents such as identity documents as well as birth, marriage and death certificates.

Limited quantity and poor quality of social protection benefits disbursed

The social protection benefits distributed in the Southern Africa can be criticised from several points of view. Firstly, they are focussed mainly on the provision of compensation (cash benefits) much to the neglect of other important social protection principles. It could be argued that they follow the ILO approach in the sense that “...the ILO stresses...the statutory nature of the concept of social security, and the payment of monetary benefits as a means of ensuring the maintenance of income when certain contingencies arise” (Midgely, 1996: 3). Countries of the Southern Africa region need to repurpose their social protection systems so that they first aim at preventing social risks. When risks are not preventable, it should provide compensation. Compensation should be supplemented by measures aimed at, to the extent possible, the (re)integration of the social protection benefits recipients into the labour market and society. It is for this reason that it is argued that social protection is not **merely curative** (in the sense of providing compensation) **but also preventative and remedial** in nature” (Horsten et al, 2009: 173). To this end, Southern African countries need to strive towards closing what could be termed the social protection loop by prioritising prevention and reintegration measures alongside compensation. This is crucial in ensuring the sustainability of the social protection systems in the region.

In addition, the benefits provided under the social protection systems of Southern Africa countries are minimal and, thus, inadequate. For this reason, they barely meet the basic needs of the beneficiaries. For instance, the monetary value of the benefits provided under social insurance schemes is generally low. This mainly stems from the fact that governments set contribution

rates at a low level. This, it is said, is on account of meagre wages paid to workers (Kaseke, 2000). The low contribution rates consistently have a negative impact on the adequacy of the benefits. The point is that:

“Unrealistically low contribution rates often result in inadequate benefits. The harsh economic climate also makes governments reluctant to review the contribution rates not necessarily out of concern for the negative impact on disposable incomes but out of consideration of possible political ramifications. Furthermore...the ceiling for insurable earnings is very low...This is despite the fact that a state of hyper inflation has been pushing up salaries on a yearly basis. Consequently, the contributions will not purchase any meaningful benefits and this is likely to condemn many of the beneficiaries to a life of poverty” (*Ibid*).

Another point to keep in mind is that the benefits provided by some of the social insurance schemes in the region are available for a short period because they are disbursed on the assumption that certain social risks they cover are transient. Commenting on the case of South Africa, Natrass and Seekings (1997: 467-468) correctly assert:

“South Africa's current welfare state regime is premised on the belief that people need support through the state or market only when too young or too old to work, or during brief periods of unemployment (in between long periods of employment when they are able to contribute to unemployment insurance). Similar assumptions in the advanced capitalist economies prior to the 1970s were rooted in the fact that full employment could be maintained, and the life cycle therefore took people from dependence as children to secure employment, to dependence again after retirement. Under apartheid, a

similar situation was maintained for white citizens through racial discrimination. In contemporary South Africa, by contrast, many poor citizens spend much of their adult lives outside of formal employment (or formal “self-employment”). Most South Africans of working age outside of formal employment have therefore not been supported by the state or market-based welfare systems. Many have received limited earnings from casual employment and informal sector activity.”

Social protection monitoring, adjudication and enforcement mechanisms

Failure to comply with the rights bestowed and obligations imposed by social protection laws should (or may) be followed by a sanction imposed by a competent authority and in a fair manner. As a result, social security provisioning endeavours need to be governed by a body of enforceable rules. These rules are, at a country level, contained in national (primary and secondary) legislation. In a nutshell, (efficient) social security provisioning requires a (comprehensive) legislative framework. Thus, legislation is one of the fundamental ingredients of a foundation from which (comprehensive) social security systems are (or should be) erected (Mpedi 2008: 9).

The social protection laws are not consolidated. Furthermore, each social protection statute in Southern Africa makes provision for the dispute resolution mechanisms applicable to its provisions. This has resulted in a plethora of dispute resolution mechanisms that are available to resolve a social protection dispute. There is a dire need for the systematisation of the various laws regulating social protection in Southern Africa.

Conclusion remarks

In conclusion, social protection in Southern Africa is far from

perfect. Apart from being inadequate, particularly in its scope of coverage, it is hamstrung by being set and operated in ways in means that are not aligned with the local context. Thus, the Africanisation of social protection in Southern Africa is of paramount importance and needs to be prioritised in endeavours to craft inclusive and comprehensive social protection systems in the region.

As I conclude this modest review of one of the subjects close to Professor Kaseke's heart, I can't help it but count myself privileged that my path and that of Professor Kaseke crossed. With a heavy heart, I can only look back and be grateful that I sat at the feet of an academic giant. I am sure that if he was looking over my shoulder, he would agree with all the thoughts contained in this contribution. True to his gentle forward looking nature, he would have assured me of his confidence in our abilities to move on and build on the solid foundation he and others laid for the good of the people of our region and the continent. We dare not fail him! As we struggle to find words to express the void he has left, one thing is clear and that is his (social protection) academic legacy will live on for many generations to come.

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