LIBER AMICORUM

ESSAYS IN HONOUR OF
PROFESSOR EDWELL KASEKE
AND DR MATHIAS NYENTI

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EDITORS

Foreword

Though some may categorise this work as a memorial publication, this book of friends is truly a celebratory publication by colleagues who had the privilege to know Edwell and Mathias personally – from Africa and beyond. It is a tribute to the life and work of two individuals that each made a unique contribution to social justice, law and its development. As evidenced by the Tributes and Lists of Publications contained herein, both Edwell and Nyenti (as they were popularly known) were productive scholars. However, they leave a legacy that extends beyond the academic realm to that of friendship and shared humanity.

This *Liber Amicorum* consists of five parts (Part I General Introduction, Part II Environment and Climate Issues, Part III Vulnerable Groups and Categories of Persons, Part IV Indigenous/Informal Social security and Part V Regional Perspectives) to which 19 authors contributed.

Social work, development and policy, social security law and labour law are the three cornerstones of an important conviction, namely that of social protection for all. The editors of this publication have collected papers that highlight an ‘integrative understanding’ (see Weiss (Chapter 2)) of these respective building blocks, recognising that although each fulfils separate aims and functions, these aims and functions are ultimately complementary. In their contribution, Warriar and Chikadzi (Chapter 11) submit that social protection ‘is a fundamental social risk management strategy that supports social and human development and increases people’s opportunities whilst reducing risks, shocks and vulnerabilities’. The Afrocentric nature of the work of Edwell and Nyenti (for example, the focus on informal social security networks and the critical study of the role and impact of regional social protection instruments) also made a clear contribution to the development of ‘theories and bodies of knowledge’ internationally (see Chisupa (Chapter 3)). It is therefore apt that there are several contributions that highlight developments and threats of a global scale, for example, climate change and migration, and the need for ‘an enhanced legal framework’ (see Olivier (Chapter 5)) brought about by these developments. Occurrences such as climate change and cross-border migration in the end often affect the poor disproportionately.

Olivier reminds us that a rights-based approach regarding social protection is in most instances preferable to the adoption of soft law and guidelines only. Sometimes a guideline or framework may evolve into enforceable provisions over time. Either way, we are prompted not to allow regional standards to become “mere symbolic instruments with no reflection or enforcement in national legislation, policies and programmes” (see Fourie (Chapter 8)). Furthermore, the impact of core judgments

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that have progressively extended access to social security (including to refugees and asylum seekers in South Africa) is illustrated (see Govindjee (Chapter 7)) with the caveat that hard-won protections may be under threat of erosion due to unintended consequences of social policy choices or the adoption of restrictive legislation.

The contributions reflect on possible ways forward when considering some of these lessons learnt and choices made relating to, for example, agrarian child welfare and indigenous care and protection available to children as well as other vulnerable groups. To this end, the contributions show that traditional cultural practices (see Warria and Chikadzi (Chapter 11)) must be taken into consideration in traditional communities across Africa when pursuing enhanced social protection for children and other vulnerable groups. Moreover, in the absence of well-developed formal employment and comprehensive social security, we must continue to develop and study 'coping strategies, many of which rely on informal networks' (see Mushunje (Chapter 10)), stokvels, mutual assistance, maternal extended families practising indigenous child protection strategies and other well-established informal social security measures. Those experiencing poverty use informal social security measures as 'vehicles for social cohesion and social networking', and Dube and Pretorius (Chapter 13) illustrate the linkages that 'exist between stokvels and formal social security systems' and how these strengthen social security. Stokvels are just one example, and this contribution (as well as the earlier work of Edwell and Nyenti) convincingly illustrate that 'traditional and semi-formal systems of social protection continue to exist' and that they 'provide a much-needed support system to families and households in both rural and urban areas' in the absence of formal social security coverage. There rests a responsibility on scholars to continue the work of Edwell and Nyenti to research these dynamics and opportunities to offer recommendations for an integrated and holistic approach to achieve enhanced protection for vulnerable groups.

When having regard to regional case studies (such as Botswana, Zimbabwe and Southern African Development Community [SADC]) and lessons learnt, the portability of accrued social security benefits within the SADC region becomes an important dimension to consider. The recent launch of the African Continental Free Trade Area (AfCFTA) has shown that difficult negotiations over an extended time can indeed come to fruition. The final contribution critically reviews the Portability of Accrued Social Security Benefits within the Southern African Development Community Region Policy Framework of 2016 as a 'precursor to a binding instrument' (see Mpedi (Chapter 16)). It is shown that in the absence of administrative coordination, the portability of social security benefits will not be enhanced, and the Framework will not live up to its promise. Overall, the contributions specifically reflect some of the challenges and opportunities that currently exist in the domains of social work and policy, social security and labour law.

Foreword

On behalf of all readers, I wish to thank the editors for initiating, conceptualising and completing this project. Marius Olivier, Letlhokwa Mpedi and Evance Kalula were each travel companions of Edwell and Nyenti on particular journeys during specific stages of their careers. It is a fitting tribute that three such prominent and well-respected scholars are the editors of this book. The same is true vis-à-vis the authors of the respective contributions.

On a personal note, I was greatly influenced by the scholarly work of Edwell and Nyenti. When I think of them, I first think of Nyenti's soft-spoken and friendly demeanour and of Edwell's ubiquitous and generous smile. It was an honour to know them and work with them.

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