LIBER AMICORUM

ESSAYS IN HONOUR OF
PROFESSOR EDWELL KASEKE
AND DR MATHIAS NYENTI

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CHAPTER 4

Reviewing the Contribution of Dr Mathias Ashu Tako Nyenti to Social Security in South Africa and Southern Africa

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Abstract

The chapter pays tribute to Dr Mathias Ashu Tako Nyenti who passed away on 8 January 2018. It does so by reviewing his contribution to teaching and learning, research and community engagement in the area of social security. It concludes by arguing that we must build on the good academic work that he has done in the fields of social security and labour law.

Keywords: Labour law, social security, South Africa, Southern African Development Community (SADC)

4.1

Introduction

I first met Dr Mathias Ashu Tako Nyenti (commonly called Nyenti by friends and colleagues) in 2002 when I presented a lecture to the LLM in Labour Law students at the Faculty of Law at the University of North West, Mafikeng Campus. As fate would have it, he succeeded me in 2003 as Researcher at the Centre for International and Comparative Labour Law and Social Security Law (hereinafter CICLASS) at the Faculty of Law of the then Rand Afrikaans University (now the University of Johannesburg [UJ]). During his tenure at CICLASS, Nyenti later held the position of Research Coordinator (2007-January 2014) and Post-Doctoral Research Fellow (2014-2015).

Nyenti hails from the Republic of Cameroon (hereinafter Cameroon). A Central African country situated on the Gulf of Guinea. He came to South Africa to further his legal education after attaining his Bachelor of Laws (Honours) at the University

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of Buea in Cameroon. Nyenti graduated with a Master of Laws (in Labour Law) degree from the Rand Afrikaans University, a University where he transferred his studies to from the University for North West after he was engaged there as a Researcher in 2003. In 2012, the University of South Africa (Unisa) bestowed a Doctor of Laws degree on him. The title of his thesis is “Developing an appropriate adjudicative and institutional framework for effective social security provisioning in South Africa”. Considering his training, he taught, researched and published in labour and social security law. Nyenti was a solid social security law expert. This chapter reviews the contribution of Nyenti in the field of social security and labour law with a particular emphasis on teaching and learning, research and community engagement.

4.2

A gentle human being

Nyenti was first a human being who was devoted wholeheartedly to his family. In addition, he was committed to his calling as an academic. He lived for his family and his academic career. Despite the many challenges commonly associated with academia, he carried himself with honour and dignity. He treated all the people he encountered with respect and was always willing to help. I benefited a lot from his calm and gentle demeanour. Whenever I was tested in my academic life, he would advise me to “let it slide”. Nyenti was always calm and forgiving. Furthermore, no task was beneath him. He would execute a task as mundane as shipping 500 books with a smile and without a complaint. Indeed, Nyenti was a kind-hearted person.

4.3

An excellent teacher

During his tenure at CICLASS, Nyenti lectured to students enrolled for a variety of social security programmes which ranged from Certificate in Social Security to the Postgraduate Diploma in Social Security Law. These programmes were largely offered to civil servants responsible for the administration of social security, particularly social assistance benefits. Furthermore, he was frequently called upon to present lectures to LLM in Labour Law students at UJ and the University of North West (Mafikeng Campus). When he was later promoted to Senior Lecturer at UJ’s Faculty of Law, Nyenti lectured social security law to LLB and LLM students as well as labour law to non-law students. Nyenti did not only teach social security to his students, he practised what he taught when it came to vulnerable students. He regularly used his trust funds to pay the tuition fees of underprivileged students in his class. Since it was my responsibility to approve these transactions, I would habitually remind him to leave some money for his academic endeavours. This was typical Nyenti – selfless beyond measure. He always put the interests of others first.

Nyenti was not only an altruistic soul. Above all, he was an excellent teacher. As one colleague put it: “He was so committed and dedicated to his work, but he never overlooked the human factor. He was always fair and respectful, as Mpedi said, a true gentleman and a teacher. I remember him teaching a group of journalists on the principles of social law. No easy and certainly a dry subject matter, but he gave it so much passion and twist, he kept their interest for an entire two days.”

4.4

A fine scholar

Teaching and research are intertwined. Nyenti knew this very well. His teaching was informed by research which was mainly focused on social security adjudication, monitoring and enforcement¹ as well as regional integration with a focus on social security coordination and portability of social security benefits in the Southern African Development Community (hereinafter SADC).² He shared his research findings in scientific journals and books. Furthermore, he presented his research

- 1 See, for example, Nyenti, M.A.T. 2016. “Reforming the South African social security adjudication system: Innovative experiences from South African non-social security jurisdictions.” *PER/PEL*, 19:1-41; Nyenti, M.A.T., Olivier, M. & Govindjee, A. 2013. “Reforming the South African social security adjudication system: The role and impact of international and regional standards.” In: M. Olivier, O. Dupper & A. Govindjee (eds.). *The Role of Standards in Labour and Social Security Law: International, Regional and National Perspectives*. Juta, p. 287; Nyenti, M. 2015. “Developing an Efficient and Effective Social Security Adjudication Framework in South Africa: The Role and Impact of International Standards.” *Strathmore Law Journal*, pp. 59-89; Nyenti, M. 2014. “Access to justice in South African social security: Towards an efficient and effective system.” *Revue du Droit Compare de Travail et de la Securite Sociale*, 1:50-59; Nyenti, M.A.T. 2013. “Access to justice in the South African social security system: Towards a conceptual approach.” *De Jure*, 46:901-916; Nyenti, M.A.T. 2012. “Dispute resolution in the South African social security system: The need for more appropriate approaches.” *Obiter*, 33:27-46; Mpedi, L.G. & Nyenti, M. 2012. “Perspectives towards the development of the social protection dimension of the SADC regional integration agenda.” *SADC Law Journal*, 2:164-186; Nyenti, M.A.T. 2008. “Adjudication and enforcement mechanisms and the administrative framework: A South African perspective.” In: U. Becker & M.P. Olivier (eds.). *Access to Social Security for Non-citizens and Informal Sector Workers: An International, South African and German Perspective*. Stellenbosch: African Sun Media, p. 53; Nyenti, M.A.T. & Olivier, M. 2008. “A revised adjudicative context for effective and efficient social security provisioning.” In: M. Olivier & S. Kuhnle (eds.). *Norms and Institutional Design: Social Security in Norway and South Africa*. Stellenbosch: African Sun Media, p. 205.
- 2 See, for example, Mpedi, L.G. & Nyenti, M.A.T. 2017. *Towards an Instrument for the Portability of Social Security Benefits in the Southern African Development Community*. Stellenbosch: African Sun Media.; Mpedi, L.G. & Nyenti, M.A.T. (eds.). 2015. *Compendium of Key International, Regional and Sub-regional Social Security Instruments*. Stellenbosch: African Sun Media.; Mpedi, L.G. & Nyenti, M.A.T. 2015. *Key International, Regional and National Instruments Regulating Social Security in SADC: A General Perspective*. Stellenbosch: African Sun Media and Mpedi, L.G., Smit, N. & Nyenti, M.A.T. 2011. “Social protection for intra-SADC migrants: Access, portability and inclusion – A Synthesis Report.” In: L.G. Mpedi & N. Smit (eds.). *Access to Social Services for Non-Citizens and the Portability of Social Benefits within the Southern African Development Community*. Stellenbosch: African Sun Media, p. 1.

findings at national, regional and international conferences. Nyenti was a solid scholar. One of the finest in Anglophone Africa. It did not come as a surprise when the National Research Foundation (NRF) bestowed him with a C3 rating, i.e. an established researcher. He aspired to become a full professor and an A-rated researcher, i.e. a leading international researcher. Given his drive and commitment, I do not doubt that he would have realised these career goals had his young life not ended so soon.

4.5

A servant of the community

Nyenti took his community engagements seriously. He diligently served the erstwhile Core Group of Social Security Specialists in Southern Africa (hereinafter the Core Group) and later the Southern African Social Protection Experts Network (hereinafter SASPEN). His involvement in the Core Group was due to CICLASS' role as the secretariat. He served SASPEN, which succeeded the Core Group, with honour and distinction. As one of the SASPEN colleagues put it: "And he gave so much to SASPEN. Without any kind of material benefit, a true protagonist of his own beliefs. I remember the sparkle in his eyes when we heard about the completion of his PhD. He was ever so humble, but he lusted for good achievements and was so committed. It was really such a pleasure to know him, be his friend and I always looked forward to the next encounter." He was a true servant of South Africa, the SADC region and the African continent.

4.6

Conclusion

Nyenti gave so much in such a short time. This is evident in his teaching, research output and social security community engagements. His commitment to the development of social security in South Africa, the SADC region and the African continent is exemplary. He did his part. The call for us to build on his gallant efforts is loud and clear. We dare not fail him. Inaction on our part will amount to an unforgivable betrayal of Nyenti's hard work and the millions of vulnerable and marginalised masses on the African continent. He may be gone but his work will influence the development of social security for decades to come. It was a great honour to know him the way I did and, most importantly, to serve with him. He will forever live in our hearts.

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