

Law for Development: Building Social Protection Systems in Africa

10th and 11th November 2016

Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ)
Marie-Schlei-Saal
Stresemannstraße 94, 10963 Berlin, Germany

The conference will set its focus on the role and interactions of state law and customary law for social protection in African countries. Social protection can be broadly understood as the protection of people against various life risks such as illness, unemployment, old age and poverty. Challenges and opportunities for international development cooperation, especially in light of plural legal reality where 'the state' is not the only social protection actor, will also be subject of discussion.

Social protection is recognized as a Human Right (see Art. 9 ICESCR, Art. 22 UDHR) and widely perceived as a crucial means for combatting poverty and inequality (e.g. as part of the 2030 Agenda for sustainable development and the Addis Ababa Action Agenda). From a development point of view it is thus interesting to take a close look at the nature of national social protection systems: their constitutional basis, the design of legal entitlements to social benefits and the level of their implementation by efficient and fair administrative procedures and accountability mechanisms. The question also arises to what extent potential beneficiaries actually make use of the services provided by the state.”

In this context, one has to take into account that most countries – particularly in Africa – have plural legal systems, in which different legal orders (e.g. state law, religious law, 'customary law', international law, etc.) coexist and interact. Thus, the specific plural legal constellation of a country shape also the direction of social protection. In several African countries religious law and customary law, which are predominantly unwritten and preserved orally, as well as by virtue of acceptance through respective communities, are constitutionally recognized to a different degree. 'Traditional' forms of social protection may become the predominant regulating normative tool for providing social services, where state agencies are not or marginally present on the ground. An analysis of the current level of social protection in Africa should therefore not only look at approaches of the state, but also look at customary systems of social justice.

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Agenda

Day 1: Thursday, 10th November 2016

Time	Theme	Speaker
13.30-14.00	Registration & coffee	
14.00-14.15	Welcome address by the organisers	
14.15-15.00	Keynote: The Right to Social Protection in Africa > followed by discussion	Stephen Devereux, Institute of Development Studies, Sussex
15.00-15.45	Social Protection Law in South Africa (Working Title) > followed by discussion	Lethokwa George Mpedi, University of Johannesburg
15.45-16.15	Coffee break	
16.15-17.00	Legal framework of social protection in ECOWAS Countries > followed by discussion	Kangnikoé Bado, Max Planck Institute for Social Law and Social Policy, Munich
17.00-17.45	The Right to social protection for older citizens in Africa: Legal entitlements and accountability mechanisms > followed by discussion	George Ndung'u Kamau, HelpAge International
17.45-18.30	African Law Association, General Meeting	
19.00	Informal Get-Together	Location: Blue Nile Restaurant, Tempelhofer Ufer 6, 10963 Berlin

Day 2: Friday, 11th November 2016

Time	Theme	Speaker
08.45-09.00	Arrival & coffee	
09.00-09.15	Review and Preview by the organisers	
09.15-10.00	ILO's contribution to the development of a rights-based approach to social protection in Africa > followed by discussion	Victoire Umuhire, International Labour Organization
10.15-11.00	Traditional Forms of Social Protection in Africa: Selected Examples from Ethiopian and Eritrean Societies > followed by discussion	Hatem Ellisie, Max Planck Institute for Social Anthropology, Halle (Saale)
11.00-11.30	Coffee break	
11.30-12.15	Towards Universal Right to Healthcare: Exploring the Bottom-up Approach for Community Healthcare Insurance in Uganda > followed by discussion	Herbert Muyinda, Child Health and Development Center, Makerere University, Kampala and Sung-Joon Park, University of Halle-Wittenberg, Leipzig University
12.15-13.00	Intergenerational relationships and care for old age in rural Western Africa > followed by discussion	Tabea Häberlein, University of Bayreuth
13.00-13.15	Closing remarks	
13.15-14.30	Lunch / buffet	
14.00-14.30	African Law Association, Board Meeting	

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Speakers

Stephen Devereux:

Dr. Stephen Devereux is a research fellow at the IDS and a development economist working predominantly on food security, famine, rural livelihoods, social protection and poverty reduction issues. His research experience has mainly been in eastern and southern Africa, especially Ethiopia, Malawi and Namibia.

Letlhokwa George Mpedi:

Prof. Letlhokwa George Mpedi is Executive Dean at the Faculty of Law of the University of Johannesburg. He lectured labour law and social security to LLB, post-graduate and certificate students and has delivered papers at numerous national and international conferences. Prof Mpedi publishes on labour law and social security.

Kangnikoé Bado:

Dr. Kangnikoé Bado is research assistant at the Max Planck Institute for Social Law and Social Policy, Munich. He wrote his PhD-thesis on the ECOWAS Community Court of Justice. His current research interests focus mainly on social protection law in West Africa.

George Ndung'u Kamau

George is Head of Programmes for HelpAge International in Kenya. He leads on HelpAge's social protection work, with a bias in social accountability, technology, social policy, and advocacy. He is a graduate of Harvard University, LSE, Daystar and Moi Universities, and previously worked with Practical Action and the Intergovernmental Authority on Development.

Victoire Umuhire, International Labour Organization

Victoire Umuhire is a lawyer and social protection policy officer at the International Labour Office (ILO) in Geneva. With regards to her work in Africa, she is currently supporting the activities around Agenda 2063 of the African Union. She is also providing technical assistance to country programs. She holds a Law Degree (LLB) from the Université de Sherbrooke and a DESS / JD from the Université de Montréal, Canada.

Hatem Ellisie:

Dr. Hatem Ellisie is a member of the Law and Anthropology Department of the Max Planck Institute for Social Anthropology. His research interests are normativity and religion, public international law and comparative constitutional law as well as the history of law, diplomatic relations and local legal concepts ('customary law') in countries of the Horn of Africa region.

Herbert Muyinda:

Dr. Herbert Muyinda is a Social Anthropologist at the Child Health and Development Center, College of Health Sciences, Makerere University, Uganda. He has extensive knowledge of working with vulnerable populations and has conducted research on disability in conflict situations and among children in rural areas. He has made numerous publications on HIV/AIDS and STDs, disability, conflict, and poverty.

Sung-Joon Park:

Dr. Sung Joon Park is lecturer at the University of Halle. He is carrying out research in Uganda and Sierra Leone and conducted his PhD research on the logistics of antiretroviral medicines to examine the emerging humanitarian infrastructure of life-saving antiretroviral therapy. In his work he pursues a pragmatist and phenomenological approach in studying science and technology in African contexts. His current research project examines trust in medicine after the Ebola epidemic in Sierra Leone and Uganda.

Tabea Häberlein:

Dr. Tabea Häberlein is research assistant in the DFG-funded research project "Inner family resource flows and intergenerational relationships in West Africa" at the University of Bayreuth. She wrote her PhD-thesis on the topic "Generation-Bonds. Order, practice, and history of the intergenerational relationships of the Lama (Kabaye) in northern Togo".