

Reflections on the concept of informal social security and communal lifestyle in South Africa*

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SUMMARY

This article investigates how the notion of informal social security and communal lifestyle has played a significant role in sustaining the livelihood of indigenous people in South Africa. Reflecting on various indigenous informal social security safety methods, the article demonstrates how indigenous communities have used these safety nets and indigenous knowledge systems in their quest to survive against all odds. Informal social security refers to self-organised family, community or informal sector coping mechanisms. The article argues that these tailor-made traditional informal social security practices play an invaluable parallel role in the formal social security systems in South Africa. It is submitted that in many instances, these traditional safety nets serve an important complimentary role to existing formal social security measures for poor communities. The article further contends that this is crucial for poor indigenous peoples' well-being. Through informal social security initiatives, indigent households in South Africa have lessened the scourge of poverty, unemployment, inequalities, floods, and recently also the negative effects of HIV/AIDS and the COVID-19 pandemic. The article concludes by examining the challenges facing indigenous informal social security systems and makes some recommendations regarding these challenges.

Keywords: communal lifestyle; Constitution of the Republic of South Africa; extended family; formal social security; informal social security; poverty; *ubuntu*; safety net; *stokvels*; unemployment

* Some parts of this article derive from Tshoose *Social Assistance: Legal Reforms to Improve Coverage and Quality of Life for the Poor People in South Africa* (LLD thesis 2016 UNISA).

1 Introduction

The system of social security in South Africa has four pillars, namely, social insurance, social assistance, social relief of distress and private savings.¹ This contribution only focuses on the social insurance component of social security. Formal public-regulated social security measures play a significant role in the daily lives of many poor South Africans.² It serves a supplementary role, in offering income security, reducing poverty, and fostering social unity through various primarily government-managed social support programmes.³ On the one hand, social insurance programmes are funded by contributions from both employers and employees. Social insurance safeguards employees from income reduction caused by unemployment, job-related injuries and illnesses and retirement.⁴ On the other hand, the social assistance programmes primarily consist of non-contributory, means-tested systems financed by the state to offer regular income aid to at-risk groups, including the elderly, disabled, child caregivers, and low-income individuals.⁵ Social grants allow households to fulfil essential needs and diminish poverty and inequality.⁶

The formal social system includes formal sector employees and specific groups (the elderly, youth, and disabled) but excludes the “missing middle” of informally employed adults from coverage.⁷ This

1 White Paper on Social Welfare GN 1108 in GG 18166 August 1997.

2 Patel, Dikoko and Archer “Social Grants, Livelihoods and Poverty Responses of Social Grant Beneficiaries in South Africa” Centre for Social Development in Africa (2023) 1 record that globally 25% of the people living in developing countries receive at least one form of social assistance. In South Africa, after the introduction of the extensive temporary Social Relief of Distress (SRD) grant introduced for unemployed adults in 2020 in response to the COVID-19 pandemic, just under half of the population now receive social assistance in the form of an unconditional cash transfer. Approximately eighteen million are permanent beneficiaries and about ten million receive the SDR grant.

3 Nhede and Marumahoko “Redesigning Social Security Systems in Some Selected SubSaharan African Countries” 2023 *African Journal of Governance and Development* 81-82.

4 Smit and Mpedi “Social Protection for Developing Countries: Can Social Insurance be More Relevant for Those Working in the Informal Economy” 2010 *Law, Development and Democracy* 160-161; Kaseke “The role of Social Security in South Africa” 2010 *International Social Work* 159-168.

5 The World Bank “South Africa Social Assistance Programs and Systems Review” 2021 The World Bank Group 38-63 <https://documents1.worldbank.org/curated/en/238611633430611402/pdf/South-Africa-Social-Assistance-Programs-and-Systems-Review.pdf> (last accessed 2024-01-26).

6 Patel, Dikoko and Archer “Social Grants, Livelihoods and Poverty Responses of Social Grant Beneficiaries in South Africa” 2023 University of Johannesburg, Centre for Development in Africa 1-12 https://www.uj.ac.za/wp-content/uploads/2023/02/csda_-social-grants-livelihood_-research-brief_-a4_-jan-2023_5-1.pdf (last accessed 2024-01-26).

7 International Labour Organisation “World Social Protection Report 2020–22: Social Protection at the Crossroads ? In Pursuit of a Better Future” 2021 International Labour Office – Geneva: ILO 39-58; Olivier *Social Security: A Legal Analysis* (2003) 24.

results in dependence on informal social security, particularly for enduring risks such as chronic disease, disability, and joblessness. Informal social security has a very important supplementary and supportive purpose in supporting the abovementioned formal social security systems. This article does not dwell on narratives about formal social security measures, but it places the spotlight on the often-neglected account of informal social security in South Africa.⁸ As discussed above, informal social security plays a key role in the development of tailor-made safety nets, or indigenous knowledge systems, used by households as an umbrella of protection to fill the cessations of income against certain contingencies, such as poverty, unemployment, inequalities and unpredictable pandemics in South Africa.

Purcell defines an indigenous knowledge system (IKS) as “the body of historically constituted (emic) knowledge instrumental in the long-term adaptation of human groups to the biophysical environment”.⁹ This knowledge, Purcell states, incorporates knowledge “acquired by local people over a period of time through accumulation of experiences as well as their intricate relationship with the environment”.¹⁰ He maintains that “IKS informs the skills, practices of local people and provides the basis for daily problem-solving strategies for local communities”.¹¹ The United Nations Educational, Scientific and Cultural Organisation (UNESCO) acknowledges that “for rural and indigenous peoples, local knowledge informs decision-making about fundamental aspects of day-to-day life”.¹² This narration evinces that African households have relied on informal social security and indigenous knowledge systems to provide protection in the event of exposure to contingencies such as sickness, invalidity, old age, death and drought.¹³ Olivier and Dekker define

8 The fields of labour law and aspects of formal social security law receive much more attention than informal social security law in the broader context of South African social protection law. See also Fourie *Finding Innovative Solutions to Extend Labour Law and Social Protection to Vulnerable Workers in the Informal Economy* (LLD thesis 2018 North-West University); “Social Protection Instruments and Women Workers in the Informal Economy: A Southern African Perspective” 2021 *PELJ* 1.

9 Purcell “Indigenous Knowledge and Applied Anthropology: Questions of Definition and Direction” 1998 *Human Organisation* 258-272.

10 As above.

11 As above.

12 UNESCO “Local and Indigenous Knowledge Systems (LINKS)” <https://en.unesco.org/links> (last accessed 2024-01-26).

13 Noyoo and Boon *Indigenous Social Security Systems: In Southern and West Africa* (2018) 15; Kaseke “Social Security in Eastern and Southern Africa, Organisation, Issues and Concepts in Modern and Traditional Arrangements” 1997 *Journal of Social Development in Africa* 42; Ruparanganda and Mupfanochiya “Traditional Social Security Systems in the Face of Urbanisation: Lessons from a Rural Community in Buhera District of Zimbabwe” 2017 *International Journal of Humanities and Social Science* 214-219; Kasei, Kalanda-Joshua and Benefor “Rapid Urbanisation and Implications for Indigenous Knowledge in Early Warning on Flood Risk in African Cities” 2019 *Journal of the British Academy* 185.

“informal social security as the counterpart of formal social security, covering social protection mechanisms outside the formal social security paradigm”.¹⁴ According to the authors, “informal social security includes reference to informal-sector social security, as well as to kinship-or community-based social security”.¹⁵ As will be shown below, informal social security performs a role and function similar to those of formal social security,¹⁶ in that it provides a safety net against certain risks that may befall households or individuals.¹⁷ Informal social security exists within an indigenous knowledge system around which local people organise their knowledge, and means of support against complex risks.¹⁸ Consequently, in order to escape the scourge of poverty, unemployment and inequality, households in South Africa have relied on institutions such as family,¹⁹ chieftainships, community members²⁰ and churches to provide for their survival in times of hardship and crisis.²¹ Over and above these institutions, households have relied on traditional forms of informal social security as a way of life for their survival.²² Solo acknowledges that “Africans in their day-to-day existence are united together by what may be termed African traditional values”.²³ In the author’s view;

it is because of these values (which are all about solidarity, collective responsibility, compassion, equality, unity, self-determination, human

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- 14 Dekker and Olivier “Informal Social Security” in Olivier, Smit and Kalula (eds) *Social Security: A Legal Analysis* (2003) 562.
 - 15 As above.
 - 16 Dube and Pretorius “The Linkages Between Formal and Informal Social Security Systems: The Views of Stokvels in Soweto, South Africa” in Olivier, Mpedi and Kalula (eds) *Liber Amicorum: Essays in Honour of Professor Edwell Kaseke and Dr Mathias Nyenti* (2020) 175-177.
 - 17 Tshoose “The Emerging Role of the Constitutional Value of *Ubuntu* for Informal Social Security in South Africa” 2009 *African Journal of Legal Studies* 14-15.
 - 18 Del Ninno and Mills (eds) *Safety Nets in Africa – Effective Mechanisms to Reach the Poor and Most Vulnerable* (2015) 1.
 - 19 Tshitswana *Batswana Cultural Beliefs and Practices – Implications for Methods of Care for AIDS Orphans and other Vulnerable Children in Botswana* (MA in International Studies dissertation 2003 Ohio University) 9-10.
 - 20 Bisong “Between Communalism and Individualism: Which Way Africa?” 2018 *RAIS Journal for Social Sciences* 2-5.
 - 21 Marks and Rathbone “The History of the Family in Africa: Introduction” 1983 *Journal of African History* 145-161. See also chapters one and two of the Department of Social Development “Green Paper on Families Promoting Family Life and Strengthening Families in South Africa” GN756 in GG34692 of 19 October 2011; Agulanna “Community and Human Well-Being in an African Culture” 2010 *TRAMES Journal of the Humanities and Social Sciences* 282-297.
 - 22 Akullo “Informal Arrangements for Social Protection in Africa” (2017) <https://socialprotection.org/discover/blog/informal-arrangements-social-protection-africa> (last accessed 2023-05-25).
 - 23 Solo “Integrating the Informal Social Security Arrangements into the Formal Sector in Botswana” 2021 *Beijing Law Review* 596. See also Gilson *The Ethics of Vulnerability: A Feminist Analysis of Social Life and Practice* (2014) 2.

respect and human dignity) that individuals subsist as families and become closely interlaced communities, which form larger societies.²⁴

Against this background, this article unpacks and provides a conceptual understanding of the role played by informal social security in South Africa. The article also examines how the indigenous knowledge system is used in the context of informal social security. Finally, the article concludes by examining the challenges facing informal social security and makes some recommendations based on these challenges.

2 Conceptual and legal considerations in informal social security

The Constitution of the Republic of South Africa, 1996 affirms the universal right of everyone to have access to social security, including appropriate social assistance for those unable to support themselves and their dependants.²⁵ It orders the state to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of these rights. The Constitution does not define the concept of “social security”,²⁶ but rather left the concept to gather meaning through policy documents, court jurisprudence, and academic discourse.

Nevertheless, social security refers to government policies, which ensure that all people have adequate economic and social protection when they are too young, sick, old or injured to care for themselves.²⁷ Devereux defines informal social security as “a subset of coping strategies that involve drawing support from other households, individuals and associations, particularly during periods of livelihood hardship”.²⁸ In the context of wide-ranging social security goals, informal social security provides a fundamental social risk management strategy that supports social and human development and increases people’s opportunities, while reducing risks, shocks and vulnerabilities.²⁹

24 Solo 2021 *Beijing Law Review* 596.

25 S 27(1)(c) of the Constitution.

26 The Presidency “Twenty Year Review South Africa 1994-2014” <https://www.dpme.gov.za/publications/20%20Years%20Review/20%20Year%20Review%20Documents/20YR%20Social%20Protection.pdf> (last accessed 2023-05-25). See also Tshoose “Appraisal of Selected Themes on the Impact of International Standards on Labour and Social Security Law in South Africa” 2022 *PELJ* 3.

27 White Paper for Social Welfare GN1108 in GG18166 of 8 August 1997 www.gov.za (last accessed 2023-05-25).

28 Devereux “Making Less Last Longer: Informal Safety Nets in Malawi” 1999 Sussex: Institute of Development Studies, Discussion Paper 13.

29 Mbajjorgu “A Transformative Social Welfare Model for South Africa: Lessons from the United States of America and Brazil” 2019 *Journal of Social Development in Africa* 18.

The importance of informal social security is that it provides a safety net for people excluded from formal social security.³⁰

In view of the exclusionary nature of formal social security, which is employment-based, households³¹ have developed innovative strategies and measures to mitigate the impact of poverty,³² unemployment³³ and pandemics. These strategies and measures have not only enhanced the livelihood of indigenous people, but also their economic and social rights stature. Therefore, the purpose of informal social security from its conceptual stage was to provide a safety net for households that do not have access to formal social security.³⁴ Furthermore, despite the constitutional guarantee of the right to have access to social security, not everyone is included within the scope of coverage and protection of social security measures.³⁵ In fact, the majority of workers in the informal economy are excluded from the mainstream social security system.³⁶ Dekker asserts that “the exclusionary nature of the formal social security system has led many people to devise social security mechanisms outside of the state-regulated system”.³⁷ It is in this context that communities have tailor-made informal social security measures in

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- 30 Olivier, Smit and Kalula *Social Security: A Legal Analysis* (2003) 566-567; Chitonge “Social Protection Challenges in Sub-Saharan Africa: Rethinking Regimes and Commitments” 2012 *African Studies* 337-339; Kapindu “Social Protection for Malawian Migrants in Johannesburg: Access, Exclusion and Survival Strategies” 2011 *African Human Rights Law Journal* 105-106.
 - 31 OECD/International Labour Organisation “Protecting Informal Economy Workers and their Dependents” 2019 95-96 <https://www.oecd-ilibrary.org/docserver/939b7bcd-en.pdf?expires=1604943274&id=id&accname=guest&checksum=D731CA0C707141B2246725DAA2A38AF5> (last accessed 2023-05-25).
 - 32 Jorgensen and Siegel “Social Protection in an Era of Increasing Uncertainty and Disruption: Social Risk Management 2.0” World Bank Working Paper 137387 2019 1-2 <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/263761559643240069/Social-Protection-in-an-Era-of-Increasing-Uncertainty-and-Disruption-Social-Risk-Management-2-0> (last accessed 2023-05-25).
 - 33 Granlund and Hochfel “That Child Support Grant Gives Me Powers: Exploring Social and Relational Aspects of Cash Transfers in South Africa in Times of Livelihood Change” 2020 *Journal of Development Studies* 1231-1232.
 - 34 Dekker “Mind the Gap: Suggestions for Bridging the Divide Between Formal and Informal Social Security” 2008 *Law, Democracy and Development* 119; Mesa *The Role of Informal Social Security Arrangements in Providing Social Protection: A Case Study of Women Self-help Groups in Kabras Location, Kakamega County (Kenya)* (MA dissertation in Development Studies 2017 University of the Western Cape) 5-6.
 - 35 McGregor, Dekker, Budeli-Nemankonde, Germishuys-Burchell, Manamela, Manamela and Tshoose *Labour Law Rules* (2021) 255-256; Bailey and Turner “Social Security in Africa: A Brief Review” 2002 *Journal of Aging and Social Policy* 107.
 - 36 Smit and Mpedi “Social Protection for Developing Countries: Can Social Insurance Be More Relevant for Those Working in the Informal Economy” 2010 *LDD* 2-3.
 - 37 Dekker 2008 *Law, Democracy and Development* 118.

order to protect themselves against unforeseen eventualities that plunge them into poverty.

Summarily, informal social security refers to self-organised family, community or informal sector coping mechanisms.³⁸ It represents a way of life within families and communities³⁹ and incorporates values⁴⁰ that promote togetherness and a deep sense of belonging.⁴¹ Norton *et al* aver that the traditional forms of solidarity and collective organisation operate in line with principles of reciprocity.⁴² The core principle of reciprocity, togetherness and a deep sense of belonging is captured in the African notion of *ubuntu* or humanity.

It is submitted that the notion of informal social security is intrinsically linked to the fundamental values of *ubuntu*. In the next part we discuss the fundamental value of *ubuntu* viewed through the lens of informal social security.

3 “Ubuntu” viewed through the lens of informal social security

Academic literature and jurisprudence of the South African courts are replete with references to *ubuntu*, *botho* and humanity, but most do not provide an explanation of its causal relationship with traditional informal social security coping mechanisms.⁴³ It is important to appreciate *ubuntu*

38 Solo 2021 *Beijing Law Review* 595.

39 Olivier, Smit and Kalula (2003) 567.

40 Idang “African Culture and Values” 2015 *Phronimon* 101-106.

41 Mchomvu, Tungaraza and Maghimbi “Social Security Systems in Tanzania: Phase (I) Overview of Social Security in Tanzania” 2002 *Journal of Social Development in Africa* 20-21.

42 Norton, Conway and Foster “Social Protection Concepts and Approaches: Implications for Policy and Practice in International Development” Overseas Development Institute Working Paper 143 2001 11 <https://www.files.ethz.ch/isn/100331/wp143.pdf> (last accessed 2023-05-25).

43 See, for example, Mokgoro “*Ubuntu* and the Law in South Africa” 1998 *PELJ* 15-25; Himonga, Taylor and Pope “Reflections on Judicial Views of *Ubuntu*” 2003 *PELJ* 370-422; Letseka “Education for Global Citizenship, Peace and Harmony Through *Ubuntu* in a Globalised World” in Assié-Lumumba, Cross, Bedi and Ekanayake (eds) *Comparative Education for Global Citizenship, Peace and Shared Living Through uBuntu* (2022) 12-16; Mpetsheni *Ubuntu – A Soteriological Ethic for an Effaced Umntu in Post-1994 South Africa: A Black Theology of Liberation Perspective* (PhD thesis 2019 University of Pretoria) 38-92; Mpedi “The Role of Religious Values in Extending Social Protection: A South African Perspective” 2008 *Acta Theologica* 111-113; Van Niekerk “Amende Honourable and *Ubuntu*: An Intersection of *Ars Boni Aequi* in African and Roman-Dutch Jurisprudence” 2013 *Fundamina* 399-409; *S v Makwanyane* 1995 6 BCLR 665 (CC) paras 224, 262, 302, 306, 308, 227, 236 and 237. See also the minority judgment in the Constitutional Court case of *Dikoko v Mokhatla* 2006 6 SA 235 (CC) paras 68, 86, 113, 114, 115 and 116; *Port Elizabeth Municipality v Various Occupiers* 2005 1 SA 217 (CC) para 37; *MEC for Education: KwaZulu-Natal v Pillay* 2008 1 SA 474 (CC) para 53.

broadly rather than in a narrow way. It is suggested that the notion should not simply be understood as a “label” but as a significant all-encompassing web of indigenous values and ethics.⁴⁴

The concept of *ubuntu* incorporates the notions of humaneness, social justice and fairness.⁴⁵ In *S v Makwanyane*⁴⁶ Mahomed J articulated that *ubuntu* endorses;

enjoyment of love towards our fellow men and women; the joy and the fulfilment involved in recognising their innate humanity ... and the moral energies which it releases both in the givers and the society which they serve and are served by.

Additionally, the Constitutional Court in *Shoprite Checkers (Pty) Ltd v MEC for Economic Development, Eastern Cape*⁴⁷ emphasised the importance of *ubuntu* by emphasising that an “individual is not an island unto [him/herself]”. The Court further confirmed that *ubuntu* “emphasises communality and the interdependence of the members of a community”⁴⁸ Mbiti, in defining *ubuntu*, refers to an individual’s personal identity viewed within the framework of the community.⁴⁹ In the author’s view, “only in terms of other people does the individual become conscious of his/her own being, his/her own duties, his privileges and responsibilities towards himself and towards other people”. Mbiti continues by explaining that when the individual “suffers, he does not suffer alone but with the corporate group”, and when they celebrate, they rejoice with neighbours and family. Mbiti concludes that “[w]hatever

44 It is suggested that *ubuntu* goes beyond mere friendship and it consists of a willing and unselfish cooperation between individuals in society, with due regard for the feelings of others and not considering arbitrary social differences. See also De Kock and Labuschagne “*Ubuntu* as a Conceptual Directive in Realising a Culture of Effective Human Rights” 1999 *THRHR* 118. The Institute of Directors in Southern Africa King Report on Governance for South Africa (2009) (King III) 60 defined *ubuntu* as follows: “A concept which is captured in the expression *uMuntu ngumuntu ngabantu*, ‘I am because you are; you are because we are’. *Ubuntu* means humaneness and the philosophy of *ubuntu* includes mutual support and respect, interdependence, unity, collective work and responsibility.” See also *S v Makwanyane* para 308 and *Dikoko v Mokhatla* para 113 in this regard. It is submitted that *ubuntu* is a fundamental value that adds more specific expression to values. For further reading on *ubuntu* as a guiding philosophy, see Chimbi and Jita “*Ubuntu*: The Pursuit of an Indigenous Curriculum Reform Policy in Post-colonial Lesotho, Zimbabwe and South Africa” *BCES Conference Books* (2022) 137-143.

45 Bennett “*Ubuntu*: An African Equity” 2011 *PELJ* 30-53.

46 *S v Makwanyane* para 263.

47 *Shoprite Checkers (Pty) Ltd v MEC for Economic Development, Eastern Cape* 2015 6 SA 125 (CC).

48 *Shoprite Checkers (Pty) Ltd* para 47. See also Ackermann *Human Dignity: Lodestar for Equality in South Africa* (2012) 109-115. See also Cornell and Muvangua (eds) *Ubuntu and the Law: African Ideals and Post-Apartheid Jurisprudence* (2012) 285-300.

49 Mbiti *African Religions and Philosophy* (1969) 106-107.

happens to the individual happens to the whole group, and whatever happens to the whole group happens to the individual”.⁵⁰

In the context of informal social security, Maranz notes that group solidarity entails “mutual economic and social support, hospitableness ... [and] putting group interest ahead of individual interest to the extent of showing a definite bias against individuality”.⁵¹ A number of other scholars have elaborated on the ideals of *ubuntu*.⁵² Ramose depicts *ubuntu* in its hyphenated sense as “be-ing”.⁵³ Zvomuya refers to *ubuntuism* as an African philosophical framework that is characterised by interconnectedness of the spirituality of human beings, of family structure, and of interpersonal relationships.⁵⁴ Academic discourse is replete in claiming that this self-realisation can only come about through meaningful and positive interaction with others.⁵⁵

This article supports the view that *ubuntu* may be traced back to the biblical ideal of community which is fundamental and universal in nature.⁵⁶ Bekker notes that “*ubuntu* should be retained as it provides our courts with a constitutional value [imbedded] with a ‘local flavour’ intrinsically linked to our troubled past and the consequent and ongoing bridge-building process of our nation”.⁵⁷

The foregoing discussion has demonstrated that African communities appreciate the intrinsic role of *ubuntu* in the context of communal subsistence.⁵⁸ In practice, the communal subsistence is notable in the informal social arrangements, which can be divided into traditional support systems and self-organised systems.⁵⁹

50 Mbiti (1969) 106.

51 Maranz *African Friends and Money Matters* (2001) 13.

52 Metz “*Ubuntu* as a Moral Theory and Human Rights in South Africa” 2011 *African Human Rights Law Journal* 532-539; Tshoose 2009 *African Journal of Legal Studies* 1412-1419; Letseka “In Defence of *Ubuntu*” 2012 *Studies in Philosophy and Education* 47-60; Semenya and Breed “*Ubuntu*, *Koinonia* and *Diakonia*, a Way to Reconciliation in South Africa?” 2015 HTS *Theological Studies* 1-8; Masango “African Spirituality that Shapes the Concept of *Ubuntu*” 2006 *African Spirituality* 930-943.

53 Ramose “The Philosophy of *Ubuntu* and *Ubuntu* as a Philosophy” in Coetzee and Roux (eds) *Philosophy from Africa: A Text with Readings* (2003) 230-238.

54 Zvomuya “*Ubuntuism* as an International Turning Point for Social Work Profession: New Lenses from the African Pot of Knowledge” 2020 *African Journal of Social Work* 25; Nicolson *Persons in Community: African Ethics in a Global Culture* (2008) 1-146.

55 Murithi “Practical Peacemaking Wisdom from Africa: Reflections on *Ubuntu*” 2006 *Journal of Pan-African Studies* 25-34; Munyaka and Motlhabi “*Ubuntu* and its Socio-Moral Significance” in Munyaradzi (ed) *African Ethics: An Anthology of Comparative and Applied Ethics* (2009) 63-84.

56 *Bophuthatswana Broadcasting Corporation v Ramosa* 1997 HOL 283 (B) paras 4-5. For further reading on the substantive development of the concept of *ubuntu*, see *S v Mandela* 2001 1 SACR 156 (C); *Crossley v National Commissioner of the South African Police Services* 2004 3 All SA 436 (T); *Du Plooy v Minister of Correctional Services* 2004 3 All SA 613 (T).

57 Bekker “The Re-Emergence of *Ubuntu*: A Critical Analysis” 2006 *SAPR/PL* 344.

On the one hand, self-organised informal social security comprises a particular group of people within the community, including families and neighbours.⁶⁰ As discussed in more detail below, “black tax”, *stokvels*, societies and rotation money schemes are good examples of this type of informal social security. This type of traditional support system is based on the principles of solidarity and reciprocity. Under the traditional support system, the family serves as the first line of defence for members who are unable to provide for themselves.⁶¹

As stated above, traditional institutions such as families, communities and churches are an essential element of social and informal social security support for many African households. Nevertheless, according to the Organisation for Economic Co-operation and Development (OECD), “the role of informal support is not fully recognised in social security extension strategies”.⁶² Dekker takes the argument further and contends that “the definition of social security should include a move away from a risk-based approach to a broader concept of providing everyone with a minimum standard of living”.⁶³ Viewed in the context of informal social security, it is argued that this approach has the potential to provide communities that rely solely on tailor-made indigenous informal social security with a decent standard of living. Due to the limited cover of formal social security measures, indigenous communities have over generations relied on informal social security measures for their survival.⁶⁴ Indigenous community-based welfare practices, also referred to as “African innovations”, have promoted social well-being in Africa over the centuries.⁶⁵ In this context, informal social security represents more than an expression of African cultural values, as it also serves as both a supplement and a substitute for formal social security arrangements. It is firmly embedded in customary law and social institutions.⁶⁶ These informal safety net measures transcend informal

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- 58 Mathabane *The Lessons of Ubuntu: How an African Philosophy Can Inspire Racial Healing in America* (2018) ch 11; Murove *African Ethics: An Anthology of Comparative and Applied Ethics* (2009) 1-461; Migheli “Ubuntu and Social Capital: A Strong Relationship and a Possible Instrument of Socio-Economic Development” 2017 *Cambridge Journal of Economics* 1213-1232.
- 59 Ruparanganda and Mupfanochiya “The Place of ‘Traditional’ Social Security in Modern Era: Lessons from Buhera District” 2018 *African Journal of Social Work* 40.
- 60 Ruparanganda and Mupfanochiya 2018 *African Journal of Social Work* 41.
- 61 As above.
- 62 OECD/ILO “Tackling Vulnerability in the Informal Economy” 2019 95 <https://www.oecd.org/dev/tackling-vulnerability-in-the-informal-economy-939b7bcd-en.htm> (last accessed 2023-05-23).
- 63 Dekker *Informal Social Security: A Legal Analysis* (LLD thesis 2005 UNISA) 143.
- 64 Dube *Informal Social Security and its Contributions Towards Meeting the Needs of the Poor: The Case of Stokvels in Soweto, Johannesburg* (PhD thesis 2018 Wits) 24; Patel, Kaseke and Midgley “Indigenous Welfare and Community Based Social Development: Lessons from African Innovations” 2012 *Journal of Community Practice* 13.
- 65 Patel, Kaseke and Midgley 2012 *Journal of Community Practice* 16-17.
- 66 Idang “African Culture and Values” 2015 *Phronimon* 97-110.

forms of support between family members and neighbours. It includes institutionalised, culturally-mandated practices such as livestock sharing, communal food storage, cooperative harvesting and citizenship contributions.⁶⁷

As discussed above, informal social security arrangements play a crucial role in assisting individuals, families and communities to manage risk, and in providing support to vulnerable groups such as the elderly, orphans, the sick, and those who have lost their loved ones and livelihoods. In practice, the following types of informal social security arrangements are available, namely, (i) family and kin obligations; (ii) community support networks; (iii) civil society; and (iv) mutual aid associations.⁶⁸

In the sections that follow, the discussion covers a number of tailor-made traditional informal social security safety nets that form part of informal social security practices relevant to families and communities. Nonetheless, before discussing these methods in more detail, the notion of the “extended family” is explained below.

4 The extended family

In African culture, the word “family” is not confined to the concept of a nuclear family, namely, a family headed by a male breadwinner, with one wife and one or more children.⁶⁹ Rather, the concept of family includes the following: relatives; extended family members; dependants; and informal communal support systems.⁷⁰ In this regard, Iganus and Haruna note that within African culture, traditional values are not primarily associated with the individual, but with his or her family and community.⁷¹ In other words, no persons are without a family. Members live in kinship with one another, strictly adhering to the norms and values of their family and society. Customarily, in the context of informal social security, a person who is dependent on another for subsistence and livelihood forms an essential part of the notion of “family”. Olivier argues that in the context of formal social security, the notion of a “dependant” is linked to the concept of the nuclear family. Therefore, it is contended that this concept needs to be redefined and extended in the context of informal social security to make provision for the realities in developing

67 Olivier, Smit and Kalula (2003) 565.

68 Botswana Institute for Development Policy Analysis and the World Bank Botswana social protection assessment’ (2013) 37-39 <https://documents1.worldbank.org/curated/en/421451468199469145/pdf/860090WP0P1274090Box382163B00PUBLIC0ACS.pdf> (last accessed 2023-05-25).

69 Olivier, Smit and Kalula (2003) 565.

70 Magoti “Globalisation in Africa: Its Impact on Families and Christian Responses” in Kyomo and Selvan (eds) *Marriage and Family in African Christianity* (2004) 29-52; Theron *African Families in a Global Context* (2004) 19.

71 Iganus and Haruna “The Strength of African Culture in Managing Family Crisis in a Globalised World” 2017 *Anthropology* 1-5.

countries, especially in rural areas where extended families are predominant.⁷² However, it should be noted that traditional cultural practices can also threaten the well-being of children. For example, cultural values sometimes view children as personal and collective property, which may encourage specific practices that create vulnerabilities and harm children, such as forced labour,⁷³ early marriages⁷⁴ and family murders, in an attempt to maintain the family's status.⁷⁵ It is submitted that these phenomena are some of the rare negative aspects associated with the notion of the extended family in the context of informal social security. The discussion below turns to various kinds of informal social security measures often adopted in both developed and traditional segments of society.

5 “Black tax” as an overarching form of informal social security

Generally, there is a broad network of traditional informal safety nets that are intrinsically linked to the well-being of indigenous societies during times of hardship. These traditional informal practices have played an important role in providing a safety net against misfortune. So, for example, “black tax” serves as a supportive web in many African communities. Magubane defines this notion as the social and economic support that the black middle class provides to their extended family or kinship. This could include money, shelter, food and clothing.⁷⁶ According to Mhlungu, black tax is a fairly recent and well-intentioned shorthand that articulates the financial responsibility of providing for one's extended family.⁷⁷ The term originated in South Africa and refers to the financial obligation placed on family members who experience upward financial success to support their relatives who are less fortunate.

72 Olivier, Smit and Kalula (2003) 565-566.

73 See also Swart and Hassen “A Comparison Between the Position of Child Marriage ‘Victims’ and Child Soldiers: Towards a Nuanced Approach” 2016 *African Human Rights Law Journal* 465-469.

74 Mwambene “Recent Legal Responses to Child Marriage in Southern Africa: The Case of Zimbabwe, South Africa and Malawi” 2018 *African Human Rights Law Journal* 527-550; Dzimir, Chikunda and Ingwani “Causes of Child Marriages in Zimbabwe: A Case of Mashonaland Province in Zimbabwe” 2017 *International Journal of Management and Social Sciences* 74-82.

75 See also Welbourne and Dixon “Child Protection and Welfare: Cultures, Policies, and Practices” 2015 *European Journal of Social Work* 827-840.

76 Magubane *Black Tax: The Emerging Middle Class Reality* (LLM Mini-dissertation 2016 UP) i.

77 Mhlungu “Black Tax is Not Real” *City Press* (2015-05-10) <https://citypress.news24.com/Voices/Black-tax-is-not-real-20150508> (last accessed 2023-05-25); Skenjana “The Impact of ‘Black Tax’ on Young Black Professionals: This Cultural Phenomenon is a Lived Reality in Most African Households” *Sowetan* (2023-07-12) <https://www.sowetanlive.co.za/business/money/2023-07-12-the-impact-of-black-tax-on-young-black-professionals> (last accessed 2023-08-25).

The successful person often is the first one in a poor family who graduates and who obtains higher-paying employment.

Black tax aims to mitigate the impact of generational poverty on many black South Africans.⁷⁸ Scholars acknowledge that black tax has its historical roots in the history of the inequalities created by apartheid in South Africa.⁷⁹ In this regard, apartheid caused significant harm by excluding Africans from formal employment and social security systems.⁸⁰ Black tax is not limited to South Africa in that it forms an irrefutable part of African culture and is intrinsically related to the philosophy of *ubuntu*.⁸¹ Magubane expands on two components of black tax.⁸² The first relates to the deep societal level of discrimination and continued inequality because of the apartheid legacy, which is still being experienced by the majority of South Africans. The second focuses on the financial obligation of the black middle class towards their extended family members as a result of exposure to social ills (for example, poverty, unemployment and continued inequality).⁸³ As discussed above, the concept of black tax finds its meaning within families who have experienced the hardships of life. It is an informal term for the hurdles caused by structural discrimination that black people have to overcome in order to access quality education, employment, and other amenities of life.⁸⁴

Senne records that black tax manifests itself in different ways, such as sending groceries to parents, paying school fees for siblings, or sending cash to cousins or distant relatives.⁸⁵ The author adds that this exchange is an inescapable commitment, while others see it as a way of restoring

78 Fongwa "Black Tax: How Young Black Professionals Embrace a Public Good" (date unknown) <http://www.hsrc.ac.za/en/review/hsr-review-nov-2020/black-tax> (last accessed 2023-05-25).

79 Oppel "Black Tax and Coloniality – Re-Interpretation, Emancipation, and Alienation" 2023 *Social Identities* 46-47; Mpeta, Fourie and Inwood "Black Living Standards in South Africa Before Democracy: New Evidence from Height" 2017 *South African Journal of Science* 1-8; Msibi *Exploring the Perceptions of Black Tax Among Young Employed Black South Africans* (Master's dissertation 2019 North-West University) 34-35; Ndinga-Kanga "Towards an Understanding of 'Black Tax' and the Black Missing Middle" *Daily Maverick* (2019-05-07) <https://www.dailymaverick.co.za/article/2019-05-07-towards-an-understanding-of-black-tax-and-the-black-missing-middle> (last accessed 2023-05-25).

80 Fogel "Informal Housing, Poverty, and Legacies of Apartheid in South Africa" 2019 <https://depts.washington.edu/urbanuw/news/informal-housing-poverty-and-legacies-of-apartheid-in-south-africa> (last accessed 2023-05-25).

81 See also Senne "Rethinking Black Tax as More than a Burden or *Ubuntu*" 2019 *Wits Vuvuzela* <https://witsvuvuzela.com/2019/09/27/rethinking-black-tax-as-more-than-a-burden-or-ubuntu-2> (last accessed 2023-05-25).

82 Magubane *Black Tax: The Emerging Middle Class Reality* (LLM Mini-dissertation 2017 UP) 1.

83 As above.

84 Ngoma *Political Identity Repertoires of South Africa's Professional Black Middle Class* (Master's dissertation 2015 Wits) 50.

85 As above.

dignity to generations of black families that have been disenfranchised by social, economic and political subjugation.⁸⁶

6 The lending of domestic animals

It is significant to note that informal social security and traditional cultural practices also extend to other jurisdictions in Africa. For example, Ambelu, Birhanu and Bayou acknowledge that in Ethiopia, for instance, the traditional practice of *dabare* among pastoral groups ensures that better-off community members lend milking cattle to poorer households with children.⁸⁷ Among the Maasai in Kenya, extended family members replaced livestock lost due to environmental disasters, thereby enabling the family to cope with this loss.⁸⁸ Similarly, practices such as *kuronzera* in Zimbabwe⁸⁹ and *mafisa* in Botswana⁹⁰ allow poor families to borrow cattle for farming and milking purposes.⁹¹ Mosito mentions that the *mafisa* system of traditional support involves the lending of cattle, sheep, goats and horses to a poorer family so that they can plough, obtain milk and use these animals for various activities.⁹² He notes that under this system, once cattle have been loaned to a person, they are permitted to earmark the first progeny of such animals for the original owner and the next offspring for themselves. In Mosito's view, the borrower is permitted to do this for as long as the animals continue to be in their possession.⁹³ In addition, when the offspring grows up and produces more progeny, the same practice continues down the line.

Mosito further states that the beneficiary to whom the domestic animals are entrusted enjoys all the benefits related to such an animal. This includes the enjoyment of its meat when it dies, as if they were the owner of the livestock.⁹⁴ Nonetheless, the owner can recall the original animals and the progeny earmarked for the original owner at any time.⁹⁵

86 Fongwa "Interrogating the Public Good Versus Private Good Dichotomy: 'Black Tax' as a Higher Education Public Good" 2019 *Journal of Comparative International Education* 2.

87 Ambelu, Birhanu and Bayou "Rapid Appraisal of Resilience to the Effects of Recurrent Droughts in Borana Zone, Southern Ethiopia" 2015 Jimma University, Ethiopia 38 https://www.ranlab.org/wp-content/uploads/2013/11/RAN_Ethiopia_Report_8-July-2015.pdf (last accessed 2024-01-26).

88 See also Hauck and Rubenstein "Pastoralist Societies in Flux: A Conceptual Framework Analysis of Herding and Land Use Among the *Mukugodo* Maasai of Kenya" 2017 *Pastoralism: Research, Policy and Practice* 1-30.

89 Rugaranganda and Mupfanochiya 2018 *African Journal of Social Work* 42.

90 Barnard *Bushmen: Kalahari Hunter-Gatherers and Their Descendants* (2011) 142-143.

91 Haire and Matjila "Re-Storying the African and Batswana Sensibilities" 2010 *Journal of Black Studies* 208.

92 Mosito "A Panoramic View of the Social Security and Social Protection Provisioning in Lesotho" 2014 *PELJ* 1599-1600; Matuku and Kaseke "The Role of *Stokvels* in Improving People's Lives: The Case in Orange Farm, Johannesburg, South Africa" 2014 *Social Work/Maatskaplike Werk* 504-514.

93 As above.

94 Matuku and Kaseke 2014 *Social Work/Maatskaplike Werk* 504-514.

95 As above.

The philosophy behind this custom is to ensure that the poor acquire animals in order for their families to survive.⁹⁶ Scholars are of the view that the *mafisa* system provides “short-term relief to the person borrowing the animals”, hence the maxim *kgomo ya mafisa re e gama re lebile tsela* (plainly translated, this means that as the borrower, you cannot claim to be the owner of the cattle when you milk it).⁹⁷

This article supports the view that informal safety nets have played a very important role for poor households with children in developing countries.⁹⁸ Nonetheless, critics against informal social security arrangements raise the counter-arguments that informal social security measures provide short-term assistance; it offers limited benefits; and it may be degrading to the extent that it may potentially stigmatise the poor as well as increase existing power imbalances between the fortunate and the poor.⁹⁹ This article does not support these negative views. It is argued that informal social security measures have over the centuries played a significant role to fill gaps where there is no other means of assistance and, in many instances, there are no alternatives.

7 *Stokvels* promoting informal social security

Within the South African context, another vital form of informal social security is the “stokvel” system. A *stokvel* is also referred to as a voluntary savings organisation.¹⁰⁰ A group of people would conclude a savings arrangement whereby each member of the group contribute an amount of money (for example, R500) each month. In a *stokvel* comprising 12 friends, each person gets one chance a year to take home the month’s

96 Mosito 2014 *PELJ* 1599.

97 Schapera *Handbook of Tswana Law and Custom* (1955) 247-249. See also Coertze “Livestock in the Social and Cultural Life of African Communities” 1986 *South African Journal of Ethnology* 132-133; Bollig and Vehrs “Abundant Herds: Accumulation, Herd Management, and Land-Use Patterns in a Conservation Area” 2020 *Pastoralism: Research, Policy and Practice* 12-14.

98 Arnall, Furtado, Ghazoul and De Swardt “Perceptions of Informal Safety Nets: A Case Study from a South African Informal Settlement” 2004 *Development Southern Africa* 443-459; Patel “Social Protection in Africa: Beyond Safety Nets?” 2018 *Journal of Sociology and Social Welfare* 79-99.

99 Benda-Beckmann and Kirsch “Informal Security Systems in Southern Africa and Approaches to Strengthen Them Through Policy Measures” 1999 *Journal of Social Development in Africa* 28-29; Calder and Tsinhchareun *Informal Social Protection: Social Relations and Cash Transfers* (2014) 21-22.

100 Verhoef “Social Capital in Voluntary Savings Organisations in South Africa in Historical Perspectives” 2008 *New Contree* 51-79; Tevera and Simelane “Food for the Urban Poor: Safety-Nets and Food-Based Social Protection in Manzini, Swaziland” 2014 *Urban Forum* 248-249; MacLean “Exhaustion and Exclusion in the African Village: The Non-State Social Welfare of Informal Reciprocity in Rural Ghana and Côte d’Ivoire” 2011 *Studies in Comparative International Development* 124-134; Ruysenaar “Reconsidering the ‘Letsema Principle’ and the Role of Community Gardens in Food Security: Evidence from Gauteng, South Africa” 2013 *Urban Forum* 220-248.

collected cash.¹⁰¹ In other words, each person in the group receives a lump sum of, in this case, R6 000 once a year.

Stokvel systems are widespread throughout the country and provide safety nets for people who fall outside the ambit of formal social insurance systems. In an important development, there are indications that certain financial institutions are beginning to recognise the existence of *stokvels* and are accommodating these associations with formal bank accounts.¹⁰²

8 Community support by chiefs, neighbours and community members

There is broad consensus in academic literature that informal social protection arrangements are essential for helping people, families and communities in Africa to manage risk and support vulnerable populations such as the elderly, orphans, the sick, and those who have lost loved ones.¹⁰³ As alluded to above, in this context, the extended family system play a significant role in providing a safety net when individuals encounter lifecycle crises such as hunger, sickness, death, old age, unemployment and injury. Similarly, community support networks also play a critical role in meeting the social and economic needs of people experiencing crises.¹⁰⁴

In practice, the village chiefs and other community members provide this assistance. Although this type of support is steadily decreasing due to urbanisation and industrialisation, it is still practised in some rural areas. In many ethnic groups, such as the Batswana, Basotho and Bapedi, the chiefs allocate *masotla* (tribal fields) and *kgamelo* (milk paid cattle) to

101 Kpessa-Whyte "Reciprocity, Mutuality, and Shared Expectations: The Role of Informal Institutions in Social Protection in Africa" 2018 *Contemporary Journal of African Studies* 10-11.

102 For further reading on the role of *stokvels* in improving people's lives and the economy, see Matuku and Kaseke 2014 *Social Work/Maatskaplike Werk* 505-511. See also Bophela and Khumalo "The Role of *Stokvels* in South Africa: A Case of Economic Transformation of a Municipality" 2019 *Problems and Perspectives in Management* 28-34; Verhoef "Informal Financial Service Institutions for Survival: African Women and *Stokvels* in Urban South Africa 1930-1998" 2001 *Enterprise and Society* 278-274; Armstrong "Stokvels: A South African Justice for Women" in Hossein and Christabel (eds) *Community Economies in the Global South: Case Studies of Rotating Savings and Credit Associations and Economic Cooperation* (2022) 105-124.

103 Tesliuc, Marques, Mookodi, Braithwaite, Sharma and Ntseane "Botswana Social Protection, World Bank" 2013 64 <http://documents1.worldbank.org/curated/en/586501468182341474/pdf/890030NWP0P132085260B00PUBLIC001405.pdf> (last accessed 2024-01-26); Arnall, Furtado, Ghazoul and De Swardt "Perceptions of Informal Safety Nets: A Case Study from a South African Informal Settlement" 2004 *Development Southern Africa* 443-459.

104 Noyoo and Boon (2018) 21-22.

the indigent.¹⁰⁵ While the chiefs still wield considerable power, this situation appears to be changing, although there is anecdotal evidence to suggest that some of the traditional initiatives remain in place in some parts of the country. The term *masotla* (tribal fields) is defined by Tesliuc *et al* as “massive fields that belonged to the chief”.¹⁰⁶ Tesliuc *et al* explain that “these fields were prepared by the *mephato* (groups arranged by age) on a voluntary basis before the rest of the community was permitted to plough the land”.¹⁰⁷ Furthermore, the authors maintain that “the produce from *masotla* (including sorghum, maize, beans, maize, millet, cowpeas and groundnuts) was stored in tribal granaries (*difalana*)”.¹⁰⁸ The authors also record that “during a drought season or in times of other natural disasters, the food was then distributed to the community”. Similarly, “disadvantaged people such as orphans, destitute people, and chronically ill individuals were fed from the *difalana* from time to time”.¹⁰⁹

Furthermore, Tesliuc *et al* mention that the chief as a means of livelihood sometimes gave *kgamelo* (milk paid cattle) to the poorer members of the community, but they were more commonly entrusted to prominent members of the tribe who would herd them.¹¹⁰ The responsibility of the herdsman was to milk the cattle on behalf of the chief.¹¹¹ The milk was then poured into a milk sack (*lekuka*) each day to thicken it, and then brought to the chief to be distributed.¹¹² Besides providing for his wives, it was a common practice for the chief to supply milk to the poor, orphans, or other vulnerable groups in the community.¹¹³ Apart from these kinds of assistance provided by the chiefs, other support systems were organised by neighbours or the community as a whole. Common examples include the *mafisa*, *majako*, *go tshwarateu* and *molaletsa* systems.¹¹⁴ As discussed above, the *mafisa* system was a special contract whereby well-off relatives or members of the community placed one or more cattle under the care of a destitute person.¹¹⁵ The recipient herdsman took care of these cattle for an unspecified period and had the right to use them as draught animals and as a source of milk and transportation, in order to fetch water or firewood. If the cattle burgeoned in number, it was common practice to reward the herdsman with a heifer (*kgomo ya mafisa*),¹¹⁶ together with any offspring that it may subsequently produce. Ownership of the cattle

105 Noyoo and Boon (2018) 15-17.

106 Tesliuc, Marques, Mookodi, Braithwaite, Sharma and Ntseane (2013) 64.

107 Denbow and Thebe *Culture and Customs of Botswana* (2006) 174-175.

108 Noyoo and Boon (2018) 15.

109 Tesliuc, Marques, Mookodi, Braithwaite, Sharma and Ntseane (2013) 65.

110 Tesliuc, Marques, Mookodi, Braithwaite, Sharma and Ntseane (2013) 64.

111 Tesliuc, Marques, Mookodi, Braithwaite, Sharma and Ntseane (2013) 65.

112 As above.

113 As above.

114 Noyoo and Boon (2018) 16-17.

115 Basupi, Quinn and Dougill “Historical Perspectives on Pastoralism and Land Tenure Transformation in Ngamiland, Botswana: What Are the Policy and Institutional Lessons?” 2017 *Pastoralism: Research, Policy and Practice* 4-5.

116 Haire and Matjila (2010) *Journal of Black Studies* 208.

remained with the original owner, who could claim back the cattle after an agreed period.¹¹⁷

According to Noyoo and Boon, “the *majako* system allowed poor people to sell their labour and work in the fields of wealthy members of the community, in exchange for a share of the harvest”.¹¹⁸ Likewise, Mupedziswa and Ntseane posit that “*go tshwarateu* or *bodisa* provided able-bodied poor people with an opportunity to escape poverty by looking after other people’s cattle, and to receive a cow each year as payment”.¹¹⁹ *Letsema* or *molaletsa* constituted yet another form of non-formal social security, in that it allowed members of the community to perform voluntary work on behalf of a deserving family.¹²⁰ For instance, Noyoo and Boon, citing Letseka, noted that “if a family wanted to clear a field to be cultivated, the family would invite neighbours and other people in the community to a *letsema*”.¹²¹ In the authors’ view, “any neighbour who refused to participate was made aware that he/she should not expect to be assisted when he/she called a *letsema*”.¹²²

9 Indirect psychological support

It is suggested that informal social security extends beyond the mentioned arrangements and that it includes indirect forms of psychological support. In a number of traditional African societies, children are encouraged to respond to intermittent incidents of violence through story telling. Grandparents are a source of wisdom and moral inspiration. For example, the interactions between children and grandparents through story telling are encouraged as a way of fostering and reinforcing children’s sense of belonging and connectedness.¹²³ Madoerin states that in Tanzania, a psychosocial support programme was established for grandparents and grandchildren in 2005 as part of

117 Gumbo *Economic and Social Change in the Communities of the Wetlands of Chobe and Ngamiland, with Special Reference to the Period since 1960* (PhD thesis 2010 UCT) 31.

118 Noyoo and Boon (2018) 17.

119 Mupedziswa and Ntseane “The Role of Social Protection in Promoting Social Development in Botswana” 2011 International Symposium on Social Protection in Southern Africa: New Opportunities; held at the Centre for Social Development in Africa, University of Johannesburg 6 <http://www.social-protection.org/gimi/RessourceDownload.action?ressource.ressourceId=23883> (last accessed 2024-01-26); Mupedziswa and Ntseane “The Article of Non-Formal Social Protection to Social Development in Botswana” 2013 *Development Southern Africa* 88-91.

120 Twala “*Letsema/llima* Campaign: A Smokescreen or Essential Strategy to Deal with Unemployment Crisis in South Africa” 3-4 http://academic.sun.ac.za/history/news/Twala_c.pdf (last accessed 2024-01-26).

121 Noyoo and Boon (2018) 17.

122 Letseka (2022) 12.

123 Mokoma *African Indigenous Sayings in Childrearing and Social Cohesion in Dinokana and Motswedi Villages, North West Province* (Master’s dissertation 2022 North West University) 21.

the *kwawazee* pension provision programme, where children and grandparents occasionally meet to talk about everyday issues.¹²⁴

10 Trends and challenges facing informal social security

This section discusses the current trends and challenges facing the informal social security initiatives. Unfortunately, a picture is developing indicating that some of the underpinnings of informal social security are gradually being eroded. According to Tesliuc *et al*,¹²⁵ indigenous support systems are no longer being practised with the same intensity in most parts of society due to the diminishing role of chieftainship, as well as urbanisation, globalisation, self-centredness of communities, agricultural reforms, climate change¹²⁶ and other social challenges.¹²⁷ Similarly, Seekings points out that

contemporary ethnographic studies ... [report] that the extended family system [is] ... threatened by the rise in individualism¹²⁸ and decline in perceived obligations towards kin ... [and] parents.¹²⁹

Furthermore, there is an increasing number of young people who are migrating from rural villages to urban cities in search of a better life.¹³⁰

124 Madoerin "Mobilising Children and Youth Into Their Own Child- and Youth-Led Organisations" 2008 29 <https://bettercarenetwork.org/sites/default/files/Mobilising%20Children%20and%20Youth%20into%20their%20own%20Child%20and%20Youth%20Led%20Organizations.pdf> (last accessed 2024-01-26). See also Humuliza Psychosocial Support to Orphaned, which was founded in 1997 as a project aiming explicitly to give psychosocial support to orphaned children. In this instance a group intervention approach was developed that addresses the emotional distress of bereaved children while also seeking to develop life skills. See Madoerin 2008 24; De Klerk "Monitoring the Body: Grandmothers' Ability to Provide 'Expert' Care for Grandchildren Living with HIV in Northwest Tanzania" 2020 *Anthropology and Medicine* 17-29.

125 Tesliuc, Marques, Mookodi, Braithwaite, Sharma and Ntseane "Botswana Social Protection: Africa Social Safety Net and Social Protection Assessment Series" World Bank (2013) 63-66.

126 Mogotsi, Nyangito and Nyariki "The Perfect Drought? Constraints Limiting Kalahari Agro-Pastoral Communities from Coping and Adapting" 2011 *African Journal of Environmental Science and Technology* 168-176.

127 Olivier, Smit and Kalula (2003) 560.

128 Awoniyi "African Cultural Values: The Past, Present and Future" 2015 *Journal of Sustainable Development in Africa* 8.

129 Seekings "Building a Conservative Welfare State in Botswana" (2017) United Nations University World Institute for Development Economics Research 12 <https://www.wider.unu.edu/sites/default/files/wp2017-83.pdf> (last accessed 2024-01-26).

This partly contributes to the diminishing practice of indigenous support practices.¹³¹ In some instances, the cities where indigenous migrants settle have become “cultural melting pots” where new cultures are created.¹³² Kilama admits that “Westernisation, driven by capitalism, has shaped these cities, where the motto is ‘survival of the fittest’”.¹³³ It is argued that the negative influence of Western culture has contributed significantly to the loss of *ubuntu* in African cities. Consequently, people have become individualistic and self-centred. It is theorised that the focus may very well be shifting to corruption at the expense of available resources, which should ideally be intended to benefit poor communities or households.¹³⁴ Furthermore, the scourge of the COVID-19 pandemic and devastating floods in especially Kwa-Zulu Natal have caused untold suffering to many.¹³⁵ The impact of COVID-19 and natural disasters has had tremendous adverse consequences for informal social security. Pandemics and natural calamities go to the root of informal social security structures that have existed for years. For example, many communities were unable to implement crop rotation schemes because of social distancing directives and floods.¹³⁶ In fact, during the COVID-19 lock-down period many households were unable to attend the activities of *stokvels* and work in the fields on a regular basis.¹³⁷

130 Mthiyane, Wissink and Chiwawa “The Impact of Rural-Urban Migration in South Africa: A Case of KwaDukuza Municipality” 2022 *Journal of Local Government Research and Innovation* 1-9; Shezi *The Impact of Migration on Rural Development: A Case Study of EMabhuqweni in Nkandla* (Master’s of Town and Regional Planning Dissertation 2013 University of KwaZulu-Natal) 19-38; Alarima “Factors Influencing Rural-Urban Migration of Youths in Osun State, Nigeria” 2018 *Agro-Science* 34-39.

131 Warria and Chikadzi “The Role of Indigenous Social Protection in Safeguarding Children: Lessons from Africa” in Olivier, Mpedi and Kalula (eds) *Liber Amicorum Essays in Honour of Professor Edwell Kaseke and Dr Mathias Nyenti* (2020) 147.

132 Pooch *DiverCity – Global Cities as a Literary Phenomenon* (2016) 37-56.

133 Kilama “Christians in Community: Redeeming the Concept of *Ubuntu*” 2019 TGC Africa <https://africa.thegospelcoalition.org/about/foundation-documents> (last accessed 2024-01-26).

134 Emmanuel and Qijun “The Impact of Corruption on Government Public Services Quality, Justice and Cost of Businesses Regulations in Developing World” 2019 *International Journal of Innovation and Research in Educational Sciences* 24-35; Chatterjee “Measuring Wealth Inequality in South Africa: An Agenda” 2019 *Development Southern Africa* 839-859.

135 Fitritia and Matsuyuki “Role of Social Protection in Coping Strategies for Floods in Poor Households: A Case Study on the Impact of Program Keluarga Harapan on Labor Households in Indonesia” 2022 80 *International Journal of Disaster Risk Reduction* 1-10; Alizadeh, Sharif, Damanbagh and Nazarnia “Impacts of the COVID-19 Pandemic on the Social Sphere and Lessons for Crisis Management: A Literature Review” 2023 *Natural Hazards* 2150-2152.

136 Mthembu, Mkhize and Arthur “Effects of COVID-19 Pandemic on Agricultural Food Production Among Smallholder Farmers in Northern Drakensberg Areas of Bergville, South Africa” 2022 *Agronomy* 2-4.

137 Adebisi, Roman, Chinyakata and Balogun “The Negative Impacts of COVID-19 Containment Measures on South African Families – Overview and Recommendations” 2021 *The Open Public Health Journal* 233-236;

Climate change is also having far-reaching consequences for the indigenous social security system.¹³⁸ For example, the dry conditions associated with climate change have influenced the production of food and other schemes, such as crop rotation and the chief's granary.¹³⁹

Another social security trend that has emerged is that African governments have implemented different types of non-contributory interventions in addition to informal social security measures. Examples of this are public work programmes, social transfers, subsidies, training and programmes to facilitate access to social services and productive activities.¹⁴⁰ Included among these measures are cash-for-work programmes, conditional cash transfers and social support services.¹⁴¹ Social support services often complement social transfers, such as activities for children; activities to support and sensitise beneficiaries to the importance of education; services to facilitate access to free health care; and non-contributory health insurance. It is surmised that these cash transfers supplement informal social security measures and aid many poor African households during times of pandemics and natural disasters. It should further be noted that the role played by African families is extremely important as a community response not only to COVID-19, but also crises such as HIV. In South Africa, affected households in need of food often send their children to live with relatives.

Devereux "Social Protection Responses to COVID-19 in Africa" 2021 *Global Social Policy* 421-443; Schotte and Zizzamia "The Livelihood Impacts of COVID-19 in Urban South Africa" 2021 United Nations WIDER Working Paper 16 <https://www.wider.unu.edu/sites/default/files/Publications/Working-paper/PDF/wp2021-56-livelihood-impacts-COVID-19-urban-South-Africa.pdf> (last accessed 2024-01-26).

- 138 See also Rankoana "Indigenous Knowledge and Innovative Practices to Cope with Impacts of Climate Change on Small-Scale Farming in Limpopo Province, South Africa" 2022 *International Journal of Climate Change Strategies and Management* 181-187; Leal Filho, Matandirotya, Lütz, Alemu, Brearley, Baidoo, Kateka, Ogendi, Adane, Emiru and Mbih "Impacts of Climate Change to African Indigenous Communities and Examples of Adaptation Responses" 2021 *Nature Communications* 1-3; World Food Programme "Climate Change in Southern Africa" 2021 3-13 https://executiveboard.wfp.org/document_download/WFP-0000129015 (last accessed 2024-01-26); International Labour Organisation "Indigenous Peoples and Climate Change: From Victims to Change Agents Through Decent Work" (Geneva, 2017) 11 https://www.ilo.org/wcmsp5/groups/public/-/dgreports/-gender/documents/publication/wcms_551189.pdf (last accessed 2024-01-26).
- 139 Zwane "Impact of Climate Change on Primary Agriculture, Water Sources and Food Security in Western Cape, South Africa" 2019 *Journal of Disaster Risk Studies* 1-6; Masipa "The Impact of Climate Change on Food Security in South Africa: Current Realities and Challenges Ahead" 2017 *Journal of Disaster Risk Studies* 1-6.
- 140 Cirillo and Tebald "Social Protection in Africa: Inventory of Non-Contributory Programmes" 2016 9-158 https://ipcig.org/pub/eng/Social_Protection_in_Africa.pdf (last accessed 2024-01-26).
- 141 Community Work Programme <https://www.gov.za/CommunityWorkProgramme> (last accessed 2024-01-26); Andersson and Alexander "The Community Work Programme: Potentials and Problems" 2016 *Transformation* 157-175.

Relatives are then responsible for meeting the immediate needs of such children.¹⁴² However, it is argued that problems experienced by extended families in taking care of children can partly be ascribed to a lack of knowledge about the available formal social grants, while in other cases children become caregivers themselves or even heads of households.¹⁴³ In many cases, such children become increasingly exposed to malnutrition, ill-health, abuse and exploitation. Where older persons are caregivers of young children, the former are sometimes unaware of the availability of other grants, such as the Child Support Grant, the Care Dependency Grant for disabled children, and the Foster Child Grant.¹⁴⁴

Despite these eroding trends pertaining to informal social security, it is the contention of this article that the role of informal social security cannot be dismissed as being insignificant. As discussed in other parts of the contribution, in African countries, non-contributory social security programmes have played an important role in easing and softening poverty and vulnerabilities associated therewith.¹⁴⁵

11 The value of informal social security

This article emphasises the point that the development of informal social security is linked to the problem of poverty and the vast number of people who are excluded from the formal social security framework. It originated from the extended family context, where support was given to family members. Eventually, it expanded due to increased socio-economic needs in most traditional communities. The family acted as the first line of protection against basic risks and contingencies. The traditional informal social security safety nets bring into focus the important role that communal existence has played viewed in the

142 Tshoose "The Impact of HIV and AIDS in the Context of Informal Social Security: Issues and Trends from South African Experience" 2010 *PELJ* 408-434; Iwelunmor, Airhihenbuwa, Okoror, Brown and Belue "Family Systems and HIV/AIDS in South Africa" 2006 *International Quarterly of Community Health Education* 1-10; Burkholder "The Impact of HIV/AIDS on Orphans in a South African Context" 2019 *Orphans and Vulnerable Children Student Scholarship* 2-10 https://pillars.taylor.edu/cgi/viewcontent.cgi?params=/context/ovc-student/article/1002/&path_info=OVC_Research_Paper__HIV_AIDS_Orphans_in_South_Africa.pdf (last accessed 2024-01-26).

143 Tshoose (2010) *PELJ* 411-412. See also Mafune, Lebeso and Nemathaga "Challenges Faced by Caregivers of Children on Antiretroviral Therapy at Mutale Municipality Selected Healthcare Facilities, Vhembe District, Limpopo Province" 2017 *Curationis* 7-8.

144 See ch 2 of the Social Assistance Act 13 of 2004.

145 See also Solo 2021 *Beijing Law Review* 593-597; Kpessa-Whyte "Reciprocity, Mutuality, and Shared Expectations: The Role of Informal Institutions in Social Protection in Africa" 2018 *Contemporary Journal of African Studies* 1-19; Mohapi "The Role of Informal Social Security in the Wider Context of Social Security in South Africa" 2008 *Lesotho Law Journal: A Journal of Law and Development* 189-203; Benda-Beckmann and Kirsch 1999 *Journal of Social Development in Africa* 21-37.

context of social security in Africa. Informal social security viewed in the context of communal existence validates the important role played by the notion of *ubuntu* and other constitutional values such as human dignity.¹⁴⁶ In *S v Makwanyane* the Constitutional Court placed a high premium on “the intrinsic worth of human beings ... who are entitled to be treated as worthy of respect and concern”. The Court highlighted the fact that the right to human dignity “is the foundation of many of the other rights that are specifically enshrined” in the South African Bill of Rights.¹⁴⁷

To this end, it is argued that traditional informal social security measures are the embodiment of the modern-day human right to human dignity that underlies other fundamental human rights such as equality, the right to life, the right to fair labour practices and the right to social security. Informal social security practices differ from county to county and from people to people, but the general idea behind informal social security safety nets is to provide a bedrock and means of support to households against socio-economic challenges associated with poverty, unemployment, inequalities and other risks.

Thus, the role of indigenous informal social security cannot be ignored. It covers a large section of our population that are excluded from formal social security measures. It is clear that traditional or informal social security mechanisms based on solidarity cannot offer complete protection against contingencies during times of distress. However, it would be inappropriate to implement a social security system without having proper regard for existing informal social security mechanisms in traditional communities, as well as the informal employment context. In the process of transforming the South African social security system, the goals should ideally include the pursuit to transform and strengthen the existing informal social security system.

12 Conclusion

The discussion above demonstrates that informal social security represents a way of life for many families and communities in South Africa. In principle, informal social security provides a safety net for households that are excluded from the formal social security system, especially those that are faced with socio-economic hardships. Consequently, to maximise the potential for social security measures to protect poor households, formal programmes should ideally include a “transformative” element of redress in power inequalities and focus on enhancing communities’ capacity to protect themselves.¹⁴⁸

146 Tshoose “The Role and Impact of Constitutional Values of *Ubuntu*, Equality and Human Dignity in the Interpretation and Protection of the Right to Have Access to Social Security in South Africa” 2023 *Journal of Juridical Science* 163-194.

147 *S v Makwanyane* para 328.

148 Mbajorgu 2019 *Journal of Social Development in Africa* 18-23.

Nevertheless, informal social security safety nets are under severe pressure for a number of reasons. First, many people who in some way contribute to these safety nets find themselves having to battle against the triple impact of poverty, unemployment and inequality. Second, this *status quo* was further exacerbated by the COVID-19 pandemic, which left many families without breadwinners. Therefore, there is a need for the state to develop measures to ensure the sustenance and support of communities that rely on informal social security for their survival. Furthermore, it is important to uplift communities in order to ensure and improve their access to the basic amenities of life.

This article supports the view of Midgley and Sirojudin¹⁴⁹ who suggest that policies should be adopted to strengthen community-based social security institutions. According to the authors, this would make it possible for informal social security schemes to incorporate the social insurance principle of risk sharing.¹⁵⁰ Similarly, Guven and Karlana recommend that cash transfers should be linked to services that promote economic inclusion to support recipients and eventually rise as self-sufficient members of the community.¹⁵¹ To this end, it is recommended that informal social security initiatives should be supplemented with bottom-up developmental welfare and economic strategies geared towards galvanising and supporting rural communities, that arguably are the “torch bearers” of informal social security safety nets. The upscaling of the informal rural economy is central to the survival of informal social security. Furthermore, efforts for including indigenous people in formal social security systems are vital for tackling inequality and poverty, while respecting indigenous peoples’ cultural integrity and aspirations. On the one hand, coverage of indigenous peoples in general social security schemes should be guaranteed, with due attention to non-contributory schemes. On the other hand, specific measures targeting indigenous peoples should be considered to bring about effective inclusion in national social security systems.¹⁵² We conclude by highlighting the sentiments of Kaya and Seleti who postulate that “there is still great potentiality in the continent for promotion of African indigenous knowledge systems for sustainable community livelihood”. Further, the “history of the continent (slavery, colonisation and apartheid) has not

149 Midgley and Sirojudin “Social Protection and Community-Based Social Security in Indonesia” 2011 *Social Development Issues* 14.

150 As above.

151 Guven and Karlen “Supporting Africa’s Urban Informal Sector: Coordinated Policies with Social Protection at the Core” (2020) World Bank Blogs <https://blogs.worldbank.org/african/supporting-africas-urban-informal-sector-coordinated-policies-social-protection-core> (last accessed 2024-01-26).

152 International Labour Organisation “Social Protection for Indigenous Peoples: Social Protection for All” (2018) 4. The United Nations Declaration on the Rights of Indigenous Peoples and the Social Protection Floors Recommendation 202 of 2012 provides specific guidance in this regard.

completely destroyed the African intellectual, cultural and spiritual heritage".¹⁵³

Finally, it is submitted that the rich heritage bestowed by the traditional informal social security ought to be preserved and enhanced, as it not only provides relief to the poor, but also serves as a safety net to protect households and communities against poverty, unemployment, natural disasters and inequalities.¹⁵⁴

153 Kaya and Seleti "African Indigenous Knowledge Systems and Relevance of Higher Education in South Africa" 2013 *The International Education Journal: Comparative Perspectives* 30.

154 Suchanandan "Protecting and Preserving Indigenous Knowledge" *Mail and Guardian* (2018-02-02) <https://mg.co.za/article/2018-02-02-00-protecting-and-preserving-indigenous-knowledge> (last accessed 2024-01-26).